AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Federal Register

3–16–07 Friday
Vol. 72 No. 51 Mar. 16, 2007

Pages 12545–12700

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**

Printed on recycled paper.

Contents

Federal Register

Vol. 72, No. 51

Friday, March 16, 2007

Agency for Healthcare Research and Quality
NOTICES
Evidence-based practice centers; evidence reports, technology assessments, and comparative and effectiveness reviews; topics nominations, 12618–12619

Agriculture Department
See Animal and Plant Health Inspection Service
See Forest Service
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 12590
Committees; establishment, renewal, termination, etc.:
Expert Review of Synthesis and Assessment Product 4.3 Advisory Committee, 12590–12592

Animal and Plant Health Inspection Service
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 12592–12593

Army Department
See Engineers Corps
NOTICES
Patent licenses; non-exclusive, exclusive, or partially exclusive:
Method and device for detection and track of targets in high clutter, 12596–12597
Methods for polymerization of electronic and photonic polymers, 12597
Multiple pass faraday rotation amplifier, 12597

Arts and Humanities, National Foundation
See National Foundation on the Arts and the Humanities

Children and Families Administration
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 12619–12620

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
California, 12595–12596
Illinois, 12596

Coast Guard
NOTICES
Reports and guidance documents; availability, etc.:
Transportation Worker Identity Credential biometric reader specification and contactless smart card, 12626–12627

Commerce Department
See National Institute of Standards and Technology
See National Oceanic and Atmospheric Administration

Defense Department
See Army Department
See Engineers Corps
PROPOSED RULES
Federal Acquisition Regulation (FAR):
Approved attorneys, abstracters, and title companies; list, 12584–12585

Drug Enforcement Administration
NOTICES
Registration revocations, restrictions, denials, reinstatements:
Siegfried (USA), Inc., 12635

Energy Department
See Federal Energy Regulatory Commission

Engineers Corps
NOTICES
Environmental statements; availability, etc.:
San Bernadino County, CA; Burlington Northern Santa Fe (BNSF) Third Main Track Summit to Keenbrook Project, 12597–12598
Environmental statements; notice of intent:
Brevard County, FL; Port Canaveral Improvements Section 203 Feasibility Study, 12598–12599
Placer Vineyards Project, CA; mixed-use planned community construction, 12599–12600

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States:
Wisconsin, 12565–12568
Hazardous waste program authorizations:
Vermont, 12568–12572
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States:
Wisconsin, 12581
Hazardous waste program authorizations:
Vermont, 12581–12582
Toxic substances:
Lead; renovation, repair, and painting program; hazard exposure reduction; studies availability, 12582–12584
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 12606–12609
Environmental statements; availability, etc.:
Agency comment availability, 12609–12610
Agency weekly receipts, 12610–12611
Superfund; response and remedial actions, proposed settlements, etc.:
McClellan Air Force Base Site, CA, 12611

Federal Aviation Administration
RULES
Airworthiness directives:
Airbus, 12550–12557
B-N Group Ltd., 12557–12560
EADS SOCATA, 12546–12550
PROPOSED RULES
Airworthiness directives:
Dornier Luftfahrt GmbH, 12574–12576

Saab, 12576–12578
Class E airspace, 12578–12581

Federal Deposit Insurance Corporation
NOTICES
Meetings; Sunshine Act, 12611–12612

Federal Election Commission
RULES
Compliance procedures:
Enforcement proceedings; matters under review; policy statement, 12545–12546
NOTICES
Meetings; Sunshine Act, 12612

Federal Energy Regulatory Commission
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 12600–12601
Electric rate and corporate regulation combined filings, 12603–12604
Meetings:
RTO and ISO seams issues in Eastern Interconnection; technical conference, 12604
Meetings; Sunshine Act, 12604–12605
Off-the-record communications, 12605–12606
Applications, hearings, determinations, etc.:
Enstor Gulf Coast Storage, LLC, 12601–12602
Gulf South Pipeline Co., LP, 12602
Southern Company Services, Inc., 12603

Federal Motor Carrier Safety Administration
NOTICES
Motor carrier safety standards:
Driver qualifications; diabetes exemptions, 12656–12664
Driver qualifications; vision requirement exemptions, 12665–12669

Federal Reserve System
NOTICES
Banks and bank holding companies:
Change in bank control, 12612
Formations, acquisitions, and mergers, 12612–12613

Federal Trade Commission
NOTICES
Prohibited trade practices:
Kmart Corp et al., 12613–12615
Missouri Board of Embalmers and Funeral Directors, 12615–12617

Fish and Wildlife Service
RULES
Alaska National Interest Lands Conservation Act:
Fish and shellfish; subsistence taking, 12676–12694
PROPOSED RULES
Endangered and threatened species:
Critical habitat designations—
Peck's cave amphipod, etc., 12585–12589
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 12628–12631
Endangered and threatened species:
Incidental take permits—
Palm Beach County, FL; Florida scrub-jay, 12631–12632
Environmental statements; availability, etc.:
Missisquoi National Wildlife Refuge, VT; comprehensive conservation plan, 12632–12633

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
25-hydroxyvitamin, 12560–12564
NOTICES
Meetings:
Anti-Infective Drugs Advisory Committee, 12620
Pharmaceutical Science and Clinical Pharmacology Advisory Committee, 12621

Foreign Claims Settlement Commission
NOTICES
Meetings; Sunshine Act, 12635–12636

Forest Service
RULES
Alaska National Interest Lands Conservation Act:
Fish and shellfish; subsistence taking, 12676–12694
NOTICES
Environmental statements; notice of intent.:
Klamath National Forest, CA; canceled, 12593
Pike and San Isabel National Forests Cimarron and Comanche Grasslands, CO, 12593–12595
Meetings:
Lake Tahoe Basin Federal Advisory Committee, 12595
Land Between The Lakes Advisory Board, 12595

General Services Administration
RULES
Federal Management Regulation:
Surplus personal property donation; historic light stations, 12572
PROPOSED RULES
Federal Acquisition Regulation (FAR):
Approved attorneys, abstracters, and title companies; list, 12584–12585

Health and Human Services Department
See Agency for Healthcare Research and Quality
See Children and Families Administration
See Food and Drug Administration
See National Institutes of Health
NOTICES
Special Exposure Cohort; employee class designations:
Allied Chemical Corporation Plant, IL, 12617
Harshaw Harvard-Denison Plant, OH, 12617–12618

Homeland Security Department
See Coast Guard
NOTICES
Meetings:
National Infrastructure Advisory Council, 12625–12626

Housing and Urban Development Department
NOTICES
Grants and cooperative agreements; availability, etc.:
Homeless assistance; excess and surplus Federal properties, 12627–12628
Reports and guidance documents; availability, etc.:
National origin discrimination as it affects limited English proficient persons; prohibition; policy guidance to Federal financial assistance recipients, 12628
Violence Against Women and Department of Justice Reauthorization Act of 2005; HUD programs applicability, 12696–12700

Interior Department
See Fish and Wildlife Service

See Land Management Bureau

Justice Department
See Drug Enforcement Administration
See Foreign Claims Settlement Commission
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 12634
Meetings:
Violence Against Women National Advisory Committee, 12634–12635

Labor Department
NOTICES
Senior Executive Service Performance Review Board; membership, 12636

Land Management Bureau
NOTICES
Meetings:
Resource Advisory Councils—
Central California, 12633–12634

Maritime Administration
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 12669
Coastwise trade laws; administrative waivers:
CATNAP, 12669–12670
KUWANLELENTA, 12670

National Aeronautics and Space Administration
PROPOSED RULES
Federal Acquisition Regulation (FAR):
Approved attorneys, abstracters, and title companies; list, 12584–12585
NOTICES
Committees; establishment, renewal, termination, etc.:
U.S. Spaced-Based Positioning, Navigation, and Timing Advisory Board, 12636

National Foundation on the Arts and the Humanities
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 12636–12637

National Institute of Standards and Technology
NOTICES
Patent licenses; non-exclusive, exclusive, or partially exclusive:
Stratos Biosystems, LLC, 12596

National Institutes of Health
NOTICES
Meetings:
National Center for Research Resources, 12621
National Heart, Lung, and Blood Institute, 12622
National Institute of Allergy and Infectious Diseases, 12622–12623
National Institute of Arthritis and Musculoskeletal and Skin Diseases, 12623
National Institute of Diabetes and Digestive and Kidney Diseases, 12623–12624
National Institute of Environmental Health Sciences, 12623
National Institute of General Medical Sciences, 12624
National Institute of Mental Health, 12622
Scientific Review Center, 12624–12625

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Northeastern United States fisheries—
Atlantic sea scallop, 12572–12573

Nuclear Regulatory Commission
NOTICES
Export and import license applications for nuclear facilities and materials:
AREVA NP Inc., 12637
Westinghouse Electric Co., 12637–12638
Meetings; Sunshine Act, 12638–12639

Pipeline and Hazardous Materials Safety Administration
NOTICES
Hazardous materials:
Special permit applications; list, 12670–12673

Postal Service
RULES
Organization and administration:
Conduct on Postal Service property; weapons and explosives prohibition; clarification, 12565

Railroad Retirement Board
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 12639

Saint Lawrence Seaway Development Corporation
NOTICES
Meetings:
Advisory Board, 12673

Securities and Exchange Commission
NOTICES
Joint Industry Plan:
American Stock Exchange LLC et al., 12639–12640
Meetings:
Interactive data; creating interactive data to serve investors; roundtable, 12640
Self-regulatory organizations; proposed rule changes:
Chicago Board Options Exchange, Inc., 12641–12644
International Securities Exchange, LLC, 12644–12646
NASDAQ Stock Market LLC, 12647–12650
New York Stock Exchange LLC, 12650–12651
NYSE Arca, Inc., 12651–12655

Small Business Administration
NOTICES
Disaster loan areas:
Arkansas, 12655
Washington, 12655

State Department
NOTICES
Meetings:
Transformational Diplomacy Advisory Committee, 12656

Surface Transportation Board
NOTICES
Railroad operation, acquisition, construction, control, etc.:
Union Pacific Railroad Co., 12673
Railroad services abandonment:
BNSF Railway Co., 12673–12674

Transportation Department
See Federal Aviation Administration

See Federal Motor Carrier Safety Administration
See Maritime Administration
See Pipeline and Hazardous Materials Safety Administration
See Saint Lawrence Seaway Development Corporation
See Surface Transportation Board

Veterans Affairs Department

RULES

Organization, functions, and authority delegations:
Under Secretary for Memorial Affairs, 12564–12565

NOTICES

Real property; enhanced use leases:
Sepulveda, CA; VA Sepulveda Ambulatory Care Center, 12674

Separate Parts In This Issue

Part II

Agriculture Department, Forest Service; Interior Department, Fish and Wildlife Service, 12676–12694

Part III

Housing and Urban Development Department, 12696–12700

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.

11 CFR
111 12545

14 CFR
39 (5 documents) 12546, 12548, 12550, 12555, 12557

Proposed Rules:
39 (2 documents) 12574, 12576
71 (2 documents) 12578, 12579

21 CFR
584 12560

36 CFR
242 12676

38 CFR
2 12564

39 CFR
232 12565

40 CFR
52 12565
271 12568

Proposed Rules:
52 12581
271 12581
745 12582

41 CFR
102–37 12572

48 CFR

Proposed Rules:
28 12584
52 12584

50 CFR
100 12676
648 12572

Proposed Rules:
17 12585

Rules and Regulations

Federal Register
Vol. 72, No. 51
Friday, March 16, 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.

FEDERAL ELECTION COMMISSION

11 CFR Part 111

[Notice 2007–6]

Statement of Policy Regarding Commission Action in Matters at the Initial Stage in the Enforcement Process

AGENCY: Federal Election Commission.

ACTION: Statement of Policy.

SUMMARY: The Federal Election Commission (''Commission'') is issuing a Policy Statement to clarify the various ways that the Commission addresses Matters Under Review (''MURs'') at the initial stage of enforcement proceedings. The Commission may take any of the four following actions at this stage: find ''reason to believe,'' ''dismiss,'' ''dismiss with admonishment,'' and find ''no reason to believe.''

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

FOR FURTHER INFORMATION CONTACT: Mark Shonkwiler, Assistant General Counsel, or Lynn Tran, Attorney, Enforcement Division, Federal Election Commission, 999 E Street, NW., Washington, DC 20463, (202) 694–1650 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: The Federal Election Campaign Act of 1971, as amended, 2 U.S.C. 431 *et seq.* (''FECA'' or ''the Act''), grants the Commission ''exclusive jurisdiction with respect to civil enforcement'' of the provisions of the Act and Chapters 95 and 96 of Title 26. 2 U.S.C. 437c(b)(1). Enforcement matters come to the Commission through complaints from the public; information ascertained in the ordinary course of the Commission's supervisory responsibilities, including referrals from the Commission's Reports Analysis and Audit Divisions; referrals from other government agencies; and self-reported submissions.

The FECA provides that ''upon receiving a complaint'' or upon the basis of information ascertained in the course of carrying out its supervisory responsibilities, the Commission ''shall make an investigation of such alleged violation'' of the Act where the Commission, with the vote of four members, determines that there is ''reason to believe that a person has committed, or is about to commit'' a violation of the Act. 2 U.S.C. 437g(a)(2); *see also* 11 CFR 111.10(f). Commission ''reason to believe'' findings have caused confusion in the past because they have been viewed as definitive determinations that a respondent violated the Act. In fact, ''reason to believe'' findings indicate only that the Commission found sufficient legal justification to open an investigation to determine whether a violation of the Act has occurred. Indeed, the Commission has recommended that Congress modify the FECA to clarify this point. *See* Legislative Recommendations in 2003 and 2004 FEC Annual Reports. Other kinds of dispositions at this preliminary stage would also benefit from clarification to ensure consistency and promote understanding of the Commission's reasons for taking action. Thus, the Commission is issuing this policy statement to assist complainants, respondents, and the public in understanding the Commission's findings at this stage of the enforcement process.

Generally speaking, at the initial stage in the enforcement process, the Commission will take one of the following actions with respect to a MUR: (1) Find ''reason to believe'' a respondent has violated the Act; (2) dismiss the matter; (3) dismiss the matter with admonishment; or (4) find ''no reason to believe'' a respondent has violated the Act. This policy statement is intended to clarify the circumstances under which the Commission uses each of these dispositions.

A. ''Reason To Believe''

The Act requires that the Commission find ''reason to believe that a person has committed, or is about to commit, a violation'' of the Act as a predicate to opening an investigation into the alleged violation. 2 U.S.C. 437g(a)(2). The Commission will find ''reason to believe'' in cases where the available evidence in the matter is at least sufficient to warrant conducting an investigation, and where the seriousness of the alleged violation warrants either further investigation or immediate conciliation. A ''reason to believe'' finding will always be followed by either an investigation or pre-probable cause conciliation. For example:

- A ''reason to believe'' finding followed by an investigation would be appropriate when a complaint credibly alleges that a significant violation may have occurred, but further investigation is required to determine whether a violation in fact occurred and, if so, its exact scope.
- A ''reason to believe'' finding followed by conciliation would be appropriate when the Commission is certain that a violation has occurred and the seriousness of the violation warrants conciliation.

A ''reason to believe'' finding by itself does not establish that the law has been violated. When the Commission later accepts a conciliation agreement with a respondent, the conciliation agreement speaks to the Commission's ultimate conclusions. When the Commission does not enter into a conciliation agreement with a respondent, and does not file suit, a Statement of Reasons, a Factual and Legal Analysis, or a General Counsel's Report may provide further explanation of the Commission's conclusions.

The Commission has previously used the finding ''reason to believe, but take no further action'' in cases where the Commission finds that there is a basis for investigating the matter or attempting conciliation, but the Commission declines to proceed for prudential reasons. As discussed below, the Commission believes that resolving these matters through dismissal or dismissal with admonishment more clearly conveys the Commission's intentions and avoids possible confusion about the meaning of a reason to believe finding.

B. Dismissal and Dismissal With Admonishment

Under *Heckler* v. *Chaney*, 470 U.S. 821 (1985), the Commission has broad discretion to determine how to proceed with respect to complaints or referrals. The Commission has exercised its prosecutorial discretion under *Heckler* to dismiss matters that do not merit the additional expenditure of Commission

resources.[1] As with other actions taken by the Commission, dismissal of a matter requires the vote of at least four Commissioners.

Pursuant to the exercise of its prosecutorial discretion, the Commission will dismiss a matter when the matter does not merit further use of Commission resources, due to factors such as the small amount or significance of the alleged violation, the vagueness or weakness of the evidence, or likely difficulties with an investigation, or when the Commission lacks majority support for proceeding with a matter for other reasons. For example, a dismissal would be appropriate when:

- The seriousness of the alleged conduct is not sufficient to justify the likely cost and difficulty of an investigation to determine whether a violation in fact occurred; or
- The evidence is sufficient to support a ''reason to believe'' finding, but the violation is minor.

The Commission may also dismiss when, based on the complaint, response, and publicly available information, the Commission concludes that a violation of the Act did or very probably did occur, but the size or significance of the apparent violation is not sufficient to warrant further pursuit by the Commission. In this latter circumstance, the Commission will send a letter admonishing the respondent. For example, a dismissal with admonishment would be appropriate when:

- A respondent admits to a violation, but the amount of the violation is not sufficient to warrant any monetary penalty; or
- A complaint convincingly alleges a violation, but the significance of the violation is not sufficient to warrant further pursuit by the Commission.

C. ''No Reason To Believe''

The Commission will make a determination of ''no reason to believe'' a violation has occurred when the available information does not provide a basis for proceeding with the matter. The Commission finds ''no reason to believe'' when the complaint, any response filed by the respondent, and any publicly available information, when taken together, fail to give rise to a reasonable inference that a violation has occurred, or even if the allegations were true, would not constitute a violation of the law. For example, a ''no reason to believe'' finding would be appropriate when:

- A violation has been alleged, but the respondent's response or other evidence convincingly demonstrates that no violation has occurred;
- A complaint alleges a violation but is either not credible or is so vague that an investigation would be effectively impossible; or
- A complaint fails to describe a violation of the Act.

If the Commission, with the vote of at least four Commissioners, finds that there is ''no reason to believe'' a violation has occurred or is about to occur with respect to the allegations in the complaint, the Commission will close the file and respondents and the complainant will be notified.

D. Conclusion

This policy enunciates and describes the Commission's standards for actions at the point of determining whether or not to open an investigation or to enter into conciliation with respondents prior to a finding of probable cause to believe. The policy does not confer any rights on any person and does not in any way limit the right of the Commission to evaluate every case individually on its own facts and circumstances.

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

Dated: March 7, 2007.

Robert D. Lenhard,

Chairman, Federal Election Commission.

[FR Doc. E7–4868 Filed 3–15–07; 8:45 am]

BILLING CODE 6715–01–P

[1] The FECA and Commission regulations also recognize the Commission's authority to dismiss enforcement matters. *See* 2 U.S.C. 437g(a)(1); 11 CFR 111.6(b) and 111.7(b).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–26166; Directorate Identifier 2006–CE–58–AD; Amendment 39–14992; AD 2007–06–11]

RIN 2120–AA64

Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes

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

ACTION: Final rule.

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

> Cracks on a vertical stabilizer attachment fitting due to corrosion, have been found on an aircraft in service.

We are issuing this AD to require actions to correct the unsafe condition on these products.

DATES: This AD becomes effective April 20, 2007.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of April 20, 2007.

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

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

SUPPLEMENTARY INFORMATION:

Streamlined Issuance of AD

The FAA is implementing a new process for streamlining the issuance of ADs related to MCAI. The streamlined process will allow us to adopt MCAI safety requirements in a more efficient manner and will reduce safety risks to the public. This process continues to follow all FAA AD issuance processes to meet legal, economic, Administrative Procedure Act, and **Federal Register** requirements. We also continue to meet

our technical decision-making responsibilities to identify and correct unsafe conditions on U.S.-certificated products.

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

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on November 17, 2006 (71 FR 66889). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states that:

> Cracks on a vertical stabilizer attachment fitting due to corrosion, have been found on an aircraft in service.

Comments

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

EADS SOCATA gave comments addressing the following:

Comment Issue No. 1: Costs of Compliance

EADS SOCATA comments that the proposed AD specifies it would take 4 work-hours per product to comply with the proposed AD, but according to EADS SOCATA, it would take 3.5 work-hours.

The FAA agrees and will incorporate that change into the final rule Costs of Compliance section.

Comment Issue No. 2: Service Bulletin Compliance

Quest Diagnostics comments that as an operator of 4 TBM 700 aircraft with over 25,000 hours time-in-service (TIS) and more than 35,000 cycles of operating experience they have been performing the requirements of EADS SOCATA Service Bulletin (SB) 70–104 since its publication in 2004. They have found in their experience that step 5 of the SB, which requires an additional step to perform a ''penetrante inspection'' to the bores of the fitting and attachment on the rear fitting, is impractical if not impossible to complete. They found that because this attachment area comprises a ''sandwich'' of attachment lugs any penetrant applied to this area in situ is absorbed between the layers and becomes impossible to clean without removing the fin completely. Further, they found, since each assembly is nearly 1 inch thick, there is severely limited visual access to the entire bore, particularly in the middle section. They contracted the services of a Level 3 Nondestructive Testing (NDT) inspector to perform a Rotary Gun Eddy Current Inspection of the fitting area. They discussed this situation with the EADS SOCATA Service Center in Pembroke Pines, Florida; came to the conclusion this is the only practical approach to completing this inspection without removal of the vertical fin; and feel the published procedure is inadequate for the purposes of detecting cracks in this area.

EADS SOCATA has since released SB 70–104 Amendment 2, dated January 2007. The revised service bulletin allows crack detection by penetrant inspection or other equivalent process (eddy current* * *) on the bores of the vertical stabilizer fitting and attachments. The revised service bulletin Amendment 2 will be incorporated into the AD, and the FAA will give 100 percent credit for doing the action with Amendment 1 of the Service Bulletin.

Conclusion

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

Differences Between This AD and the MCAI or Service Information

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

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

Costs of Compliance

We estimate that this AD will affect 205 products of U.S. registry. We also estimate that it will take about 3.5 work-hours per product to comply with basic requirements of this AD. The average labor rate is $80 per work-hour. Required parts will cost about $3,000 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 $672,400, or $3,280 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:

2007–06–11 EADS SOCATA Model TBM 700 Airplanes: Amendment 39–14992; Docket No. FAA–2006–26166; Directorate Identifier 2006–CE–58–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective April 20, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to SOCATA TBM 700 airplanes, serial numbers 1 through 308, plus the serial number 310, certificated in any category.

Note 1: This AD does not apply to airplanes in which both modifications No. MOD70–127–55 and MOD70–129–53 have been factory installed.

Reason

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

Cracks on a vertical stabilizer attachment fitting due to corrosion have been found on an aircraft in service.

Actions and Compliance

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

(1) Within the next 600 hours time-in-service (TIS) or the next 12 months, whichever occurs first, after the effective date of this AD, inspect the vertical stabilizer attachment fittings and bolts for cracks or corrosion, and, if necessary, repair or replace the damaged part and then apply a corrosion protection reinforcement, following EADS SOCATA Service Bulletin SB 70–104, Amendment 1, dated August 2004 or EADS SOCATA TBM Aircraft Mandatory Service Bulletin SB 70–104, Amendment 2, dated January 2007.

(2) Repeat the actions of paragraph (e)(1) every 1,200 hours TIS or every 24 months, whichever occurs first, following EADS SOCATA Service Bulletin SB 70–104, Amendment 1, dated August 2004 or EADS SOCATA Service Bulletin SB 70–104, Amendment 2, dated January 2007.

FAA AD Differences

Note 2: This AD differs from the MCAI and/or service information as follows: This AD permits Amendment 2 of the SB to be used.

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: Albert J. Mercado, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4119; fax: (816) 329–4090, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(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 Direction générale de l'aviation civile (DGAC) AD No F–2003–366 R1, dated November 24, 2004; EADS SOCATA TBM Aircraft Mandatory Service Bulletin SB 70–104, Amendment 1, dated August 2004; and EADS SOCATA TBM Aircraft Mandatory Service Bulletin SB 70–104, Amendment 2, dated January 2007 for related information.

Material Incorporated by Reference

(h) You must use EADS SOCATA TBM Aircraft Mandatory Service Bulletin No. SB 70–104, Amendment 1, dated August 2004, or EADS SOCATA TBM Aircraft Mandatory Service Bulletin No. SB 70–104, Amendment 2, dated January 2007 to do the actions required by this AD, unless the AD specifies otherwise.

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

(3) For service information identified in this AD, contact EADS SOCATA, Direction des Services, 65921 Tarbes Cedex 9, France.

(4) 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 March 7, 2007.

David R. Showers,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–4724 Filed 3–15–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–26180; Directorate Identifier 2006–CE–59–AD; Amendment 39–14995; AD 2007–06–14]

RIN 2120–AA64

Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as the discovery of propeller control cables with a defective crimping. Two cable ends were found uncrimped at the factory after an engine run-up test, and one cable end was also found uncrimped on the first 100-hour aircraft maintenance check. We are issuing this AD to require actions to correct the unsafe condition on these products.

DATES: This AD becomes effective April 20, 2007.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of April 20, 2007.

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

FOR FURTHER INFORMATION CONTACT: Albert J. Mercado, Aerospace Engineer,

FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4119; fax: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Streamlined Issuance of AD

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

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

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on November 28, 2006 (71 FR 68764). That NPRM proposed to require you to check the batch number and/or replace the control cables.

Comments

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

EADS SOCATA states the costs of the required parts and the necessary work-hours to replace the control cables are under warranty coverage. Therefore, the cost of work-hours to operators/owners is only the one work-hour for inspection.

The FAA will revise the cost of compliance to reflect only the above costs of work-hours.

Conclusion

We reviewed the available data, including the comment received, 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 a U.S. court of law. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

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

Costs of Compliance

We estimate that this AD will affect 20 products of U.S. registry. We also estimate that it will take about 1 work-hour per product to comply with this AD. The average labor rate is $80 per work-hour. 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 $1,600, or $80 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:

2007–06–14 EADS SOCATA: Amendment 39–14995; Docket No. FAA–2006–26180; Directorate Identifier 2006–CE–59–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective April 20, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Model TBM 700 airplanes, serial numbers 285 through 304 and 307, certificated in any category.

Reason

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

discovery of propeller control cables with a defective crimping. Two cable ends were found uncrimped at the factory after an engine run-up test, and one cable end was also found uncrimped on the first 100-hour time-in-service aircraft maintenance check. If not corrected, an incorrect crimping of the propeller control lever cable could generate a decrease of the propeller revolutions per minute which could result in loss of power.

Actions and Compliance

(e) Unless already done, within the next 50 hours time-in-service (TIS) after April 20, 2007 (the effective of this AD), inspect for the batch number identification and replace defective control cables as necessary in accordance with the paragraph B. of the ''ACCOMPLISHMENT INSTRUCTIONS'' of EADS SOCATA TBM Aircraft Mandatory Alert Service Bulletin SB 70–123, dated October 2004.

FAA AD Differences

Note: This AD differs from the MCAI, the French Direction générale de l' aviation civile (DGAC) AD No. F–2004–175, dated November 10, 2004, as follows:

(1) The requirement of paragraph 3.1 of DGAC AD No. F–2004–175, dated November 10, 2004, was based on the urgency in November 2004. However, in 2007, this action is not necessary.

(2) For the requirement of paragraph 3.2 of DGAC AD No. F–2004–175, dated November 10, 2004, the FAA has determined the seriousness of the condition does not warrant a compliance time of 25 hours TIS; we require instead a compliance time of 50 hours TIS.

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: Albert J. Mercado, Aerospace Safety Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4119; fax: (816) 329–4090, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

(3) *Reporting Requirements:* For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act (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 Direction Générale de l' Aviation Civile Airworthiness Directive No. F–2004–175, dated November 10, 2004 (the MCAI); and EADS SOCATA TBM Aircraft Mandatory Alert Service Bulletin SB 70–123, dated October 2004, for related information.

Material Incorporated by Reference

(h) You must use EADS SOCATA TBM Aircraft Mandatory Alert Service Bulletin SB 70–123, dated October 2004, to do the actions required by this AD, unless the AD specifies otherwise.

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

(2) For service information identified in this AD, contact EADS SOCATA, Direction des Services, 65921 Tarbes Cedex 9, France; telephone: 33 (0)5 62.41.73.00; fax: 33 (0)5 62.41.76.54; or SOCATA AIRCRAFT, INC., North Perry Airport, 7501 Airport Road, Pembroke Pines, Florida 33023; telephone: (954) 893–1400; fax (954) 964–4141.

(3) You may review copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, 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 March 9, 2007.

David R. Showers,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–4736 Filed 3–15–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2005–22036; Directorate Identifier 2005–NM–009–AD; Amendment 39–14994; AD 2007–06–13]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300 B4–600, B4–600R, and F4–600R Series Airplanes, and Model C4–605R Variant F Airplanes (Collectively Called A300–600 Series Airplanes); and Model A310 Airplanes; Equipped With General Electric CF6–80A3 or CF6–80C2 Engines

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 airplane models, as specified above. This AD requires installing electro-pneumatic locking bar devices (TRAS lock systems) in the engine nacelles, installing a dedicated and shielded electrical circuit that is segregated from the existing thrust reverser control system, and performing related investigative/corrective actions if necessary. This AD results from the manufacturer's reassessment of the thrust reverser systems in the Airbus airplane models specified above, which showed that the thrust reverser could inadvertently deploy in flight under certain conditions. We are issuing this AD to prevent inadvertent deployment of thrust reversers in flight, which could result in reduced controllability of the airplane.

DATES: This AD becomes effective April 20, 2007.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of April 20, 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 A300 B2 and B4 series airplanes; Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model C4–605R Variant F airplanes (collectively called A300–600 series airplanes); and Model A310 series airplanes; equipped with General

Electric (GE) CF6–80A3 or CF6–80C2 engines. That NPRM was published in the **Federal Register** on August 8, 2005 (70 FR 45595). That NPRM proposed to require installing electro-pneumatic locking bar devices (TRAS lock systems) in the engine nacelles, installing a dedicated and shielded electrical circuit that is segregated from the existing thrust reverser control system, and performing related investigative/corrective actions if necessary.

Since the Issuance of the NPRM

We have received copies of the following Airbus service bulletins:

- Airbus Service Bulletin A300–78–6024, Revision 01, dated April 22, 2005. Revision 01 describes essentially the same procedures specified in the original issue of the service bulletin, dated October 7, 2003 (referenced in the NPRM as one appropriate source of service information). Revision 01 also adds technical notes referring to certain Middle River Aircraft Systems (MRAS) proprietary data 491B1200200, 491B1200201, 491B1200202, and 491B1200203, Revision B, dated September 9, 2003, which provide instructions to install the electro-pneumatic locking bar devices in the nacelles on GE Model CF6–80C2 engines with a full authority digital engine control (FADEC) thrust reverser system, as additional sources of service information.
- Airbus Service Bulletin A300–78–6025, Revision 01, dated April 22, 2005. Revision 01 describes essentially the same procedures specified in the original issue of the service bulletin, dated October 7, 2003 (referenced in the NPRM as one appropriate source of service information). Revision 01 also adds technical notes referring to certain MRAS proprietary data 491B1200202 and 491B1200203, both Revision B, both dated September 9, 2003, as additional sources of service information. The proprietary data provide instructions to install the electro-pneumatic locking bar devices in the nacelles on GE Model CF6–80C2 engines with a power management control (PMC) thrust reverser system.
- Airbus Service Bulletin A310–78–2023, Revision 01; and Airbus Service Bulletin A310–78–2025, Revision 01; both dated April 22, 2005. These service bulletins were issued to advise operators of the issuance of technical notes referenced in MRAS proprietary data 603A1000, 603A1001, 603A2000, 603A2001, and 603A2100. The proprietary data provides instructions to install the electro-pneumatic locking bar devices, as additional sources of service information. (Airbus Service Bulletin A310–78–2023, dated October 7, 2003; and Airbus Service Bulletin A310–78–2025, dated July 23, 2004; were referenced as appropriate sources of service information in the NPRM.)
- Airbus Service Bulletin A310–78–2022, Revision 02, including Appendices 01 and 02, dated July 18, 2006. (The original version of this service bulletin, dated January 7, 2003, was referenced as an appropriate source of service information in the NPRM.) Revision 02 updates certain figures referenced in the original version of the service bulletin.

Comments

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

Request To Withdraw the NPRM

One commenter, American Airlines, states that it appears inconsistent to invest a significant amount of money for additional protection by installing electro-pneumatic locking bar devices (TRAS lock system). The commenter points out that the FAA has previously extended the inspection interval of current mandated inspections in another existing AD that also addresses inadvertent thrust reverser deployment.

We infer that American Airlines is questioning the cost benefit of the additional protection that the AD provides, and would like us to withdraw the NPRM. We acknowledge that, although we have extended the inspection intervals due to positive results of past inspections, the possibility still exists that a directional pilot valve (DPV) leak may occur. This type of leak is a hidden failure that cannot be detected at the system level, and could result in inadvertent thrust reverser deployment. We have determined that installation of electro-pneumatic locking bar devices will ensure an adequate measure of protection for the system. No change is necessary to the AD in this regard.

Requests To Revise the Applicability

Two commenters, Tradewinds Airlines and GE Transportation, request that the applicability stated in the NPRM be revised by removing Airbus Model A300 B2 and B4 series airplanes. One commenter points out that those models are not specified in the French airworthiness directive, and that there are no service bulletins specified in the NPRM that are applicable to those models.

We agree with the commenters. We acknowledge that the Model A300 B2 and B4 series airplanes are not equipped with the affected engines and were inadvertently included in the NPRM. The applicability of this AD is revised to remove those airplane models.

Another commenter, Airbus, requests that the associated modification numbers for the corresponding service bulletins be added to the applicability of the NPRM. Airbus suggests that adding the associated modification numbers will make it easier for operators to comply with the AD and will help operators to avoid having to request alternative methods of compliance.

We partially agree with the commenter's request in this case. The applicability of French airworthiness directive F–2004–165 excludes airplanes on which Airbus Service Bulletins A310–78–2024; A310–78–2025; A310–78–2022; A310–78–2023, A300–78–6022, Revision 1; A300–78–6025; A300–78–6021 original issue or Revision 01; and A300–78–6024; have been accomplished in-service, as well as certain modifications accomplished during production. We agree that revising the applicability of the final rule is necessary to exclude airplanes on which certain modifications have been accomplished during production. However, as is our standard practice, we have not excluded those airplanes that have accomplished certain modifications in service in the applicability of this final rule. Rather, this final rule includes requirements to accomplish the actions specified in the service bulletins that clearly identify the airplanes that the service bulletins affect. The requirements of the specified service bulletins will ensure that the actions required by this final rule are accomplished on all affected airplanes. Operators must continue to operate the airplane in the configuration required by this final rule unless an alternative method of compliance is approved. We have, however, added a new Note 1 and Table 2 to this final rule that provide a list of corresponding modifications with the applicable service bulletins for ease of reference for the operators. We have re-identified subsequent notes and tables accordingly.

Requests To Revise the "Costs of Compliance" Section

Several commenters, including theAir Transport Association (ATA), on behalf of one of its members, American Airlines, and FedEx and GE Transportation, request that the estimated costs of complying with the NPRM be revised to add additional work hours. American Airlines states that the NPRM would require concurrent accomplishment of four service bulletins that are not specified

in the NPRM. American Airlines estimates it will take 600 work hours and $283,042 for parts per each of its airplanes, rather than the costs estimated in the applicable service bulletins in the NPRM for various airplane models. FedEx explains that the cost estimates in the NPRM are not realistic because additional modification requirements are necessary that are described in MRAS and Goodrich/Rohr technical documents. One commenter, GE Transportation, also points out that certain cost information is available in certain service information that is not referred to in the NPRM.

We acknowledge that certain estimated costs were not included in the NPRM. We have obtained the additional service information from MRAS, but it does not contain estimated cost information. We also have requested further information from one of the commenters, GE Transportation, which has provided some new cost information figures to us. We have revised the estimated costs of the AD by including the estimated costs of accomplishing the MRAS service bulletins. We have coordinated those estimated costs with Airbus.

Request To Clarify ''Relevant Service Information'' Section

GE Transportation suggests certain revised wording regarding the work tasks described in the service bulletins specified in the ''Relevant Service Information'' section of the NPRM.

We consider that the descriptions of the work tasks in the NPRM adequately describe those tasks. Since that section of the preamble in the NPRM does not reappear in the final rule, no change to the AD is necessary.

Request To Consider the Possibility of No Deployment

American Airlines requests that we consider the possibility that an increase in risk of no deployment on landing may occur with the modification installed. American Airlines states that the modification could affect reliable operations in those airports restricted by short runway lengths when employing the Minimum Equipment List provisions.

We acknowledge the commenter's concern. In its reassessment of thrust reverser reliability, the manufacturer considered the possibility of thrust reverser non-deployment on landing with the third line of defense (TLOD) system installed. The reassessment showed that the thrust reverser without the TLOD could inadvertently deploy in flight under certain conditions, which could lead to decreased aircraft controllability. We have determined that the basic two-line-of-defense architecture does not adequately address the system's vulnerability to damage and long-term maintainability. Therefore, the modification is necessary to prevent the identified unsafe condition. In addition, we have not seen an increase in occurrences of thrust reverser nondeployments on landing for aircraft that have a TLOD or other thrust reverser third lock-type system installed. No change to the AD is necessary regarding this issue.

Request To Use Latest Service Bulletin Revisions

Several commenters, including the ATA, on behalf of one of its members, American Airlines, and FedEx, note that new revisions of certain service bulletins have been issued since the issuance of the NPRM. The commenters are requesting that we mandate the new revisions, which contain test procedures that will take less time for the operators to accomplish.

We agree with the commenters. We have received certain newer revisions of the service bulletins (described previously) from the manufacturer and have specified those revisions in Table 3 of the AD. Additionally, we received new revisions of the service bulletins specified in Table 2 of the AD from the manufacturer. We have revised Table 2 of the AD accordingly.

Explanation of Change to Applicability

We have revised the applicability of the AD to identify model designations as published in the most recent type certificate data sheet for the affected models.

Clarification of Alternative Method of Compliance (AMOC) Paragraph

We have revised this action to clarify the appropriate procedure for notifying the principal inspector before using any approved AMOC on any airplane to which the AMOC applies.

Conclusion

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

Costs of Compliance

This AD affects about 101 airplanes of U.S. registry. (The total number of airplanes in the following table totals more than 101 airplanes because most of the airplanes are required to accomplish two of the specified service bulletins.) The following table provides the estimated costs for U.S. operators to comply with this AD at an average labor rate per hour of $80.

ESTIMATED COSTS FOR MODIFICATIONS (LISTED BY APPLICABLE SERVICE BULLETIN)

Airbus service bulletins (SB)	Work hours	Parts	Cost per airplane	Number of airplanes	Cost per SB
A300–78–6021, Revision 02	257	$19,652	$40,212	36	$1,447,632
A300–78–6024, Revision 01	206	223,649	240,129	36	8,644,644
A300–78–6022, Revision 02	289	19,220	42,340	34	1,439,560
A300–78–6025, Revision 01	206	223,649	240,129	34	8,164,386
A310–78–2024, Revision 01	262	19,119	40,079	31	1,242,449
A310–78–2025, Revision 01	206	194,487	210,967	31	6,539,977

None of the airplanes required to accomplish the following service bulletins are currently on the U.S. Register. The airplanes affected by the following service bulletins are currently operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, we consider it necessary to include these airplanes to ensure that the unsafe condition is addressed if any affected airplane is imported and placed on the U.S. Register in the future. The estimated costs apply to any affected

airplane should it be imported and placed on the U.S. Register in the future.

ESTIMATED COSTS FOR MODIFICATIONS FOR CERTAIN OTHER AIRPLANES

Airbus service bulletin (SB)	Work hours	Parts	Cost per airplane
A310–78–2022	275	19,652	41,652
A310–78–2023	206	$223,649	$240,129

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):

2007–06–13 Airbus: Amendment 39–14994. Docket No. FAA–2005–22036; Directorate Identifier 2005–NM–009–AD.

Effective Date

(a) This AD becomes effective April 20, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Airbus series airplanes, certificated in any category, as identified in the service bulletins listed in Table 1 of this AD; except for those airplanes on which the following applicable modifications have been incorporated in production: Airbus Modification 12348, 12349, 12350, 12514, and 12511.

TABLE 1.—APPLICABILITY

Airplane models	General Electric engine model	Airbus service bulletin and revision	Date
A300 B4–605R and F4–605R airplanes	CF6–80C2	A300–78–6024, Revision 01	April 22, 2005.
A300 B4–605R and F4–605R airplanes	CF6–80C2	A300–78–6021, Revision 02	June 8, 2005.
A300 B4–601, B4–603, B4–605R, and C4–605R Variant F airplanes.	CF6–80C2	A300–78–6025, Revision 01	April 22, 2005.
A300 B4–601, B4–603, B4–605R, and C4–605R Variant F airplanes.	CF6–80C2	A300–78–6022, Revision 02	June 8, 2005.
A310 airplanes	CF6–80C2	A310–78–2023, Revision 01	April 22, 2005.
A310 airplanes	CF6–80C2	A310–78–2022, Revision 02	July 18, 2006.
A310 airplanes	CF6–80A3	A310–78–2024, Revision 01	June 13, 2005.
A310 airplanes	CF6–80A3	A310–78–2025, Revision 01	April 22, 2005.

Note 1: We have provided a list of corresponding modifications with the applicable Airbus service bulletins in Table 2 of this AD for ease of reference for the operators.

TABLE 2.—CORRESPONDING MODIFICATIONS

Airbus service bulletin	Modifications
A310–78–2022 and A300–78–6022.	12348, 12350, 12351, and 12514.

TABLE 2.—CORRESPONDING MODIFICATIONS—Continued

Airbus service bulletin	Modifications
A310–78–2023 and A300–78–6025.	12512.

TABLE 2.—CORRESPONDING MODIFICATIONS—Continued

Airbus service bulletin	Modifications
A310–78–2024	12552 and 12553.
A310–78–2025	12564.
A300–78–6021	12348, 12349, 12350, and 12514.
A300–78–6024	12511.

Unsafe Condition

(d) This AD results from the manufacturer's reassessment of the thrust reverser systems in the Airbus airplane models specified in Table 1 of this AD, which showed that the thrust reverser could deploy in flight under certain conditions. We are issuing this AD to prevent inadvertent deployment of thrust reversers in flight, 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.

Installing TRAS Lock Systems and Accomplishing Modifications

(f) For airplanes identified in the service bulletins specified in Table 3 of this AD: Within 36 months after the effective date of this AD, install the electro-pneumatic locking bar devices (TRAS Lock Systems) in the thrust reverser system of the nacelles, in accordance with the Accomplishment Instructions of the applicable service bulletin.

TABLE 3.—INSTALLING TRAS LOCK SYSTEMS

Airplane models	General electric engine model	Airbus service bulletin and revision	Date
A300 B4–605R and F4–605R airplanes	CF6–80C2	A300–78–6024, Revision 01	April 22, 2005.
A300 B4–601, B4–603, B4–605R, and C4–605R Variant F airplanes.	CF6–80C2	A300–78–6025, Revision 01	April 22, 2005.
A310 airplanes	CF6–80C2	A310–78–2023, Revision 01	April 22, 2005.
A310 airplanes	CF6–80A3	A310–78–2025, Revision 01	April 22, 2005.

Note 2: Airbus Service Bulletin A310–78–2025, Revision 01, dated April 22, 2005, references draft Goodrich Service Bulletin 71–065 as an additional source of service information. After the issuance of Airbus Service Bulletin A310–78–2025, the Goodrich service bulletin was reissued as Rohr Service Bulletin CF6–80A3–NAC–71–065, dated April 28, 2005.

(g) For airplanes identified in the service bulletins specified in Table 4 of this AD: Prior to or concurrent with the accomplishment of the applicable service bulletin specified in paragraph (f) of this AD, accomplish all the modifications and actions related to an independent third line of defense on the thrust reversers, in accordance with the Accomplishment Instructions of the applicable service bulletin specified in Table 4 of this AD.

TABLE 4.—PRIOR OR CONCURRENT ACCOMPLISHMENT

Airplane models	Airplanes equipped with General Electric engine model	Airbus service bulletin and revision	Date
A300 B4–605R and F4–605R airplanes	CF6–80C2 (with full authority digital engine control (FADEC)).	A300–78–6021, Revision 02, including Appendices 01 and 02.	June 8, 2005.
A300 B4–601, B4–603, B4–605R, and C4–605R Variant F airplanes.	CF6–80C2 (without FADEC)	A300–78–6022, Revision 02, including Appendices 01 and 02.	June 8, 2005.
A310 airplanes	CF6–80C2 (without FADEC)	A310–78–2022 Revision 02, including Appendices 01 and 02.	June 18, 2006.
A310 airplanes	CF6–80A3	A310–78–2024 Revision 01, including Appendices 01 and 02.	June 13, 2005.

Actions Accomplished According to Previous Issues of Service Bulletins

(h) Actions accomplished in accordance with the following service bulletins are acceptable for compliance with the requirements of this AD, as applicable, if done before the effective date of this AD:

TABLE 5.—SERVICE BULLETINS ACCOMPLISHED PREVIOUSLY

Airbus service bulletin	Revision level	Date
A300–78–6021	Original	April 8, 2003.
A300–78–6021	01	October 7, 2003.
A300–78–6022	01	January 7, 2003.
A300–78–6024	Original	October 7, 2003.
A300–78–6025	Original	October 7, 2003.
A310–78–2022	Original	January 7, 2003.
A310–78–2022	01	June 8, 2005.

TABLE 5.—SERVICE BULLETINS ACCOMPLISHED PREVIOUSLY—Continued

Airbus service bulletin	Revision level	Date
A310–78–2023	Original	October 7, 2003.
A310–78–2024	Original	October 15, 2003.
A310–78–2025	Original	July 23, 2004.

Alternative Methods of Compliance (AMOCs)

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

(2) Before using any AMOC approved in accordance with 14 CFR 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

Related Information

(j) French airworthiness directive F–2004–165, dated October 13, 2004, also addresses the subject of this AD.

Material Incorporated by Reference

(k) You must use the applicable Airbus service bulletins specified in Table 6 of this AD to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of these documents in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact 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.*

TABLE 6.—MATERIAL INCORPORATED BY REFERENCE

Airbus service bulletin	Revision level	Date
A300–78–6021, including Appendices 01 and 02	02	June 8, 2005.
A300–78–6022, including Appendices 01 and 02	02	June 8, 2005.
A300–78–6024	01	April 22, 2005.
A300–78–6025	01	April 22, 2005.
A310–78–2022, including Appendices 01 and 02	02	July 18, 2006.
A310–78–2023	01	April 22, 2005.
A310–78–2024, including Appendices 01 and 02	01	June 13, 2005.
A310–78–2025	01	April 22, 2005.

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

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–4734 Filed 3–15–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–26324; Directorate Identifier 2006–NM–214–AD; Amendment 39–14993; AD 2007–06–12]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A330 Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is superseding an existing airworthiness directive (AD), which applies to certain Airbus Model A330–300 airplanes. That AD currently requires reinforcement of the structure of the center fuselage by installing external stiffeners (butt straps) at frame (FR) 53.3 on the fuselage skin between left-hand (LH) and right-hand (RH) stringer (STR) 13, and related investigative and corrective actions. This new AD requires additional reinforcement of the structure of the center fuselage by installing external stiffeners (butt straps) at frame FR53.3 on the fuselage skin between LH and RH STR13, and related investigative and other specified actions. This AD also adds airplanes to the applicability. This AD results from cracking found at the circumferential joint of FR53.3. We are issuing this AD to prevent fatigue cracking of the fuselage, which could result in reduced structural integrity of the fuselage.

DATES: This AD becomes effective April 20, 2007.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of April 20, 2007.

On October 19, 2005 (70 FR 57732, October 4, 2005), the Director of the Federal Register approved the incorporation by reference of Airbus Service Bulletin A330–53–3127, Revision 01, dated November 21, 2003.

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 supersedes AD 2005–20–07, amendment 39–14300 (70 FR 57732, October 4, 2005). The existing AD applies to certain Airbus Model A330–300 series airplanes. That NPRM was published in the **Federal Register** on November 15, 2006 (71 FR 66472). That NPRM proposed to continue to require reinforcement of the structure of the center fuselage by installing external stiffeners (butt straps) at frame (FR) 53.3 on the fuselage skin between left-hand (LH) and right-hand (RH) stringer (STR) 13, and related investigative and corrective actions. That NPRM also proposed to require additional reinforcement of the structure of the center fuselage by installing external stiffeners (butt straps) at frame FR53.3 on the fuselage skin between LH and RH STR13, and related investigative and other specified actions. That NPRM also proposed to add airplanes to the applicability.

Comments

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

Request To Revise Paragraph (h)

Airbus requests that we revise the phrase ''For all airplanes * * *'' in paragraph (h) of the NPRM to duplicate paragraph 2 of European Aviation Safety Agency (EASA) airworthiness directive 2006–0266, dated August 30, 2006, as follows: ''For all A330–200 and –300 series aircraft [as listed in the applicability of this directive] which have received embodiment of AIRBUS modification 41652S11819.''

We agree to clarify paragraph (h) of this AD. The term ''for all airplanes'' in paragraph (h) of the NPRM applies to the airplanes identified in paragraph (c) of the NPRM (the applicability of the NPRM). Even though paragraph (h) of the NPRM is essentially the same as paragraph 2 of EASA airworthiness directive 2006–0266, we have revised paragraph (h) of this AD as follows: ''For Airbus Model A330–201, –202, –203, –223, –243, –301, –321, –322, –323, –341, –342, and –343 airplanes, on which Airbus Modification 41652S11819 has been incorporated in production or in accordance with paragraph (f) of this AD, except those airplanes on which Airbus Modification 49202 has been incorporated in production * * *.'' This change has not expanded the scope of this AD.

Request To Include Note

Airbus requests that we revise the NPRM to include Note 2 of EASA airworthiness directive 2006–0266: ''Notwithstanding the compliance times referenced above, EASA supports the Airbus recommendation to embody SB A330–53–3143 at latest within 8,300 FC or 29,200 FH, whichever occurs first, in order to reduce the extent of any required repairs.''

We disagree with including the note. We acknowledge that accomplishing the required actions sooner could reduce the extent of repairs needed in the future. However, it is not appropriate and, therefore, not the FAA's practice to state recommendations in an AD. We have not revised this AD in this regard.

Request To Revise Discussion Section

Airbus requests that we revise the Discussion section of the NPRM to state the unsafe condition was found during fatigue tests (EF2) of the fuselage.

We agree with Airbus's statement. However, that portion of the Discussion section is not retained in this final rule. We have not revised this AD in this regard.

Conclusion

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

Costs of Compliance

Currently, the action required by AD 2005–20–07 and retained in this AD affects 12 airplanes of U.S. registry. However, we have been advised that all affected U.S. operators have already accomplished that action. If an affected airplane is imported and placed on the U.S. Register in the future, the action required by AD 2005–20–07 takes about 315 work hours per airplane, at an average labor rate of $80 per work hour. Required parts cost about $8,920 per airplane. Based on these figures, the estimated cost of the currently required action is $34,120 per airplane.

The new action affects about 27 airplanes of U.S. registry. The new action takes about 316 work hours per airplane, at an average labor rate of $80 per work hour. Required parts cost about $9,160 per airplane. Based on these figures, the estimated cost of the new action specified in this AD for U.S. operators is $929,880, or $34,440 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 removing amendment 39–14300 (70 FR 57732, October 4, 2005) and by adding the following new airworthiness directive (AD):

2007–06–12 Airbus: Amendment 39–14993. Docket No. FAA–2006–26324; Directorate Identifier 2006–NM–214–AD.

Effective Date

(a) This AD becomes effective April 20, 2007.

Affected ADs

(b) This AD supersedes AD 2005–20–07.

Applicability

(c) This AD applies to Airbus Model A330–201, –202, –203, –223, –243, –301, –321, –322, –323, –341, –342, and –343 airplanes, certificated in any category; except those on which Airbus Modification 49202 has been incorporated in production.

Unsafe Condition

(d) This AD results from cracking found at the circumferential joint of frame (FR) 53.3. We are issuing this AD to prevent fatigue cracking of the fuselage, which could result in reduced structural integrity of the fuselage.

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.

Requirements of AD 2005–20–07

Installation for Model A330–300 Series Airplanes

(f) For Airbus Model A330–301, –321, –322, –323, –341, –342, and –343 airplanes, except those on which Airbus Modification 41652S11819 has been incorporated in production: At the later of the times in paragraphs (f)(1) and (f)(2) of this AD, install the butt straps at FR53.3 on the fuselage skin between left-hand (LH) and right-hand (RH) stringer (STR) 13, and do all related investigative and corrective actions before further flight. Except as provided by paragraph (g) of this AD, do all actions in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–53–3127, Revision 01, dated November 21, 2003.

(1) Before the accumulation of 14,700 total flight cycles or 51,400 total flight hours, whichever occurs earlier.

(2) Within 6 months after October 19, 2005 (the effective date of AD 2005–20–07).

Contact the FAA/Direction Générale de l'Aviation Civile (DGAC)/European Aviation Safety Agency (EASA) for Certain Repair Instructions

(g) For Airbus Model A330–301, –321, –322, –323, –341, –342, and –343 airplanes, except those on which Airbus Modification 41652S11819 has been incorporated in production: If any crack is detected during the related investigative actions (rototest) required by paragraph (f) of this AD, before further flight, repair the crack according to a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; the DGAC (or its delegated agent); or the EASA (or its delegated agent).

New Requirements of This AD

Installation for Model A330–200 and –300 Series Airplanes

(h) For Airbus Model A330–201, –202, –203, –223, –243, –301, –321, –322, –323, –341, –342, and –343 airplanes, on which Airbus Modification 41652S11819 has been incorporated in production or in accordance with paragraph (f) of this AD, except those airplanes on which Airbus Modification 49202 has been incorporated in production: At the later of the times in paragraphs (h)(1) and (h)(2) of this AD, install the butt straps at FR53.3 on the fuselage skin between LH and RH STR13; and do all related investigative and other specified actions before further flight, as applicable. Do all actions in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–53–3143, Revision 01, including Appendix 01, dated June 29, 2006; except if any crack is detected during a related investigative action (rototest), before further flight, repair the crack using a method approved by the Manager, International Branch, ANM–116; or the EASA (or its delegated agent).

(1) Before the accumulation of 17,600 total flight cycles or 61,600 total flight hours, whichever occurs earlier.

(2) Within 6 months after the effective date of this AD.

Credit for Actions Done in Accordance With Previous Service Bulletin

(i) Actions done before the effective date of this AD in accordance with Airbus Service Bulletin A330–53–3143, including Appendix 01, dated December 24, 2004, are acceptable for compliance with the corresponding requirements of paragraph (h) of this AD.

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 directive 2006–0266, dated August 30, 2006, also addresses the subject of this AD.

Material Incorporated by Reference

(l) You must use Airbus Service Bulletin A330–53–3127, Revision 01, dated November 21, 2003; and Airbus Service Bulletin A330–53–3143, Revision 01, including Appendix 01, dated June 29, 2006; as applicable, to perform the actions that are required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of Airbus Service Bulletin A330–53–3143, Revision 01, including Appendix 01, dated June 29, 2006, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) On October 19, 2005 (70 FR 57732, October 4, 2005), the Director of the Federal Register approved the incorporation by reference of Airbus Service Bulletin A330–53–3127, Revision 01, dated November 21, 2003.

(3) 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 the NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on March 7, 2007.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–4740 Filed 3–15–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–26401; Directorate Identifier 2006–CE–72–AD; Amendment 39–14987; AD 2007–06–06]

RIN 2120–AA64

Airworthiness Directives; B–N Group Ltd. BN–2, BN–2A, BN–2B, BN–2T, and BN–2T–4R Series (All Individual Models Included in Type Certificate Data Sheet (TCDS) A17EU, Revision 16, Dated December 9, 2002), and BN–2A–MkIII Trislander Series (All Individual Models Included in Type Certificate Data Sheet (TCDS) A29EU, Revision 4, Dated December 9, 2002) 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:

* * * incidences have been reported to Britten-Norman Aircraft Ltd where cracks have been found in the inner shell of the pitot/static pressure heads. This could result in incorrect readings on the pressure instrumentation, e.g. altimeters, vertical speed indicators (rate-of-climb) and airspeed indicators.

We are issuing this AD to require actions to correct the unsafe condition on these products.

DATES: This AD becomes effective April 20, 2007.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of April 20, 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: Taylor B. Martin, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri, 64106; telephone: (816) 329–4138; facsimile: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Streamlined Issuance of AD

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

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

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on December 22, 2006 (71 FR 76952). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states that:

* * * incidences have been reported to Britten-Norman Aircraft Ltd. where cracks have been found in the inner shell of the pitot/static pressure heads. If not corrected this could result in incorrect readings on the pressure instrumentation, e.g. altimeters, vertical speed indicators (rate-of-climb) and airspeed indicators.

Comments

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

Comment Issue No. 1: Reference to Service Bulletin

Jack Buster of the Modification and Replacement Parts Association (MARPA) comments that the correct reference to the service bulletin is Britten-Norman Service Bulletin Number SB 310, Issue 2, dated March 1, 2006.

When referencing what is in the MCAI, we reference it as ''B–N Service Bulletin 310 Issue 2'' because we try to use terminology straight from the MCAI when we can. We are not able to use this reference in the actual AD portion because to incorporate by reference (IBR) this service bulletin, we must reference it exactly how it appears in the reference document. Therefore, we will reference it in the AD as follows:

- When referencing the MCAI: We will reference it as B–N Service Bulletin 310 Issue 2.
- All other references: We will reference it as Britten-Norman Service Bulletin Number SB 310, Issue 2, dated March 1, 2006.

Comment Issue No. 2: Incorporation of Service Documents

MARPA comments that it was informed service documents are usually not incorporated into proposed actions (NPRMs), but only into final actions. MARPA notes there is no indication in the NPRM the FAA intends to incorporate by reference the necessary service information. In addition, there is no indication of which service documents are mandatory and which are merely sources of additional service information. Therefore, the reader is unsure of the FAA's intent. MARPA asks that future proposed actions indicate the FAA's intent by including the following, or a similar statement: ''We intend to incorporate by reference the following publications.''

We do not concur with the commenter's request to indicate in an NPRM our intent to incorporate service information by reference. When we propose that actions be accomplished in accordance with certain service information in an NPRM, the public may assume we intend to Incorporate by Reference (IBR) that service information, as requested by the Office of the Federal Register. Service information that is cited in the proposed AD as a source of additional information is not presented as a requirement, and the public may assume we do not intend to IBR that service information. No change to this final rule is necessary in regard to the commenter's request.

Conclusion

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

Differences Between This AD and the MCAI or Service Information

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

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

Costs of Compliance

We estimate that this AD will affect 135 products of U.S. registry. We also estimate that it will take about 2 work-hours per product to comply with this AD. The average labor rate is $80 per work-hour. Required parts will cost about $10,000 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 $1,371,600, or $10,160 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:

2007–06–06 B–N Group Ltd: Amendment 39–14987; Docket No. FAA–2006–26401; Directorate Identifier 2006–CE–72–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective April 20, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to B–N Group Ltd BN–2, BN–2A, BN–2B, BN–2T, and BN–2T–4R Series (all individual models included in Type Certificate Data Sheet (TCDS) A17EU, Revision 16, dated December 9, 2002), and BN–2A–Mklll Trislander Series (all individual models included in TCDS A29EU, Revision 4, dated December 9, 2002) airplanes, certificated in any category.

Reason

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

* * * incidences have been reported to Britten-Norman Aircraft Ltd. where cracks have been found in the inner shell of the pitot/static pressure heads. If not corrected this could result in incorrect readings on the pressure instrumentation, e.g. altimeters, vertical speed indicators (rate-of-climb) and airspeed indicators.

Actions and Compliance

(e) Unless already done, do the following actions in accordance with Britten-Norman Service Bulletin Number SB 310, Issue 2, dated March 1, 2006:

(1) Within the next 60 days after the effective date of this AD, perform the inspection procedure and the leak test procedure as detailed in Section 6 Action, of Britten-Norman Service Bulletin Number SB 310, Issue 2, dated March 1, 2006. Repeat this inspection procedure and the leak test procedure at intervals not to exceed 500 hours time-in-service (TIS).

(2) In addition, within 500 hours after the initial inspection, perform an initial inspection of the drain traps for moisture. Repeat this inspection at intervals not to exceed 500 hours TIS.

(3) Before further flight, after any inspection or procedure required by this AD, correct, modify, or replace, as specified in the service information.

FAA AD Differences

Note: This AD differs from the MCAI and/or service information as follows: This AD references the service bulletin as Britten-Norman Service Bulletin Number SB 310, Issue 2, dated March 1, 2006; and the MCAI references the service bulletin as B–N Service Bulletin 310 Issue 2.

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: Taylor B. Martin, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4138; facsimile: (816) 329–4090, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

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

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

Related Information

(g) Refer to MCAI European Aviation Safety Agency (EASA), AD No.: 2006–0143, dated May 30, 2006; and Britten-Norman Service Bulletin SB 310, Issue 2, dated March 1, 2006, for related information.

Material Incorporated by Reference

You must use Britten-Norman Service Bulletin Number SB 310, Issue 2, dated March 1, 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 Britten-Norman Aircraft Limited, Bembridge Airport, Isle of Wight, United Kingdom, PO35 5PR.

(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/code_of_federal_regulations/ibr_locations.html.*

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

Kim Smith,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–4729 Filed 3–15–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 584

[Docket No. 1995G–0321] (formerly 95G–0321)

Food Substances Affirmed as Generally Recognized as Safe in Feed and Drinking Water of Animals: 25-Hydroxyvitamin D_3

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending its regulations to affirm that the use of 25-hydroxyvitamin D_3 is generally recognized as safe (GRAS) as a source of vitamin D_3 activity in broiler chicken feeds and drinking water when used in accordance with certain limitations. This action is in response to a petition filed by Amoco BioProducts Corp. Subsequently, the sponsorship for this petition was changed to IsoGen L.L.C., Monsanto Co., Roche Vitamins, Inc., and lastly, to DSM Nutritional Products, Inc.

DATES: This rule is effective March 16, 2007.

FOR FURTHER INFORMATION CONTACT: Michaela Alewynse, Center for Veterinary Medicine (HFV–228), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–453–6866, e-mail: *mika.alewynse@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the procedures described in 21 CFR 570.35, Amoco BioProducts Corp., P.O. Box 3011, Naperville, IL, 60566, submitted a petition (GRASP 2449) requesting that 25-hydroxyvitamin D_3 (25-OH D_3) be affirmed as GRAS for use as a source of vitamin D_3 activity in broiler chicken feeds. In the original petition, 25-OH D_3 was proposed for use in feed only. The proposed use was amended in a submission dated January 7, 1998, to include administration through drinking water. Furthermore, all data for feed are applicable to water.

FDA published a notice of filing of this petition in the **Federal Register** of October 24, 1995 (60 FR 54505), and gave interested parties an opportunity to submit comments to the agency. FDA did not receive any comments in response to that notice. Subsequent to the filing of the petition, sponsorship was changed to IsoGen L.L.C., Monsanto Co., Roche Vitamins, Inc., and lastly, to DSM Nutritional Products, Inc., 45 Waterview Blvd., Parsippany, NJ, 07054–1298.

II. Standards for GRAS Affirmation

Under § 570.30 (21 CFR 570.30), general recognition of safety of food ingredients may be based only on the views of experts qualified by scientific training and experience to evaluate the safety of food substances directly or indirectly added to food. The basis of such views may be either of the following: (1) Scientific procedures, or (2) in the case of a substance used in food prior to January 1, 1958, through experience based on common use in food. General recognition of safety based upon scientific procedures requires the same quantity and quality of scientific evidence as is required to obtain approval of a food additive regulation for the ingredient and ordinarily is to be based upon published studies, which may be corroborated by unpublished studies and other data and information (§ 570.30(b)). General recognition of safety through experience based on common use of a substance in food prior to January 1, 1958, may be determined without the quantity or quality of scientific evidence required for approval of a food additive regulation. Ordinarily it is to be based upon generally available data and information (§ 570.30(c)).

The subject petition relies on scientific procedures evidence to support the GRAS affirmation of 25-OH D_3 as a source of vitamin D_3 activity in broiler chicken feeds and drinking water.

III. Safety Evaluation

A. Introduction

25-OH D_3, also called 25-hydroxycholecalciferol, is a normal metabolite of vitamin D_3 in mammals and birds. Chemically, the substance is 9,10-secocholesta-5,7,10(19)-triene-3β, 25-diol. 25-OH D_3 is the principal circulating form of vitamin D_3, which is the primary source of vitamin D activity for livestock animals. The metabolism of vitamin D in animals is well understood and is documented in biochemistry textbooks (for example, Ref. 1). In poultry, vitamin D regulates calcium and phosphorus homeostasis, bone growth, eggshell formation, as well as other endocrine system functions (Ref. 2).

Animals, including poultry, do not have a dietary requirement for vitamin D when sufficient ultraviolet (UV) light is available, because vitamin D is produced through action of UV light on a provitamin present in the skin. This provitamin is synthesized in the body and present in large amounts in skin, intestinal wall, and other tissues (Ref. 2). Vitamin D becomes a nutritionally important factor in the absence of sufficient UV light either from the sun or from an artificial source. Under modern farming conditions, many animals are raised in total confinement with limited exposure to UV light thus creating the need for a dietary supply of vitamin D.

There are two predominant forms of vitamin D for poultry. Vitamin D_2 comes mainly from plants. Vitamin D_3 is produced in a bird's body when sunlight reacts with vitamin D precursors obtained from the bird's diet. Since vitamin D_3 is 30 to 40 times more potent than D_2, plants are considered insignificant sources of vitamin D for birds.

Commonly, broiler chickens are grown within the confines of buildings with large numbers of birds per building and are supplied with bulk feed and water for *ad libitum* consumption. Various strains of chicken have been developed for broiler production. They have been bred primarily for rapid weight gain and efficient feed utilization. Typically, broilers are slaughtered at 6 to 7 weeks of age if size and weight requirements are attained. Crumbled starter feed is supplied during weeks 1 to 3, pelletized grower feed during weeks 4 to 6, and finisher feed until slaughter. The major differences among these types of feed are the levels and sources of nutrients provided in the feed, such as amino acids, minerals, and vitamins. The level of vitamin supplementation provided in the broiler industry is based on type of diets fed, species, age of the bird, dietary antagonists, form of vitamin product, requirement status (optimum or minimum requirements), disease status, complexity of the ration, and environmental factors, primarily ambient temperature. Only after all these factors are considered can the optimal vitamin requirements for poultry be estimated (Ref. 2).

The National Research Council's (NRC) recommendation for dietary vitamin D_3 requirement of broiler chickens is 200 International Units (IU) of vitamin D_3 per kilogram (/kg) of feed (Ref. 3). One unit of vitamin D_3 is

defined as the activity of 0.025 microgram (μg) of vitamin D_3. Thus, a supplement of 200 IU/kg of feed is equivalent to 5 μg of vitamin D_3/kg of feed. This requirement is based on diets containing the required amounts of calcium and available phosphorus and is considered by NRC to be the minimum amount required to prevent deficiency signs.

B. Manufacturing and Specifications

According to the petition, the production of 25-OH D_3 uses a bioengineered strain of the yeast *Saccharomyces cerevisiae*. The 25-OH D_3 final product is a white to slightly pink, odorless, crystalline substance. The petition lists the specifications for 25-OH D_3 as: not less than 94.0 percent 25-OH D_3; not more than 1 percent of any individual sterol; not more than 5 percent water; not more than 20 parts per million (ppm) lead; not more than 20 ppm aluminum; not more than 1.0 percent solvents; and non-detectable levels of 2', 4', 5', 7'-tetraiodofluorescin. In order to ensure vitamin potency so that the 25-OH D_3 ''performs an appropriate function in the food,'' an expiration date should be included on feed and water premixes (§ 570.30(f)(2)).

C. Use in Feed and Drinking Water

The petitioner claims that the NRC recommendation of 5 μg of vitamin D_3/kg of feed is virtually never used in the broiler industry because commercial broiler strains currently grow much faster, utilize feed more efficiently, and are reared in confinement with less exposure to UV light than when the NRC made its recommendation. As a result, petitioner claims supplementation of broiler feed with vitamin D_3 is typically at a considerably higher level. A survey of commercial practices in regard to vitamin supplementation of poultry feed supported this argument, i.e., it revealed that the amounts of vitamin D_3 commonly added by the broiler chicken feed companies range from 50.0 to 62.5 parts per billion (ppb) (μg/kg) of finished feed (Ref. 4).

The petitioner proposes that 25-OH $D_3$is GRAS when added to broiler chicken feed at levels not to exceed 69 ppb (μg/kg) of finished feed. Based on the manufacturing and composition of a liquid product and its liquid release and stability data, the petitioner also proposes that 25-OH D_3 is GRAS when added to broiler chickens' drinking water at levels not to exceed 34.5 ppb. This is because it is generally assumed that birds drink approximately twice as much water as the amount of feed consumed on a weight basis. To assure safe use of 25-OH D_3, the label and labeling shall bear adequate mixing directions to ensure that the product (and its premixes) is uniformly blended throughout the feed or drinking water. In addition, since there are no animal consumption data to support the concurrent use of 25-OH D_3 in feed and water, there must be a statement on all premix labeling (feed and drinking water forms) that 25-OH D_3 should not be used concurrently in both feed and water.

D. General Recognition of Safety

The petition provides information to support a determination that the use of 25-OH D_3 in broiler chicken diets or drinking water is GRAS based upon the existence of an expert consensus, based on scientific procedures, that 25-OH D_3 has been shown to be safe. Foremost in the support of the determination is the same kind and quality of safety data as would be required to obtain FDA approval of 25-OH D_3 for use as a food additive. In particular, the majority of the data is published, and there is a consensus among qualified experts, based on the data, that this use of the substance is safe.

Information in the petition shows that the safety of 25-OH D_3 has been evaluated by an expert panel. The expert panel was convened by the Life Sciences Research Office, Federation of American Societies for Experimental Biology. The expert panel obtained background information, identified and analyzed pertinent literature and experimental studies, and reached an opinion as to whether the available information and data on the health effects of 25-OH D_3 were sufficient to meet the regulatory requirements of safety as a GRAS substance for the intended use. The expert panel concluded that the available information supports a GRAS classification of 25-OH D_3 when supplied as a source of vitamin D activity in broiler feed at the intended level of use of about 69 μg/kg of feed. Corroborating evidence has shown that 25-OH D_3 is a normal metabolite of vitamin D_3 and the principal circulating form of vitamin D_3 in mammals and birds (Ref. 2). In addition, the petitioner provided testimony of a world-renowned expert on vitamin D who concluded that 25-OH D_3 would be a safer dietary ingredient than vitamin D, since it does not accumulate in the body and thus, would not cause toxicity because of accumulation to toxic levels (Ref. 5).

1. Target Animal Safety

The NRC reported that the existing data for broiler chickens do not allow precise estimates to be made for maximum vitamin D (and vitamin D metabolites such as 25-OH D_3) tolerance levels; however, it indicated that under short-term feeding conditions (less than 60 days), most species including chickens, can tolerate as much as 100 times (100 X) their apparent vitamin D dietary requirements, i.e., 500 μg/kg of feed (Ref. 6).

Estimates of the tolerance of 25-OH D_3 by broiler chickens were assessed by the expert panel (Ref. 7) primarily from two field trials conducted for Amoco BioProducts Corp. The aim of these studies was to determine the utility of 25-OH D_3 as a source of vitamin D_3 activity and/or to evaluate whether 25-OH D_3 exhibited toxic effects when added to broiler diets. One of the studies (Ref. 8) was compromised due to the high mortality rate (up to 16 percent) that occurred in all groups including controls. The other study (Ref. 9) was requested by the expert panel and is discussed below.

In addition to the field trials conducted for Amoco BioProducts Corp., the expert panel evaluated information from separate published sources, including the results of several animal feeding studies. Based on its comprehensive review of the literature, the expert panel concluded that dietary levels up to 10 μg of 25-OH D_3/kg of feed are safe for broiler chickens for prolonged feeding. It was noted that broiler chickens fed 100 μg of 25-OH D_3/kg of feed exhibited toxicity signs characterized by epithelial necrosis and mineralization in the distal convoluted tubules of the kidney (Ref. 10). However, a detailed evaluation of the study revealed significant inadequacies in its design and experimental procedures. Thus, the expert panel did not place great weight on this study in its evaluation of safety. Additionally, a number of studies were performed in other poultry species. No signs of toxicity were reported in laying hens when 25-OH D_3 was fed at levels up to 50 μg/kg of feed for periods up to 448 days (Ref. 11). Laying Japanese quail and growing turkeys were fed diets containing up to 16.6 μg of 25-OH D_3/kg of feed for periods up to 42 days with no adverse effects recorded (Refs. 12 and 13).

Because the concentration of 25-OH D_3 in broiler feed that may elicit toxic effects was not known, the expert panel requested that Amoco BioProducts Corp. conduct an additional target animal safety study (Ref. 9). 25-OH D_3

was tested at multiple levels at and above (0, 1, 10, 50, 100, and 200X) the maximum proposed use level. No significant differences in body weight, mortality rate, or treatment-related lesions were observed in the 25-OH D_3 group at the maximum proposed level of 69 µg/kg of feed. However, 35 percent of the birds in the 690 µg 25-OH D_3/kg group (10X) developed renal calcification. In addition, by the end of the study, the body weights of the birds from the 690 µg/kg group fell 12 percent when compared with the birds from the 69 µg/kg group. Data were not collected to determine the level between 69 and 690 µg 25-OH D_3/kg of feed at which toxic effects were seen. High mortality was observed in birds exposed to high levels of 25-OH D_3 (50, 100, and 200X) thus, these treatments were terminated before the end of the study. Based on its review of the available information, including the results of this additional study, the expert panel concluded that the proposed maximum level (69 µg 25-OH D_3/kg of feed) is within the range that growing broilers can tolerate.

After evaluating the results of the latter study (Ref. 9), FDA found that, although no toxic effects were observed at the maximum proposed use level (69 µg/kg of feed), significant treatment-related lesions occurred when birds were exposed to 10 times (690 µg/kg of feed) that level. In the absence of key data to determine the level between 69 and 690 µg/kg at which toxicity effects were seen, there was no assurance that toxicity would not occur at levels just above 69 µg/kg. Thus, to identify the margin of safety for the intended use, FDA requested another target animal safety study.

The study (Ref. 14) was designed to show safety to broiler chickens by testing 25-OH D_3 at varying levels between 69 and 690 µg/kg of feed which represented 0 (control), 1, 3, 5, and 10 times the maximum proposed use level. The results of the study corroborated previous findings that 25-OH D_3 supplementation at levels up to the maximum proposed use rate resulted in no toxic effect, and at levels 10 times the proposed use level resulted in renal calcification. The study also found that no treatment-related lesions occurred when broilers were fed at levels up to five times the highest proposed use level.

FDA has determined that the published studies, as corroborated by this unpublished study, provide an adequate basis upon which to conclude that 25-OH D_3 is a safe source of vitamin D_3 activity for broiler chickens when fed at nutritional levels not to exceed 69 µg/kg of finished feed.

2. Consumer Exposure

The safety of 25-OH D_3 has been evaluated to assess its potential toxicity in humans who consume edible tissues derived from broiler chickens fed 25-OH D_3—supplemented feed. The evaluation was based on FDA's review of published and unpublished information provided in the petition, including the safety evaluation performed by the expert panel (Ref. 7). Based on the available information and evaluation of the biological effects of 25-OH D_3, the expert panel concluded that ''The available information supports a Generally Recognized as Safe (GRAS) classification of 25-hydroxyvitamin D_3 when supplied as a source of vitamin D activity in broiler feed at the intended level of use of about 68.8 µg (63.8 to 73.7 µg) per kilogram of feed.''

Having evaluated the data and information contained in the petition, FDA preliminarily found that this use of 25-OH D_3 in broiler feed was safe; however, some concerns regarding the teratogenicity of 25-OH D_3 in the rabbit (the most sensitive species) remained. Specifically, Dutch Belted rabbits dosed at 25 and 50 µg/kg bodyweight (BW)/day by oral intubation from gestation day 6 to day 18 produced pups with skeletal and vascular anomalies. These dose-related effects included domed skulls, enlarged cardiac atria, and dilated pulmonary arteries. None of these abnormalities were noted in the negative controls or the 5 µg/kg BW/day group. This and other toxicity studies were previously reviewed by FDA in support of the use of 25-OH D_3 as the therapeutic drug for humans, calcifediol (Ref. 15).

The petitioner argued that the rabbit's unique calcium metabolism and unusual sensitivity to the effects of vitamin D compounds rendered it too sensitive a model for assessing the teratogenic potential of vitamin D in humans (Ref. 16). In addition, the petitioner provided the testimony of Dr. Hector De Luca, a world-renowned expert (Ref. 5) on vitamin D, who noted that rabbits are extraordinarily sensitive to vitamin D and that they rapidly go into hyperglycemia at low doses of any form of vitamin D. Dr. De Luca stated that in the rabbit, hyperglycemia likely causes the observed teratogenic effects. In the expert's view, the rabbit should not be used as a toxicology model for man for studies of vitamin D compounds, because they almost stand alone in their sensitivity among species used for the safety studies.

Based on information provided in the petition, FDA concurs that the rabbit is unusually sensitive to the effects of vitamin D compounds. However, the agency does not have sufficient information to disqualify the rabbit model in toxicity testing. While not disregarding the rabbit study, FDA took into account the high sensitivity of the rabbit model and used a 100-fold safety factor rather than the usual 1000-fold safety factor in calculating an acceptable daily intake (ADI) for 25-OH D_3. Consequently, FDA set the ADI based on current information at 0.05 µg/kg BW/day. The safe concentrations of 25-OH D_3 in chicken tissues based on an ADI of 0.05 µg/kg BW/day is 10 ppb in muscle, 30 ppb in liver, and 60 ppb in skin/fat. These values are well within the estimated safe concentrations for consumers (Ref. 17). Although liver concentrations of 25-OH D_3 were not measured, it is anticipated that these values similarly would be within the calculated acceptable levels. FDA concludes that the available data indicate that residue levels of 25-OH D_3 will not result in any unsafe residues of 25-OH D_3 in edible chicken tissues.

In its evaluation of 25-OH D_3, FDA has reviewed not only the safety of the product itself, but also the safety of the chemical impurities that may be present in the product from the manufacturing process. Residual amounts of reactants and manufacturing aids are commonly found as contaminants in chemical products, including products added to animal feeds.

The biological stain, 2', 4', 5', 7'-tetraiodofluorescin (also known as FD&C Red No. 3 or erythrosin), is used as a photosensitizer in the production of 25-OH D_3. This use of 2', 4', 5', 7'-tetraiodofluorescin may result in unintended residue levels of 50 ppm maximum in the finished 25-OH D_3 product (Ref. 18). At a 50 ppm concentration in the 25-OH D_3 final product, when the 25-OH D_3 is diluted in feed to a concentration of 69 ppb (69 µg/kg), 2', 4', 5', 7'-tetraiodofluorescin would be present at 3.45 parts per trillion (ppt) in finished broiler chicken feed.

FDA used risk assessment procedures to estimate the upper-bound of risk presented by 2', 4', 5', 7'-tetraiodofluorescin, a carcinogenic chemical (21 CFR 81.10(u)), that may be present in the 25-OH D_3 product. Using a worst case estimate, taking into account a bird feed efficiency of approximately 1.9 and 80 percent uptake, the worst case concentration of 2', 4', 5', 7'-tetraiodofluorescin in edible tissue would be 5.2 ppt (3.45 ppt x 1.9 x 0.8 = 5.2 ppt). Therefore, the agency would not expect this impurity to become a component of food at other than minute levels. However, because

2', 4', 5', 7'-tetraiodofluorescin is a carcinogenic chemical, FDA advised that the sponsor should either find a replacement for 2', 4', 5', 7'-tetraiodofluorescin or remove 2', 4', 5', 7'-tetraiodofluorescin from the final product in a consistent manner. Subsequently, the petitioner developed a purification process for complete removal of 2', 4', 5', 7'-tetraiodofluorescin from the final 25-OH D_3 product. The petitioner provided details on the experimental conditions and the supporting analytical data for the analytical method used to quantitate residual 2', 4', 5', 7'-tetraiodofluorescin in the 25-OH D_3 product. FDA found the purification process to be effective based on the analytical work submitted. The analytical method for the detection of the 2', 4', 5', 7'-tetraiodofluorescin has been appropriately validated by the petitioner and FDA found it to be accurate, precise, and acceptable for its purpose.

IV. Conclusion

FDA has determined that the petition provides information to support a determination that the use of 25-OH D_3 is GRAS as a source of vitamin D_3 activity for broiler chicken feeds and drinking water based upon the existence of an expert consensus that 25-OH D_3 has been shown to be safe based on scientific procedures. The determination was based upon published scientific data, corroborating unpublished studies, and other data and information. The agency has reached the following conclusions: (1) 25-OH D_3 is a suitable source of vitamin D_3 activity for broiler chickens; (2) 25-OH D_3 at levels up to 69 ppb in feed, or 34.5 ppb in drinking water, is safe to broiler chickens and to the people consuming the broiler chickens' edible meat products; and (3) an expert panel also concluded that the available information supports a GRAS classification for 25-OH D_3 when supplied as a source of vitamin D activity in broiler feed at the intended level of use of 69 μg/kg of feed.

The evaluation was based on the same type and quality of data as would be required to obtain FDA approval of 25-OH D_3 for use as a food additive. In addition, the majority of the data is published, and there is a consensus among qualified experts, based on the data, that this intended use of the substance is safe. Corroborating evidence has shown that 25-OH D_3 is a normal metabolite of vitamin D_3 and the principal circulating form of vitamin D_3 in mammals and birds. In addition, the petitioner provided testimony of a world-renowned expert on vitamin D who stated that 25-OH D_3 would be a safer dietary supplement than vitamin D, since it does not accumulate in the body and thus, would not cause toxicity because of accumulation to toxic levels. Therefore, the agency is issuing this final rule affirming that 25-OH D_3 is GRAS as a source of vitamin D_3 activity in broiler feeds and drinking water when given to broiler chickens at nutritional levels not to exceed 69 ppb in feed or 34.5 ppb in drinking water and when used in accordance with additional limitations.

V. Environmental Impact

FDA has determined under 21 CFR 25.32(r) that this action is of the type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

VI. Effective Date

As this rule recognizes an exemption from the food additive definition in the Federal Food, Drug, and Cosmetic Act, and from the approval requirements applicable to food additives, no delay in effective date is required by the Administrative Procedure Act (5 U.S.C. 553(d)). The rule therefore will be effective immediately (5 U.S.C. 553(d)(1)).

VII. References

The following references have been placed on display in the Division of Dockets Management (HFA–305), 5630 Fishers Lane, rm. 1061, Rockville, MD 20852 and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Garret, R. H. and C. M. Grisham, ''The Vitamin D Group,'' in *Biochemistry*, 2d ed., Saunders College Publishing, New York, NY, pp. 604–605, 1999.

2. Ameenuddin, S., M. L. Sunde, E. M. Cook, *World's Poultry Science Journal*, vol. 41, pp. 52–63, 1985 (available in the petition: vol. 17, pp. 4463–4474).

3. National Research Council, ''Vitamins,'' p. 15, and ''Nutrient Requirements of Chickens,'' pp. 19–34, in *Nutrient Requirements of Poultry*, 9th ed., National Academy Press, Washington, DC, 1994.

4. Ward, N. E., *Journal of Applied Poultry Research*, vol. 2, pp. 286–296, 1993 (available in the petition: vol. 19, pp. 5619–5629).

5. GRASP 2449, Amendment C–0032: ''Safety of 25-OH D_3 to Consumers,'' (testimony of Dr. Hector De Luca), November 1999.

6. National Research Council, ''Vitamin D,'' in *Vitamin Tolerance of Animals*, 1st ed., National Academy Press, Washington, DC, pp. 11–22, 1987.

7. GRASP 2449, Appendix E: Expert Panel Report, Life Sciences Research Office, Federation of American Societies for Experimental Biology, Bethesda, MD, 1994.

8. Quarles, C. L., Safety study using 25-OH D_3 in broiler chickens, Colorado AM–1–93, Colorado Quality Research Inc., Fort Collins, CO, 1993, (available in the petition: vol. 11, pp. 02005–02493).

9. Quarles, C. L., Safety study using 25-OH D_3 and vitamin D_3 in broiler chickens, Colorado AM–2–94, Colorado Quality Research, Inc., Fort Collins, CO, 1994, (available in the petition: vol. 12, pp. 2494–2862).

10. Morrissey, J. L., et al., *Journal of Nutrition*, vol. 107, pp. 1027–10324, 1977 (available in the petition: vol. 19, pp. 5220–5227).

11. Janssen, W. M. M. A., H. A. J. Versteegh, P. J. W. Van Schagen, *Archiv fur Geflugelkunde*, vol. 45, pp. 194–200, 1981 (available in the petition: vol. 18, pp. 5018–5024).

12. Kaetzel, D. M., Jr. and J. H. Soares, Jr., *Journal of Nutrition*, vol. 109, pp. 1601–1608, 1979 (available in the petition: vol. 18, pp. 5033–5040).

13. Stevens, V. L. and R. Blair, *Nutrition Reports International*, vol. 35, pp. 755–764, 1987 (available in the petition: vol. 19, pp. 5465–5474).

14. GRASP 2449, Amendment C–0027: Safety Study Using 25-OH D_3 in Broiler Chickens (Project No. ISG–98–2). September 1998 (available in the petition: vol. 31–34).

15. Dutta, S. N., Clinical review and evaluation of NDA 018312 (Organon USA, Inc.'s CALDEROL brand of 25-OH D_3), 1979.

16. GRASP 2449, Amendment C–0028: Human Food Safety of the Use of 25-OH D_3 in Broiler Feed, February 1999.

17. FDA Center for Veterinary Medicine, Guideline for Industry #3: ''General Principles for Evaluating the Safety of Compounds Used in Food-Producing Animals,'' Part 4: ''Guideline for Establishing a Safe Concentration,'' 1994.

18. GRASP 2449, Amendment C–0029: Safety of the Use of Erythrosin in the 25-OH D_3 Final Product, May 1999.

List of Subjects in 21 CFR Part 584

Animal feeds, Food additives.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, and redelegated to

the Center for Veterinary Medicine, 21 CFR part 584 is amended as follows:

PART 584-FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE IN FEED AND DRINKING WATER OF ANIMALS

■ 1. The authority citation for 21 CFR part 584 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348, 371.

■ 2. Section 584.725 is added to subpart B to read as follows:

§ 584.725 25–Hydroxyvitamin D_3.

(a) *Product.* 25–Hydroxyvitamin D_3 (9,10-secocholesta-5,7,10(19)-triene-3β, 25-diol).

(b) *Conditions of use.* This substance is generally recognized as safe as a source of vitamin D_3 activity in feed or drinking water of broiler chickens when used in accordance with the limitations in paragraph (c) of this section.

(c) *Limitations.* (1) Not to exceed 69 parts per billion (ppb) in feed or 34.5 ppb in drinking water. It shall be used in accordance with good manufacturing and feeding practices.

(2) The product must comply with the following specifications:

(i) Not less than 94.0 percent 25-hydroxyvitamin D_3.

(ii) Not more than 1 percent of any individual sterol.

(iii) Not more than 5 percent water.

(iv) Not more than 20 parts per million (ppm) lead.

(v) Not more than 20 ppm aluminum.

(vi) Not more than 1.0 percent solvents and non-detectable levels of 2', 4', 5', 7'-tetraiodofluorescin.

(3) Product labeling shall bear the following:

(i) A statement to indicate that the maximum use level of 25-hydroxyvitamin D_3 must not exceed 69 ppb in feed or 34.5 ppb in drinking water.

(ii) Adequate use directions to ensure that 25-hydroxyvitamin D_3 (and all premixes) is uniformly blended throughout the feed or drinking water.

(iii) An expiration date on all premix labeling.

(iv) A statement on all premix labeling (feed and drinking water forms) that 25-hydroxyvitamin D_3 should not be used simultaneously in both feed and water.

Dated: March 1, 2007.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. E7–4796 Filed 3–15–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 2

RIN 2900–AM18

Delegations of Authority—National Cemetery Administration

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This final rule amends the Department of Veterans Affairs (VA) regulation, ''Secretary's delegations of authority to certain officials.'' The amendment updates the regulation governing certain delegations of authority exercised by the Under Secretary for Memorial Affairs. This minor technical amendment provides delegation of authority from the Secretary of Veterans Affairs to the Under Secretary for Memorial Affairs to accept monetary and/or non-monetary gifts and donations, made in any manner, which are made for the purpose of beautifying or benefiting national cemeteries. The authority to accept offers of land will remain with the Secretary of Veterans Affairs.

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

FOR FURTHER INFORMATION CONTACT: Patrick Hallinan, Deputy Director, Office of Field Programs (41A), National Cemetery Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420; telephone: (202) 273–5229 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The provisions of 38 U.S.C. 2407 authorize the Secretary to ''accept gifts, devises, or bequests from legitimate societies and organizations or reputable individuals, made in any manner, which are made for the purpose of beautifying national cemeteries, or are determined to be beneficial to such cemetery.'' Currently, under 38 CFR 2.6(f)(3), the Secretary has delegated authority to the Under Secretary for Memorial Affairs ''[t]o accept donations of a *minor* nature, such as, individual trees for planting in burial areas and privately purchased grave markers.'' (Emphasis added) The current regulatory language no longer reflects the needs of the agency since the National Cemetery Administration frequently receives offers for donations that may be perceived as more than ''minor in nature.'' Such offers have included heavy equipment, rose gardens, cash, and electric vehicles. Providing authority to the National Cemetery Administration to accept donations, regardless of monetary value, would be commensurate with the authority that has been provided to the Veterans Health Administration and the Veterans Benefits Administration. The Under Secretary for Memorial Affairs will notify the Secretary when making decisions to accept or decline gifts and donations of offers that are unique, unusual or substantial in nature, or that may be of public interest because of the subject of the offer or identity of the donor. The authority to accept land will remain with the Secretary. The Under Secretary for Memorial Affairs will continue to refer all offers of land to the Secretary, with supporting information and a recommendation for action.

This rule revises paragraph (f)(3) to 38 CFR 2.6 by removing the reference ''[t]o accept donations of a minor nature, such as, individual trees for planting in burial areas and privately purchased grave markers'' and adding ''[t]o accept all donations, except offers of land, made in any manner, for the beautification or benefit of national cemeteries.''

Administrative Procedure Act

This final rule states rules of agency procedure or practice and is therefore exempt from the notice and public comment procedures of 5 U.S.C. 553(b). Further, this final rule is not a substantive rule and, consequently, the delayed effective date provisions of 5 U.S.C. 553(d) are not applicable.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in an expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any given year. This rule would have no such effect on State, local, or tribal governments, or the private sector.

Paperwork Reduction Act

This document contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501–3521).

Executive Order 12866

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The Executive Order classifies a ''significant regulatory action,'' requiring review by

the Office of Management and Budget (OMB) unless OMB waives such review, as any regulatory action 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.

The economic, interagency, budgetary, legal, and policy implications of this final rule have been examined and it has been determined not to be a significant regulatory action under Executive Order 12866.

Regulatory Flexibility Act

The Secretary of Veterans Affairs hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This final rule would not directly impact any small entities or individuals. Therefore, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603–604.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance numbers for the programs affected by this final rule are 64.201 and 64.202.

List of Subjects in 38 CFR Part 2

Authority delegations (Government agencies), Veterans Affairs Department.

Approved: March 2, 2007.

Gordon H. Mansfield,

Deputy Secretary of Veterans Affairs.

■ For the reasons set forth in the preamble, 38 CFR part 2 is amended as follows:

PART 2—DELEGATIONS OF AUTHORITY

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

Authority: 5 U.S.C. 302, 552a; 38 U.S.C. 501, 512, 515, 1729, 1729A, 5711; 44 U.S.C. 3702, unless otherwise noted.

■ 2. Section 2.6 is amended by revising paragraph (f)(3) to read as follows.

§ 2.6. Secretary's delegations of authority to certain officials (38 U.S.C. 512).

* * * * *

(f) * * *

(3) To accept donations, except offers of land, made in any manner, for the beautification or benefit of national cemeteries.

* * * * *

[FR Doc. E7–4826 Filed 3–15–07; 8:45 am]

BILLING CODE 8320–01–P

POSTAL SERVICE

39 CFR Part 232

Conduct on Postal Property; Weapons Prohibition

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The U.S. Postal Service is amending the rules for conduct on Postal Service property to clarify the prohibition of carrying or storing on Postal Service property any firearms or other dangerous weapons, or deadly weapons or explosives, except for official purposes.

DATES: Effective March 16, 2007.

FOR FURTHER INFORMATION CONTACT: Lawrence Katz, Inspector in Charge, Office of Counsel, U.S. Postal Inspection Service, 202–268–7732.

SUPPLEMENTARY INFORMATION: The amendment to the prohibition of carrying, either openly or concealed, or storing any firearms, other dangerous or deadly weapons or explosives on Postal Service property is to clarify the rule, ensuring that these items are only possessed for official purposes. This change would eliminate potential conflicts with other laws, rules or regulations which may allow the possession of these articles for other than official purposes.

List of Subjects in 39 CFR Part 232

Authority delegations (Government agencies), Crime, Federal buildings and facilities, Government property, Law enforcement officers, Postal Service, Security measures.

■ In view of the considerations discussed above, the Postal Service adopts the following amendment to 39 CFR part 232.

PART 232—CONDUCT ON POSTAL PROPERTY

■ 1. The authority citation for part 232 continues to read as follows:

Authority: 18 U.S.C. 13, 3061; 21 U.S.C. 802, 844; 39 U.S.C. 401, 403(b)(3), 404(a)(7), 1201(2).

■ 2. In § 232.1, paragraph (l) is revised to read as follows:

§ 232.1 Conduct on postal property.

* * * * *

(l) *Weapons and explosives.* Notwithstanding the provisions of any other law, rule or regulation, no person while on postal property may carry firearms, other dangerous or deadly weapons, or explosives, either openly or concealed, or store the same on postal property, except for official purposes.

* * * * *

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. E7–4803 Filed 3–15–07; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2006–0542; FRL–8285–3]

Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Cook Composites and Polymers Company

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is approving Wisconsin's April 25, 2006, submittal of a source specific revision to revise its State Implementation Plan (SIP) for the control of volatile organic compounds. The revision consists of language contained in an Administrative Decision, dated February 24, 2005, approving an equivalent control system to meet reasonably available control technology (RACT) emission control requirements for Cook Composites and Polymers Company located in Saukville, Wisconsin, in Ozaukee County.

DATES: This direct final rule will be effective May 15, 2007, unless EPA receives adverse comments by April 16, 2007. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2006–0542, by one of the following methods:

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

2. *E-mail: mooney.john@epa.gov.*

3. *Fax:* (312) 886–5824.

4. *Mail:* John M. Mooney, Chief, Criteria Pollutant Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

5. *Hand Delivery:* John M. Mooney, Chief, Criteria Pollutant Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m. excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R05–OAR–2006–0542. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or e-mail. The www.regulations.gov Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *www.regulations.gov* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the www.regulations.gov index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in www.regulations.gov or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. We recommend that you telephone Charles Hatten, Environmental Engineer, at (312) 886–6031 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Charles Hatten, Environmental Engineer, Criteria Pollutant Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6031, *Hatten.Charles@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

I. General Information
II. Review of Wisconsin's Plan
III. What Change is Wisconsin Requesting?
IV. Why is the Request Approvable?
V. What Action is EPA Taking Today?
VI. Statutory and Executive Order Reviews

I. General Information

This rulemaking applies to Cook Composites and Polymers Company located in Saukville, Wisconsin, in Ozaukee County, and the control of volatile organic compounds (VOC) emissions from its synthetic resin manufacturing operations. The revision consists of language contained in a Administrative Decision (AM–05–200), dated February 24, 2005, approving the use of a high efficiency thermal oxidizer as an equivalent control system to meet VOC reasonably available control technology (RACT) emission control requirements in section NR 412.05(2)(a)(2) of the Wisconsin Administrative Code.

II. Review of Wisconsin's Plan

Wisconsin's Current SIP

On August 15, 1994, EPA approved rule NR 421.05 of the Wisconsin Administrative Code, as a VOC RACT requirement to control emissions from synthetic resin manufacturing facilities. See **Federal Register** 59 FR 41709. Under the existing federally-approved SIP for Wisconsin, the requirements in NR 421.05 apply to stationary sources located in the counties of Kenosha, Milwaukee, Ozaukee, Racine, Washington and Waukesha.

Applicability of Wisconsin Rule NR 412.05

In chapter NR 421 of Wisconsin Administrative Code, section NR 421.05, this VOC RACT requirement specifically applies to the control of VOC emissions from ''reaction tanks, thinning tanks, blending tanks and other process vessels used in any synthetic resin manufacturing facility.'' The RACT rule prescribes the use of a surface condenser system for control of VOC emissions, but also allows for the use of an alternative control technology. The rule establishes a procedure for the State and EPA approval of alternative control technology. Section NR 421.05(2)(a) states, ''any equally effective control method or equivalent system approved by the department under this paragraph shall be submitted to, and will not become effective for federal purposes until approved by, the administrator or designee as a source-specific revision to the department's state implementation plan for ozone. The emission control system shall be one of the following:

1. A surface condenser, or equally effective control device approved by the department, and a vapor recovery or control system that reduces emissions from the surface condenser or equally effective device by 85%.

2. An equivalent system or approach demonstrated to reliably control emissions from a process that does not include a condenser by not less than 90% as approved by the department.''

III. What Change Is Wisconsin Requesting?

On April 25, 2006, Wisconsin submitted to EPA a source specific SIP revision in the form of an Administrative Decision (AM–05–200) requesting approval to establish VOC RACT requirements for Cook Composites and Polymers Company, applicable to its synthetic resin manufacturing facility. Because Cook Composites and Polymers Company installed a thermal oxidizer instead of a surface condenser system as an emission control system, section NR 421.05(2)(a) requires Wisconsin to submit a request to EPA to approve the use of the thermal oxidizer as a source specific revision to Wisconsin's SIP. The VOC RACT requirement in section NR 421.05(2)(a)(2) requires an ''equivalent control system or approach demonstrated to reliably control VOC emissions from a process that does not include a condenser by not less than 90%.'' The Administrative Decision (AM–05–200) includes a decision by the State of Wisconsin approving the use of

a high-efficiency thermal oxidizer to meet the VOC RACT emission control requirement in section NR 421.05(2)(a)(2).

IV. Why Is the Request Approvable?

The findings of fact contained in the Administrative Decision (AM–05–200), along with a copy of the compliance emission test report, show that the thermal oxidizer meets VOC RACT emission control requirements contained in section NR 421.05(2)(a)(2). The test to determine the thermal oxidizer's VOC destruction and removal efficiency demonstrated an average VOC destruction and removal efficiency of 99.7%, well within the parameters of ''an equivalent system or approach demonstrated to reliably control emissions from a process that does not include a condenser by not less than 90%.''

V. What Action Is EPA Taking Today?

Based on the rationale set forth above, EPA is approving the revision to the Wisconsin SIP regarding Administrative Decision (AM–05–200), concerning Cook Composites and Polymers Company (synthetic resin manufacturing facility) and its use of a high-efficiency thermal oxidizer to be an equivalent control system or approach to meet VOC RACT emission control requirements contained in section NR 421.05(2)(a)(2).

We are publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the state plan if relevant adverse written comments are filed. This rule will be effective May 15, 2007 without further notice unless we receive relevant adverse written comments by April 16, 2007. If we receive such comments, we will withdraw this action before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. The EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. If we do not receive any comments, this action will be effective May 15, 2007.

VI. Statutory and Executive Order Reviews

Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and, therefore, is not subject to review by the Office of Management and Budget.

Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

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

Regulatory Flexibility Act

This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Unfunded Mandates Reform Act

Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (59 FR 22951, November 9, 2000).

Executive Order 13132: Federalism

This action also does not have Federalism implications because it does not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act.

Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

National Technology Transfer Advancement Act

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

Paperwork Reduction Act

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

Congressional Review Act

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 15, 2007. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Reporting and recordkeeping requirements, Ozone, and Volatile organic compounds.

Dated: February 27, 2007.

Steve Rothblatt,

Acting Regional Administrator, Region 5.

■ For the reasons stated in the preamble, part 52, chapter I, of title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart YY—Wisconsin

■ 2. Section 52.2570 is amended by adding paragraph (c)(115) to read as follows:

§ 52.2570 Identification of plan.

* * * * *

(c) * * *

(115) On April 25, 2006, Wisconsin submitted source specific SIP revision to revise its State Implementation Plan (SIP) for the control of volatile organic compounds (VOC) from synthetic resin manufacturing operations. The revision consists of language contained in an Administrative Decision (AM–05–200), dated February 24, 2005, approving the use of a high efficiency thermal oxidizer as an equivalent control system or approach to meet VOC RACT emission control requirements for Cook Composites and Polymers Company located in Saukville, Wisconsin, in Ozaukee County.

(i) Incorporation by reference.

(A) The Administrative Decision (AM–05–200), dated February 24, 2005, issued by the Wisconsin Department of Natural Resources, establishes VOC RACT for Cook Composites and Polymers Company synthetic resin manufacturing facility located in Saukville, Wisconsin, in Ozaukee County.

[FR Doc. E7–4771 Filed 3–15–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R01–RCRA–2007–0135; FRL–8287–8]

Vermont: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: The State of Vermont has applied to EPA for final authorization of certain changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has determined that these changes satisfy all requirements needed to qualify for final authorization, and is authorizing the State's changes through this immediate final action.

DATES: This final authorization will become effective on May 15, 2007 unless EPA receives adverse written comment by April 16, 2007. If EPA receives such comment, it will publish a timely withdrawal of this immediate final rule in the **Federal Register** and inform the public that this authorization will not take immediate effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–RCRA–2007–0135, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: leitch.sharon@epa.gov*
- *Fax:* (617) 918–0647, to the attention of Sharon Leitch
- *Mail:* Sharon Leitch, Hazardous Waste Unit, EPA Region 1, One Congress Street, Suite 1100 (CHW), Boston, MA 02114–2023
- *Hand Delivery or Courier:* Deliver your comments to: Sharon Leitch, Hazardous Waste Unit, Office of Ecosystem Protection, EPA Region 1, One Congress Street, 11th Floor, (CHW), Boston, MA 02114–2023. Such deliveries are only accepted during the Office's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Identify your comments as relating to Docket ID No. EPA–R01–RCRA–2007–0135. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or claimed to be other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or e-mail. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *www.regulations.gov,* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: EPA has established a docket for this action under Docket ID No. EPA–R01–RCRA–2007–0135. All documents in the docket are listed on the *www.regulations.gov* Web site. Although it may be listed in the index, some information might not be 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 electronically through *www.regulations.gov* or in hard copy at the following two locations: aves\rules.xml(i) EPA Region 1 Library, One Congress Street–11th Floor, Boston, MA 02114–2023; by appointment only; tel: (617) 918–1990; and (ii) Agency of Natural Resources, 103 South Main Street–West Office Building, Waterbury, Vermont, 05671–0404; Business Hours: 7:45 AM to 4:30 PM, Monday through Friday; tel: (802) 241–3888.

FOR FURTHER INFORMATION CONTACT: Sharon Leitch, Hazardous Waste Unit, EPA Region 1, One Congress Street, Suite 1100 (CHW), Boston, MA 02114–

2023, telephone number: (617) 918–1647; fax number: (617) 918–0647, e-mail address: *leitch.sharon@epa.gov*.

SUPPLEMENTARY INFORMATION:

A. Why Are Revisions to State Programs Necessary?

States which have received final authorization from EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal program. As the Federal program changes, States must change their programs and ask EPA to authorize the changes. Changes to State programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, States must change their programs because of changes to EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 266, 268, 270, 273 and 279.

B. What Decisions Have We Made in This Rule?

We have concluded that Vermont's application to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA. Therefore, we grant Vermont final authorization to operate its hazardous waste program with the changes described in the authorization application. Vermont has responsibility for permitting Treatment, Storage, and Disposal Facilities (TSDFs) within its borders and for carrying out the aspects of the RCRA program covered by its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (HSWA). New Federal requirements and prohibitions imposed by Federal regulations that EPA promulgates under the authority of HSWA take effect in authorized States before they are authorized for the requirements. Thus, EPA will implement any such requirements and prohibitions in Vermont, including issuing permits, until the State is granted authorization to do so.

C. What Is the Effect of Today's Authorization Decision?

The effect of this decision is that a facility in Vermont subject to RCRA will now have to comply with the authorized State requirements instead of the equivalent Federal requirements in order to comply with RCRA. Vermont has enforcement responsibilities under its State hazardous waste program for violations of such program, but EPA also retains its full authority under RCRA sections 3007, 3008, 3013, and 7003, which includes, among others, authority to:

- Perform inspections, and require monitoring, tests, analyses or reports
- Enforce RCRA requirements and suspend or revoke permits
- Take enforcement actions

This action does not impose additional requirements on the regulated community because the regulations for which Vermont is being authorized by today's action are already effective under state law, and are not changed by today's action.

D. Why Wasn't There a Proposed Rule Before Today's Rule?

EPA did not publish a proposal before today's rule because we view this as a routine program change and do not expect adverse comments that oppose this approval. We are providing an opportunity for public comment now. In addition to this rule, in the proposed rules section of today's **Federal Register** we are publishing a separate document that proposes to authorize the State program changes.

E. What Happens if EPA Receives Comments That Oppose This Action?

If EPA receives comments that oppose this authorization, we will withdraw this rule by publishing a document in the **Federal Register** before the rule becomes effective. EPA will base any further decision on the authorization of the State program changes on the proposal mentioned in the previous paragraph. We will then address all public comments in a later final rule based upon this proposed rule that also appears in today's **Federal Register.** You may not have another opportunity to comment. If you want to comment on this authorization, you should do so at this time.

If we receive adverse comments that oppose only the authorization of a particular change to the State hazardous waste program, we will withdraw that part of this rule but the authorization of the program changes that the comments do not oppose will become effective on the date specified above. The **Federal Register** withdrawal document will specify which part of the authorization will become effective, and which part is being withdrawn.

F. What Has Vermont Previously Been Authorized for?

The State of Vermont initially received final authorization on January 7, 1985, with an effective date of January 21, 1985 (50 FR 775) to implement the RCRA hazardous waste management program. The Region published an immediate final rule for certain revisions to Vermont's program on May 3, 1993 (58 FR 26242) and reopened the comment period for these revisions on June 7, 1993 (58 FR 31911). This authorization became effective August 6, 1993 (58 FR 31911). The Region granted authorization for further revisions to Vermont's program on September 24, 1999 (64 FR 51702), effective November 23, 1999. On October 18, 1999 (64 FR 46174) the Region published a correction to the immediate final rule that was published on September 24, 1999. The Region granted authorization for further revisions to Vermont's program on October 26, 2000, effective December 26, 2000 (65 FR 64164). That **Federal Register** also made a technical correction. On June 23, 2005 (70 FR 36350) the Region published an immediate final rule for additional revisions to Vermont's program. This authorization became effective on August 22, 2005.

G. What Changes Are We Authorizing With Today's Action?

On January 31, 2007, Vermont submitted a final complete program revision application, seeking authorization for their changes in accordance with 40 CFR 271.21. In particular, Vermont is seeking authorization for updated State regulations addressing federal requirements added from July 1, 2003 through June 30, 2005, plus federal manifest rule changes, and the federal dyes and pigments listing, which took effect after June 30, 2005. Vermont is also seeking authorization for various changes it recently has made to its base program regulations. Finally, Vermont is seeking authorization for an additional extension of the special regulations governing the New England Universities' Laboratories XL project.

We are now making an immediate final decision, subject to reconsideration only if we receive written comments that oppose this action, that Vermont's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Therefore, we grant Vermont final authorization for the following program changes. First, we are authorizing State regulations that track federal regulations adopted since July 1, 2003, as follows (the Federal Citation is followed by the analog from chapter 7 of the Vermont Environmental Protection Rules (Hazardous Waste Management Regulations), effective October 15, 2006): Federal: Recycled Used Oil Management Standards-Revisions [68 FR 44659, 7/30/03] (Checklist 203)—State: 7–805(d) and sections 7–809(c)(1)

and (c)(2)(A) through (C); Federal: National Environmental Performance Track Program and Corrections [69 FR 21737, 4/22/04, and 69 FR 62217, 10/25/04] (Checklist 204)—State: 7–308(b)(2)(D); Federal: Nonwastewaters from Dyes and Pigments and Corrections [70 FR 9138, 2/24/05 and 70 FR 35032, 6/16/05] (Checklist 206)—State: 7–106, Appendix I , Appendix II, and Appendix IX; and, Federal: Uniform Hazardous Waste Manifest Rule and Corrections [70 FR 10776, 3/4/05 and 70 FR 35034, 6/16/05] (Checklist 207)—State: 7–103; 7–109(b)(3); 7–203(j); 7–203(j)(1)(B) and (C); 7–309(b)(1)(C); 7–309(b)(8); 7–504(e)(1); 7–510(c)(1); 7–702(a)(1); 7–702(b)(3); 7–702(b)(3)(A) and (B); 7–703(a); 7–703(b)(6) and (7); 7–704(a); 7–704(b); 7–704(b)(1), (2), (3), (6) and (7); 7–704(c), (d) and (f); 7–704(g)(1); 7–704(g)(1)(A), (B) and (C); 7–704(g)(2), (3), and (4); 7–704(h); 7–704(h)(1) through (7); 7–705(b)(7)(C) and (E); 7–705(c)(1) and (3); 7–706(b)(3), (4), and (5); and, Appendix V.

In addition to the regulations listed above, there are various previously authorized State program regulations to which the State has made changes. The EPA is also authorizing these changes. These changes are as follows: Federal: 40 CFR part 260–279—State: (general update to incorporation by reference) 7–109(a); Federal: Regulation of materials used in a manner constituting disposal, 40 CFR 261.2(c)(1)(i)—State: Revised and clarified, 7–204(a)(2)(A); Federal: Regulation of materials burned for energy recovery, 40 CFR 261.2(c)(2)(i)—State: Revised and clarified, 7–204(a)(2)(B); Federal: Exemption for certain commercial chemical products applied to the land, 40 CFR 261.2(c)(1)(ii)—State: Added and clarified, 7–204(k); Federal: Exemptions for commercial chemical products being reclaimed, 40 CFR 261.2(c)(3) and for certain commercial chemical products burned as fuels, 261.2(c)(2)(ii)—State: Added and clarified, 7–204(l); Federal: the definition of used oil, 40 CFR 279.1—State: Revised and clarified, 7–103 and 7–802; Federal: Generator requirements, 40 CFR 262.34—State: Revised and clarified the generator change in status notification requirement, 7–104(c); Federal: Marking requirements, 40 CFR 262.32 reflecting the hazardous waste determination at 262.11—State: Clarification, 7–202; Federal: Exemption for certain petroleum contaminated media and debris, 261.4(b)(10)—State: Clarified and more stringent, 7–203(p) and added definition of media, 7–103; Federal: Representative sampling methods, 40 CFR 261 Appendix I—State: Incorporation by reference, 7–219(c); Federal: Generator manifest requirements, 40 CFR 262.20—State: Clarification, 7–304(c); Federal, generator emergency response, 40 CFR 262.34(a)(4), incorporating 40 CFR part 265, Subpart D, and 40 CFR 262.34(d)—State: Clarification, 7–307(c)(10), 7–308(b)(2)(D), and 7–308(b)(11); Federal: Generator tank system closure, 40 CFR 262.34(a)(1)(ii), incorporating 40 CFR part 265, subpart J—State: Revised 7–309(c); Federal, transporter transfer facility requirements, 40 CFR 263.12—State, added and more stringent, 7–404–(c)(3); Federal: State authorization for consolidation of CESQG waste at certain small and large quantity generators, 261.5(g)(3)(iii)—State: Clarification, 7–502(q); and, additional requirements regarding 40 CFR parts 260–279—State: Allowance for the State to impose additional requirements on a case by case basis, 7–512. Note: Depending upon the nature of the requirements, the additional requirements may be more stringent than the federal program or they may be broader in scope.

The State has also made changes to its previously authorized Project XL regulations. The EPA is also authorizing these changes. These changes are as follows: Federal: Extension of the Project XL Site-specific Rulemaking for University Laboratories, 40 CFR 262.108—State: 7–109(c); Federal: Project XL requirements, 40 CFR 262.100–262.107—State: revised and clarified, 7–109(c). The Vermont Project XL regulations were originally authorized by the EPA and became part of the Federally enforceable VT RCRA program on October 26, 2000. See 65 FR 64164. Specifically, we are now authorizing an extension of approximately two and a half years to April 15, 2009. EPA amended its Federal regulations to extend the expiration date of the XL Project from September 30, 2006 to a new date of April 15, 2009. See 71 FR 35547. The State has adopted an extension of six years to September 30, 2012. The EPA is only able to authorize the extension for two and a half years at this time, but could consider another Federal extension should a longer one prove necessary. EPA believes an extension is appropriate since it has recently proposed a national set of alternative regulations for academic laboratories (see 71 FR 29712, May 23, 2006) and, pending promulgation of a national rule, the extension will allow the universities currently participating in the Labs XL Project to continue to build upon the successes of the project and not have to terminate their participation in the Project. The current extension of the expiration date also should be accompanied by an updated Final Project Agreement (FPA) for this XL Project. We anticipate that the FPA will be updated (for this interstate Vermont-Massachusetts project) by the time that the EPA authorizes the Commonwealth of Massachusetts for changes it will be making to its hazardous waste program regulations. EPA expects that this will occur in the spring of 2007.

The final authorization of new State regulations and regulation changes is in addition to the previous authorization of State regulations, which remain part of the authorized program.

H. Where Are the Revised State Rules Different From the Federal Rules?

The most significant differences between the State rules being authorized and the Federal rules are summarized below. It should be noted that this summary does not describe every difference, or every detail regarding the differences that are described. Members of the regulated community are advised to read the complete regulations to ensure that they understand all of the requirements with which they will need to comply.

1. More Stringent Provisions

There are aspects of the Vermont program which are more stringent than the Federal program. All of these more stringent requirements are, or will become, part of the Federally enforceable RCRA program when authorized by the EPA and must be complied with in addition to the State requirements which track the minimum Federal requirements. These more stringent requirements include the following: (a) There is no State analog to the Federal rule at 40 CFR 261.5(j) because the State does not exempt conditionally exempt small quantity generators from the hazardous waste regulations; (b) Vermont does not include the exclusion for leachate or gas condensate generated at non-hazardous landfills which is derived from previously disposed and newly-listed hazardous wastes (40 CFR 261.4(b)(15)) in their rules; (c) the State exemption at 7–203(p) for petroleum contaminated media and debris includes additional conditions that are not included in the Federal exemption at 40 CFR 261.4(b)(10); (d) Vermont is also more stringent by not adopting the following optional rule: NESHAPS—Surface Coating of Automobiles and Light Duty Trucks, Checklist 205; and, (e) the State has revised its language regarding commercial chemical product fuels in 7–204(a)(2), (k) and (l). The revised

State exemption is equivalent to the combination of the Federal exemption for commercial chemical product fuels being burned for energy recovery and the Federal exemption for commercial chemical products being reclaimed, in 40 CFR 261.2(c)(2)(ii) and (c)(3), respectively. However, Vermont does not have the general exemption for commercial chemical products being reclaimed, but is adopting the exemption for commercial chemical products being reclaimed only when they are reclaimed to produce fuels, e.g., when water is removed from an off-spec unused fuel so that it can be burned. The State is more stringent in that it attaches conditions to the exemption for certain commercial chemical products burned as fuels.

2. Partially Broader in Scope Provisions

There are also aspects of the Vermont program which are partially broader in scope than the Federal program. The portion of the State requirements which are broader in scope are not considered to be part of the Federally enforceable RCRA program. However, they are fully enforceable under State law and must be complied with by sources in Vermont. The various changes Vermont has made to its previously authorized base program regulations include partially broader in scope provisions. These provisions involve the State requirements for generator closure at 7–309(c). The State revised their requirements for generator closure with this update. The requirements are partially broader in scope since they apply to all generator closures and not just to closure of generator tanks systems as is the case under the Federal program.

I. Who Handles Permits After the Authorization Takes Effect?

Vermont will issue permits for all the provisions for which it is authorized and will administer the permits it issues. EPA will continue to administer and enforce any RCRA and HSWA (Hazardous and Solid Waste Act) permits or portions of permits which it has issued in Vermont prior to the effective date of this authorization until the State incorporates the terms and conditions of the federal permits into the State RCRA permits. EPA will not issue any more new permits, or new portions of permits, for the provisions listed in this notice above after the effective date of this authorization. EPA will continue to implement and issue permits for any HSWA requirements for which Vermont is not yet authorized.

J. What Is Codification and Is EPA Codifying Vermont's Hazardous Waste Program as Authorized in This Rule?

Codification is the process of placing the State's statutes and regulations that comprise the State's authorized hazardous waste program into the Code of Federal Regulations. We do this by referencing the authorized State rules in 40 CFR Part 272. We reserve the amendment of 40 CFR Part 272, Subpart UU for this authorization of Vermont's program until a later date.

K. Administrative Requirements

The Office of Management and Budget has exempted this action (RCRA State Authorization) from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993); therefore, this action is not subject to review by OMB. This action authorizes State requirements for the purpose of RCRA 3006 and imposes no additional requirements beyond those imposed by State law. Accordingly, I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this action authorizes pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This action 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 (64 FR 43255, August 10, 1999), because it merely authorizes State requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks. 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.

Under RCRA 3006(b), EPA grants a State's application for authorization as long as the State meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a State authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 F.R. 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this document 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 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 action nevertheless will be effective 60 days after it is published, because it is an immediate final rule.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: March 1, 2007.

Robert W. Varney,

Regional Administrator, EPA New England.

[FR Doc. E7–4774 Filed 3–15–07; 8:45 am]

BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION

41 CFR Part 102–37

[FMR Amendment 2007–02; FMR Case 2007–102–1; Docket 2007–001; Sequence 1]

RIN 3090–AI30

Federal Management Regulation; FMR Case 2007–102–1, Donation of Surplus Personal Property—Historic Light Stations

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 incorporating the provisions in Public Law 109–313 regarding donations to historic light stations.

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

FOR FURTHER INFORMATION CONTACT: Mr. Robert Holcombe, Office of Governmentwide Policy, Office of Travel, Transportation, and Asset Management (MT), 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 2007–02, FMR Case 2007–102–1.

SUPPLEMENTARY INFORMATION:

A. Background

Public Law 109–313, known as the General Services Administration Modernization Act, revised certain provisions of title 40 U.S.C. 549. This final rule reflects the changes made by Public Law 109–313.

B. Executive Order 12866

The General Services Administration (GSA) has determined that this final rule is not a significant regulatory action for the purposes of Executive Order 12866.

C. Regulatory Flexibility Act

This final rule is not required to be published in the **Federal Register** for comment. Therefore, the Regulatory Flexibility Act does not apply.

D. Paperwork Reduction Act

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

E. Small Business Regulatory Enforcement Fairness Act

This final rule is exempt from Congressional review under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 41 CFR Part 102–37

Government property management, Surplus government property.

Dated: January 3, 2007.

Lurita Doan,

Administrator of General Services.

■ For the reasons set forth in the preamble, GSA amends 41 CFR part 102–37 as set forth below:

PART 102–37—DONATION OF SURPLUS PERSONAL PROPERTY

■ 1. The authority citation for 41 CFR part 102–37 continues to read as follows:

Authority: 40 U.S.C. 549 and 121(c).

■ 2. Amend § 102–37.380 by adding paragraph (b)(17) to read as follows:

§ 102–37.380 What is the statutory authority for donation of surplus Federal property made under this subpart?

* * * * *

(b) * * *

(17) Historic light stations as defined under section 308(e)(2) of the National Historic Preservation Act (16 U.S.C. 470w–7(e)(2)), including a historic light station conveyed under subsection (b) of that section, notwithstanding the number of hours that the historic light station is open to the public.

* * * * *

■ 3. Amend Appendix C to part 102–37 by alphabetically adding the definition ''Historic light station'' to read as follows:

Appendix C to Part 102–37—Glossary of Terms for Determining Eligibility of Public Agencies and Nonprofit Organizations

* * * * *

Historic light station means a historic light station as defined under section 308(e)(2) of the National Historic Preservation Act 16 U.S.C. 470w–7(e)2), including a historic light station conveyed under subsection (b) of that section, notwithstanding the number of hours that the historic light station is open to the public.

* * * * *

[FR Doc. E7–4845 Filed 3–15–07; 8:45 am]

BILLING CODE 6820–14–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 060314069–6069–01; I.D. 031307A]

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Elephant Trunk Scallop Access Area to General Category Scallop Vessels

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS announces that the Elephant Trunk Scallop Access Area (ETAA) will close to general category scallop vessels until it re-opens on March 1, 2008. This action is based on the determination that 865 general category scallop trips into the ETAA are projected to be taken as of 0001 hr local time, March 15, 2007. This action is being taken to prevent the allocation of general category trips in the ETAA from being exceeded during the 2007 fishing year, in accordance with the regulations implementing Framework 18 to the Atlantic Sea Scallop Fishery Management Plan (FMP) and the Magnuson-Stevens Fishery Conservation and Management Act.

DATES: The closure of the ETAA to all general category scallop vessels is effective 0001 hr local time, March 15, 2007, through February 29, 2008.

FOR FURTHER INFORMATION CONTACT: Ryan Silva, Fishery Management Specialist, (978) 281–9326, fax (978) 281–9135.

SUPPLEMENTARY INFORMATION: Regulations governing fishing activity in the Sea Scallop Access Areas are found at §§ 648.59 and 648.60. Regulations specifically governing general category scallop vessel operations in the ETAA are specified at ' 648.59(e)(4)(ii). These regulations authorize vessels issued a valid general category scallop permit to fish in the ETAA under specific conditions, including a cap of 865 trips that may be taken by general category

vessels during the 2007 fishing year. The regulations at § 648.59(e)(4)(ii) require the ETAA to be closed to general category scallop vessels once the Northeast Regional Administrator has determined that the allowed number of trips are projected to be taken.

Based on Vessel Monitoring System (VMS) trip declarations by general category scallop vessels fishing in the ETAA, and analysis of fishing effort, a projection concluded that, given current activity levels by general category scallop vessels in the area, the trip cap will be attained on March 15, 2007. Therefore, in accordance with the regulations at § 648.59(e)(4)(ii), the ETAA is closed to all general category scallop vessels as of 0001 hr local time, March 15, 2007. This closure is in effect for the remainder of the 2007 scallop fishing year. The ETAA is scheduled to re-open to scallop fishing, including trips for general category scallop vessels, on March 1, 2008, unless the schedule for scallop access areas is modified by the New England Fishery Management Council.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

This action closes the ETAA to all general category scallop vessels until February 29, 2008. The regulations at § 648.59(e)(4)(ii) allow such action to ensure that general category scallop vessels do not take more than their allocated number of trips in the ETAA. The ETAA opened for the 2007 fishing year at 0001 hours on March 1, 2007. Data indicating the general category scallop fleet has taken all of the ETAA trips have only recently become available. To allow general category scallop vessels to continue to take trips in the ETAA during the period necessary to publish and receive comments on a proposed rule would result in vessels taking much more than the allowed number of trips in the ETAA. Excessive trips and harvest from the ETAA would result in excessive fishing effort in the ETAA, where effort controls are critical, thereby undermining conservation objectives of the FMP. Should excessive effort occur in the ETAA, future management measures would need to be more restrictive. Based on the above, under 5 U.S.C. 553(d)(3), proposed rulemaking is waived because it would be impracticable and contrary to the public interest to allow a period for public comment. Furthermore, for the same reasons, there is good cause under 5 U.S.C 553(d)(3) to waive the 30–day delayed effectiveness period for this action.

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

Dated: March 13, 2007.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 07–1304 Filed 3–13–07; 3:30 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 72, No. 51
Friday, March 16, 2007

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–27295; Directorate Identifier 2007–CE–013–AD]

RIN 2120–AA64

Airworthiness Directives; DORNIER LUFTFAHRT GmbH Models Dornier 228–100, Dornier 228–101, Dornier 228–200, Dornier 228–201, Dornier 228–202, and Dornier 228–212 Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed AD results from mandatory continuing airworthiness information (MCAI) 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:

During a maintenance inspection, cracks were found on the centre section of fuselage frame 19. The investigation on the root cause is still in progress. Fuselage frame 19 supports the rear side of the main landing gear (MLG). This condition, if not corrected, could cause collapse of frame 19, leading to subsequent collapse of a MLG.

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 16, 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: Go to *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 Schletzabaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4146; fax: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Streamlined Issuance of AD

The FAA is implementing a new process for streamlining the issuance of ADs related to MCAI. 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–2007–27295; Directorate Identifier 2007–CE–013–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD No: 2007–0028, dated February 5, 2007 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

During a maintenance inspection, cracks were found on the centre section of fuselage frame 19. The investigation on the root cause is still in progress. Fuselage frame 19 supports the rear side of the main landing gear (MLG). This condition, if not corrected, could cause collapse of frame 19, leading to subsequent collapse of a MLG.

The MCAI requires:

Since an unsafe condition has been identified that may exist or develop on other aircraft of the type design, this Airworthiness Directive (AD) requires a visual inspection of the affected fuselage frame and, if discrepancies are found, reporting the results to the TC holder. This is considered to be an interim action.

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

Relevant Service Information

DORNIER LUFTFAHRT GmbH has issued Dornier 228 RUAG Alert Service Bulletin No. ASB–228–266, dated December 1, 2006. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another

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

Differences Between This Proposed AD and the MCAI or Service Information

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

We might also have proposed different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are 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 19 products of U.S. registry. We also estimate that it would take about 6 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 $9,120, or $480 per product.

In addition, this proposed AD may require follow-on actions. We have no way of determining the cost of those follow-on actions or the number of products that may need these actions.

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:

DORNIER LUFTFAHRT GmbH: Docket No. FAA–2007–27295; Directorate Identifier 2007–CE–013–AD.

Comments Due Date

(a) We must receive comments by April 16, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Dornier 228–100, Dornier 228–101, Dornier 228–200, Dornier 228–201, Dornier 228–202, and Dornier 228–212 airplanes, all serial numbers, certificated in any category.

Subject

(d) Air Transport Association of America (ATA) Code 53: Fuselage.

Reason

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

During a maintenance inspection, cracks were found on the centre section of fuselage frame 19. The investigation on the root cause is still in progress. Fuselage frame 19 supports the rear side of the main landing gear (MLG). This condition, if not corrected, could cause collapse of frame 19, leading to subsequent collapse of a MLG.

Actions and Compliance

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

(1) For all airplanes, within 25 hours time-in-service (TIS) after the effective date of this AD, visually inspect the affected fuselage frame 19 using the instructions in Dornier 228 RUAG Alert Service Bulletin No. ASB–228–266, dated December 1, 2006.

(2) If any crack is found during the inspection required in paragraph (f)(1) of this AD, before further flight, contact RUAG Aerospace Services GmbH, Dornier 228 Customer Support, P.O. Box 1253, 82231 Wessling, Germany; telephone: +49–(0)8153–30–2280; fax: +49–(0)8153–30–3030; e-mail: *customersupport.dornier228@ruag.com* for FAA-approved repair instructions and incorporate the repair on the airplane.

Note 1: This is considered interim action. The State of Design and DORNIER LUFTFAHRT GmbH are looking at a possible repetitive inspection program and/or modification program to address this condition for the long-term. In the meantime, the FAA recommends that you incorporate the above inspection into your regular maintenance program.

FAA AD Differences

Note 2: This AD differs from the MCAI and/or service information as follows:

(1) The MCAI requires different compliance times for airplanes operated in different conditions. The FAA is not able to enforce compliance times based on airplane operations since there is no way of determining the amount of operations in different conditions. To ensure the unsafe condition is addressed adequately and timely, we are requiring the inspection for all airplanes at 25 hours TIS.

(2) The MCAI allows flight with known cracks provided they do not exceed a certain limit. FAA policy does not allow flight with cracks in primary structure. Since the fuselage is considered primary structure, we are mandating repair before further flight after any crack is found.

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 Schletzabaum, 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. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

(3) *Reporting Requirements:* For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act (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 European Aviation Safety Agency (EASA) AD No: 2007–0028, dated February 5, 2007; and Dornier 228 RUAG Alert Service Bulletin No. ASB–228–266, dated December 1, 2006, for related information.

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

David R. Showers,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–4850 Filed 3–15–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–27595; Directorate Identifier 2006–NM–248–AD]

RIN 2120–AA64

Airworthiness Directives; Saab Model SAAB 2000 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed AD results from mandatory continuing airworthiness information (MCAI) 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 revealed that the control surface balancing procedure in the * * * SAAB 2000 SRM (structural repair manual) * * * is incorrect.

* * * * *

Incorrect balance, outside the tolerance of the aileron control surface, may lead to vibrations that in [the] worst case can result in flutter.

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 16, 2007.

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

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

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Mike Borfitz, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–2677; fax (425) 227–1149.

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–2007–27595; Directorate Identifier 2006–NM–248–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Emergency Airworthiness Directive 2006–0053–E, dated February 22, 2006 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

It has been revealed that the control surface balancing procedure in the web and CD/DVD versions of the SAAB 2000 SRM (structural repair manual) Chapter 51–60–00, Control Surface Balancing Procedure is incorrect. The incorrect Calculation formula (pages 1, 4 and 7) was incorporated in Revision 21 of the SRM dated April 01/05 and was distributed in 4 July 2005 on the CD/DVD issue Apr. 01/05.

In the incorrect formula, an ''x'' (multiplication) has been replaced with a ''+'' (addition) when the data was converted in the system and if this formula is followed, you may receive a result outside of the allowed tolerance.

Incorrect balance, outside the tolerance of the aileron control surface, may lead to vibrations that in [the] worst case can result in flutter.

The hard copy of the manual, SAAB 2000 SRM, is correct.

The CD/DVD dated Oct 01/05, marked ''Reissue'', includes a correct SAAB SRM revision 22.

The corrective action includes identifying ailerons that have been balanced after July 4, 2005. If balanced incorrectly, they must be rebalanced. You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Saab has issued Service Bulletin 2000–57–040, dated February 23, 2006. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

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

Differences Between This AD and the MCAI or Service Information

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

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

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 3 products of U.S. registry. We also estimate that it would take about 1 work-hour per product to identify ailerons that have been balanced after July 4, 2005. The average labor rate is $80 per work-hour. Based on these figures, we estimate the cost of the proposed AD for U.S. operators to be $240, or $80 per product.

In addition, we estimate that any necessary follow-on actions would take about 20 work-hours, for a cost of $1,600 per product. We have no way of determining the number of products that may need these actions.

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:

Saab Aircraft AB: Docket No. FAA–2007–27595; Directorate Identifier 2006-NM–248-AD.

Comments Due Date

(a) We must receive comments by April 16, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Saab Model SAAB 2000 airplanes, certificated in any category, ranging from serial number -004 through -063, on which aileron, P/N (part number) 7357600–501/502, P/N 7357600–503/504, P/N 7357600–505/506, P/N 7357600–507/508, P/N 7357991–601/602, P/N 7357991–603/604, P/N 7357991–605/606, P/N 7357995–843/844, or P/N 7357995–927/928, is installed.

Subject

(d) Wings.

Reason

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

It has been revealed that the control surface balancing procedure in the web and CD/DVD versions of the SAAB 2000 SRM (Structural Repair Manual) Chapter 51–60–00, Control Surface Balancing Procedure is incorrect. The incorrect Calculation formula (page 1, 4 and 7) was incorporated in Revision 21 of the SRM dated April 01/05 and was distributed in 4 July 2005 on the CD/DVD issue Apr. 01/05.

In the incorrect formula, an ''x'' (multiplication) has been replaced with a ''+'' (addition) when the data was converted in the system and if this formula is followed, you may receive a result outside of the allowed tolerance.

Incorrect balance, outside the tolerance of the aileron control surface, may lead to vibrations that in [the] worst case can result in flutter.

The hard copy of the manual, SAAB 2000 SRM, is correct.

The CD/DVD dated Oct 01/05, marked ''Reissue'', includes a correct SAAB SRM revision 22.

The corrective action includes identifying ailerons that have been balanced after July 4, 2005 until the effective date of this AD. If balanced incorrectly, they must be rebalanced.

Actions and Compliance

(f) Within one month after the effective date of this AD, unless already done, do the following actions.

(1) Identify ailerons that have been balanced after July 4, 2005. If balanced incorrectly, they must be rebalanced before further flight in accordance with Saab Service Bulletin 2000–57–040, dated February 23, 2006.

(2) As of the effective date of this AD, the aileron balancing procedure contained in he CD/DVD ''Issue Date: Apr 01/05'' including the Saab SAAB 2000 SRM at Revision 21 and the CD/DVD ''Issue Date: Oct 01/05'' including SRM at Revision 22 may not be used.

FAA AD Differences

Note: 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, International Branch, ANM–116, FAA, ATTN: Mike Borfitz, Aerospace Engineer, 1601 Lind Avenue, SW., Renton, Washington 98057–3356, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. 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.

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

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

Related Information

(h) Refer to MCAI European Aviation Safety Agency Emergency Airworthiness Directive 2006–0053-E, dated February 22, 2006, and Saab Service Bulletin 2000–57–040, dated February 23, 2006.

Issued in Renton, Washington, on March 9, 2007.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–4862 Filed 3–15–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2007–27221; Airspace Docket No. 07–AAL–01]

Proposed Revision of Class E Airspace; Kodiak, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to revise Class E airspace at Kodiak, AK. Four Standard Instrument Approach Procedures (SIAPs) are being amended for the Kodiak Airport. A Standard Instrument Departure (SID) and a Departure Procedure (DP) are also being amended. Adoption of this proposal would result in revision of existing Class E airspace upward from the surface and from 700 feet (ft.) and 1,200 ft. above the surface at Kodiak Airport, Kodiak, AK.

DATES: Comments must be received on or before April 30, 2007.

ADDRESSES: Send comments on the proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2007–27221/Airspace Docket No. 07–AAL–01, at the beginning of your comments. You may also submit comments on the Internet at *http://dms.dot.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527) is on the plaza level of the Department of Transportation NASSIF Building at the above address.

An informal docket may also be examined during normal business hours at the office of the Manager, Safety, Alaska Flight Service Operations, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587.

FOR FURTHER INFORMATION CONTACT: Gary Rolf, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5898; fax: (907) 271–2850; e-mail: *gary.ctr.rolf@faa.gov.* Internet address: *http://www.alaska.faa.gov/at.*

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2007–27221/Airspace Docket No. 07–AAL–01.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of Notice of Proposed Rulemaking's (NPRM's)

An electronic copy of this document may be downloaded through the Internet at *http://dms.dot.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov* or the Superintendent of Document's Web page at *http://www.access.gpo.gov/nara.*

Additionally, any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration, Office of Air Traffic Airspace Management, ATA–400, 800 Independence Avenue, SW., Washington, DC 20591 or by calling (202) 267–8783. Communications must identify both docket numbers for this notice. Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed

Rulemaking Distribution System, which describes the application procedure.

The Proposal

The FAA is considering an amendment to the Code of Federal Regulations (14 CFR part 71), which would revise the Class E airspace at Kodiak Airport, AK. The intended effect of this proposal is to revise Class E airspace upward from the surface and from 700 ft. and 1,200 ft. above the surface to contain Instrument Flight Rules (IFR) operations at Kodiak Airport, AK.

The FAA Instrument Flight Procedures Production and Maintenance Branch has amended four SIAPs, two of which are Special procedures. A SID and a DP are also being amended for the Kodiak Airport. The amended approaches are (1) the Very High Frequency Omni-directional Range (VOR) Z Runway (RWY) 25, Amendment (Amdt) 1, Special (2) Instrument Landing System (ILS) or Localizer (LOC)/Distance Measuring Equipment (DME) ZRWY 25, Amdt 1, Special, (3) VOR Y RWY 25, Amdt 1 and (4) ILS or LOC/DME Y RWY 25, Amdt 1. The SID is the Kodiak 5. DP's are unnamed and are published in the front of the U.S. Terminal Procedures for Alaska. Class E controlled airspace extending upward from the surface and from 700 ft. and 1,200 ft. above the surface within the Kodiak Airport area would be revised by this action. The proposed airspace is sufficient in size to contain aircraft executing the instrument procedures at the Kodiak Airport.

The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as extensions to Class D surface areas are published in paragraph 6004 of FAA Order 7400.9P, *Airspace Designations and Reporting Points*, dated September 1, 2006, and effective September 15, 2006, which is incorporated by reference in 14 CFR 71.1. The Class E airspace areas designated as 700/1200 foot transition areas are published in paragraph 6005 in FAA Order 7400.9P, *Airspace Designations and Reporting Points*, dated September 1, 2006, and effective September 15, 2006, which is incorporated by reference in CFR 71.1. The Class E airspace designations listed in this document would be published subsequently in the Order.

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

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle 1, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart 1, Section 40103, Sovereignty and use of airspace. Under that section, the FAA is charged with prescribing regulations to ensure the safe and efficient use of the navigable airspace. This regulation is within the scope of that authority because it proposes to create Class E airspace sufficient in size to contain aircraft executing instrument procedures at Kodiak Airport and represents the FAA's continuing effort to safely and efficiently use the navigable airspace.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9P, *Airspace Designati8ons and Reporting Points*, dated September 1, 2006, and effective September 15, 2006, is to be amended as follows:

* * * * *

Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D Surface Area.

AAL AK E4 Kodiak, AK [Revised]

Kodiak Airport, AK
(Lat. 57°45′00″ N., long. 152°29′38″ W.)

That airspace extending upward from the surface within 1.3 miles either side of the 072°(T)/049°(M) bearing from the Kodiak Airport, AK, extending from the 3.1-mile radius from the airport, to 4.8 miles east of the airport, and within 1 mile either side of the 091°(T)/068°(M) bearing from the Kodiak, Airport, AK, extending from the 3.1-mile radius from the airport, to 6.7 miles east of the airport.

Paragraph 6005 Class E airspace extending upward from 700 feet or more above the surface of the earth.

* * * * *

AAL AK E5 Kodiak, AK [Revised]

Kodiak Airport, AK
(Lat. 57°45′00″ N., long. 152°29′38″ W.)

That airspace extending upward from 700 feet above the surface within an 6.9-mile radius of the Kodiak Airport, AK and within 3.1 miles either side of the 072°(T)/049°(M) bearing from the Kodiak Airport, AK, extending from the 6.9-mile radius from the airport, to 12.2 miles east of the airport, and within 1 mile either side of the 091°(T)/068°(M) bearing from the Kodiak Airport, AK, extending from the 6.9-mile radius from the airport, to 8.2 miles east of the airport, and that airspace extending upward from 1,200 feet above the surface within a 73-mile radius of the Kodiak Airport, AK.

* * * * *

Issued in Anchorage, AK, on March 6, 2007.

Michael A. Tarr,

Acting Manager, Alaska Flight Services Information Area Group.

[FR Doc. 07–1208 Filed 3–15–07; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2007–27222; Airspace Docket No. 07–AAL–02]

Proposed Revision of Class E Airspace; Port Heiden, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to revise Class E airspace at Port Heiden, AK. Two new Standard Instrument Approach Procedures (SIAPs) are being

developed, and two procedures are being amended for the Port Heiden Airport. A Departure Procedure (DP) is also being amended. Adoption of this proposal would result in revision of existing Class E airspace upward from 700 feet (ft.) and 1,200 ft. above the surface at Port Heiden Airport, Port Heiden, AK.

DATES: Comments must be received on or before April 30, 2007.

ADDRESSES: Send comments on the proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2007–27222/ Airspace Docket No. 07–AAL–02, at the beginning of your comments. You may also submit comments on the Internet at *http://dms.dot.gov.* You may review the public docket containing the proposal, any comments, received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527) is on the plaza level of the Department of Transportation NASSIF Building at the above address.

An informal docket may also be examined during normal business hours at the office of the Manager, Safety, Alaska Flight Service Operations, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587.

FOR FURTHER INFORMATION CONTACT: Gary Rolf, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5895; fax: (907) 271–2850; e-mail: *gary.ctr.rolf@faa.gov.* Internet address: *http://www.alaska.faa.gov/at.*

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2007–27222/Airspace Docket No. 07–AAL–02.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of Notice of Proposed Rulemaking's (NPRM's)

An electronic copy of this document may be downloaded through the Internet at *http://dms.dot.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov* or the Superintendent of Document's Web page at *http://www.access.gpo.gov/nara.*

Additionally, any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration, Office of Air Traffic Airspace Management, ATA–267–8783. Communications must identify both docket numbers for this notice. Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

The FAA is considering an amendment to the Code of Federal Regulations (14 CFR part 71), which would revise the Class E airspace at Port Heiden Airport, AK. The intended effect of this proposal is to revise Class E airspace upward from 700 ft. and 1,200 ft. above the surface to contain Instrument Flight Rules (IFR) operations at Port Heiden Airport, AK.

The FAA Instrument Flight Procedures Production and Maintenance Branch has drafted two new SIAPs and amended two others. A DP is also being amended for the Port Heiden Airport. The new approaches are (1) Area Navigation (Global Positioning System) (RNAV (GPS)) Runway (RWY) 05, Original and (2) RNAV (GPS) RWY 13, Original. The amended approaches are (1) the Non-directional Beacon (NDB)/Distance Measuring Equipment (DME) RWY 05, Amendment (Amdt) 3 and (2) NDB/ DME RWY 13, Amdt 3. DP's are unnamed and are published in the front of the U.S. Terminal Procedures for Alaska. Class E controlled airspace extending upward from 700 ft. and 1,200 ft. above the surface within the Port Heiden Airport area would be revised by this action. The proposed airspace is sufficient in size to contain aircraft executing the instrument procedures at the Port Heiden Airport.

The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as 700/1200 foot transition areas are published in paragraph 6005 in FAA Order 7400.9P, *Airspace Designations and Reporting Points*, dated September 1, 2006, and effective September 15, 2006, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document would be published subsequently in the Order.

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

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle 1, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart 1, Section 40103, Sovereignty and use of airspace. Under that section, the FAA is charged with prescribing regulations to ensure the safe and efficient use of the navigable airspace. This regulation is within the scope of that authority because it proposes to create Class E

airspace sufficient in size to contain aircraft executing instrument procedures at Port Heiden Airport and represents the FAA's continuing effort to safely and efficiently use the navigable airspace.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9P, *Airspace Designations and Reporting Points,* dated September 1, 2006, and effective September 15, 2006, is to be amended as follows:

* * * * *

Paragraph 6005 Class E airspace extending upward from 700 feet or more above the surface of the earth.

* * * * *

AAL AK E5 Port Heiden, AK [Revised]

Port Heiden Airport, AK
(Lat. 56°57′33″ N., long. 158°38′00″ W.)
Port Heiden NDB
(Lat. 56°57′14″ N., long. 158°38′56″ W.)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of the Port Heiden Airport, AK and within 4 miles north and 8 miles south of the 248°(T)/229°(M) bearing from the Port Heiden NDB, AK, extending from the Port Heiden NDB to 20 miles west of the NDB, and within 4 miles east and 8 miles west of the 339°(T)/320°(M) bearing from the Port Heiden NDB, AK, extending from the Port Heiden NDB to 20 miles north of the NDB, and that airspace extending upward from 1,200 feet above the surface with a 73-miles radius of the Port Heiden NDB, AK.

* * * * *

Issued in Anchorage, AK, on March 6, 2007.

Michael A. Tarr,

Acting Manager, Alaska Flight Services Information Area Group.

[FR Doc. 07–1207 Filed 3–15–07; 8:45 am]

BILLING CODE 4910–13–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2006–0542; FRL–8285–4]

Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Cook Composites and Polymers Company

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve Wisconsin's April 25, 2006, submittal of a source specific revision to revise its State Implementation Plan (SIP) for the control of volatile organic compounds. Wisconsin held a public hearing on the submittal on February 1, 2005. The revision consists of language contained in an Administrative Decision, dated February 24, 2005, approving an equivalent control system to meet reasonably available control technology emission control requirements for Cook Composites and Polymers Company located in Saukville, Wisconsin, in Ozaukee County.

DATES: Comments must be received on or before April 16, 2007.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2006–0542, by one of the following methods:

1. *www.regulations.gov:* Follow the online instructions for submitting comments.
2. *E-mail: mooney.john@epa.gov.*
3. *Fax:* (312) 886–5824.
4. *Mail:* John M. Mooney, Chief, Criteria Pollutant Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
5. *Hand Delivery:* John M. Mooney, Chief, Criteria Pollutant Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m. excluding federal holidays.

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

FOR FURTHER INFORMATION CONTACT: Charles Hatten, Environmental Engineer, Criteria Pollutant Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6031, *Hatten.Charles@epa.gov.*

SUPPLEMENTARY INFORMATION: In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: February 27, 2007.

Steve Rothblatt,

Acting Regional Administrator, Region 5.

[FR Doc. E7–4772 Filed 3–15–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R01–RCRA–2007–0135; FRL–8287–9]

Vermont: Proposed Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule.

SUMMARY: Vermont has applied to EPA for final authorization of changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA proposes to grant final authorization to Vermont. EPA has determined that these changes satisfy all requirements needed to qualify for final authorization, and is authorizing the

State's changes through an immediate final action.

DATES: Comments must be received on or before April 16, 2007.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–RCRA–2007–0135, by one of the following methods:

- *www.regulations.gov:* Follow the online instructions for submitting comments.
- *E-mail: leitch.sharon@epa.gov.*
- *Fax:* (617) 918–0647, to the attention of Sharon Leitch.
- *Mail:* Sharon Leitch, Hazardous Waste Unit, EPA Region 1, One Congress Street, Suite 1100 (CHW), Boston, MA 02114–2023.
- *Hand Delivery or Courier:* Deliver your comments to: Sharon Leitch, Hazardous Waste Unit, Office of Ecosystem Protection, EPA Region 1, One Congress Street, 11th Floor, (CHW), Boston, MA 02114–2023. Such deliveries are only accepted during the Office's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

For further information on how to submit comments, please see today's immediate final rule published in the ''Rules and Regulations'' section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Sharon Leitch, Hazardous Waste Unit, U.S. EPA Region 1, One Congress Street, Suite 1100 (CHW), Boston, MA 02114–2023, telephone number: (617) 918–1647; fax number: (617) 918–0647, e-mail address: *leitch.sharon@epa.gov.*

SUPPLEMENTARY INFORMATION: In the ''Rules and Regulations'' section of this **Federal Register**, EPA is authorizing these changes by an immediate final rule. EPA did not make a proposal prior to the immediate final rule because we believe this action is not controversial and do not expect adverse comments that oppose it. We have explained the reasons for this authorization in the preamble to the immediate final rule. Unless we get written adverse comments which oppose this authorization during the comment period, the immediate final rule will become effective on the date it establishes, and we will not take further action on this proposal. If we get comments that oppose this action, we will withdraw the immediate final rule and it will not take immediate effect. We will then respond to public comments in a later final rule based on this proposal. You may not have another opportunity for comment. If you want to comment on this action, you should do so at this time.

Dated: March 1, 2007.

Robert W. Varney,

Regional Administrator, EPA New England.

[FR Doc. E7–4775 Filed 3–15–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2005–0049; FRL–8116–6]

RIN 2070–AC83

40 CFR Part 745

Lead; Renovation, Repair, and Painting Program; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: On January 10, 2006, EPA proposed new requirements to reduce exposure to lead hazards created by renovation, repair, and painting activities that disturb lead-based paint. The proposal supports the attainment of the Federal Government's goal of eliminating childhood lead poisoning by 2010. With this document, EPA is announcing the availability of two new studies in the rulemaking docket. The studies include one conducted by EPA—*Characterization of Dust Lead Levels after Renovation, Repair, and Painting Activities* and a second study conducted by the National Association of Home Builders (NAHB)—*Lead-Safe Work Practices Survey Project*. EPA will consider revisions to the proposed work practice standards following review of these studies and consideration of public comment received as a result of this document. Comments should be submitted to the docket for the proposed rule and must be received on or before April 16, 2007.

DATES: Comments must be received on or before April 16, 2007.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2005–0049, by one of the following methods:

- *Federal eRulemaking Portal*: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail*: Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.
- *Hand Delivery*: OPPT Document Control Office (DCO), EPA East Bldg., Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. Attention: Docket ID Number EPA–HQ–OPPT–2005–0049. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564–8930. Such deliveries are only accepted during the DCO's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to docket ID number EPA–HQ–OPPT–2005–0049. 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. For additional information about EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm*.

Docket: EPA established a docket for this action under ID number EPA–HQ–OPPT–2005–0049. All documents in the docket are listed in the docket's index available at *http://www.regulations.gov*. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically at *http://www.regulations.gov*, or, if only available in hard copy, at the OPPT Docket. The OPPT Docket is located in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., 1301 Constitution Ave., NW., Washington,

DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Docket visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor bags are processed through an X-ray machine and subject to search. Visitors will be provided an EPA/DC badge that must be visible at all times in the building and returned upon departure.

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you perform renovations of target housing for compensation or dust sampling. Target housing is defined in section 401 of the Toxic Substances Control Act (TSCA) as any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child under age 6 resides or is expected to reside in such housing) or any 0–bedroom dwelling. Potentially affected entities may include, but are not limited to:

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

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in § 745.82 of the proposed rule. 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. 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 that you mail to EPA, 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. What Action Is the Agency Taking?

Many residences built prior to 1978 contain lead-based paint. Activities that involve the disturbance or removal of lead-based paint, including many renovation and repair activities, can result in high localized concentrations of lead dust in the air and on exposed surfaces within the home, as well as in surrounding soils.

In support of the Federal Government's goal of eliminating childhood lead poisoning by 2010, EPA proposed a rule establishing requirements to protect residents of pre-1978 housing units from lead hazards due to renovation, repair, and painting activities. The proposed rule, issued under the authority of section 402(c)(3) of TSCA, was published in the **Federal Register** of January 10, 2006 (71 FR 1588) (FRL–7755–5). With this document, EPA is announcing the availability of two new studies in the rulemaking docket.

1. *Characterization of Dust Lead Levels after Renovation, Repair, and Painting Activities* (January 23, 2007). In an effort to support a thorough risk assessment and cost-benefit analysis of the proposed rule, EPA designed and conducted a field study to characterize dust lead levels during various stages of renovation, repair, and painting activities. Results of that field study are presented in this report.

2. *Lead-Safe Work Practices Survey Project* (November 9, 2006). NAHB conducted an assessment of renovation and remodeling activities to measure levels of lead dust generated by home improvement contractors. The objective of this project was to measure the amount of lead dust generated during typical renovation and remodeling activities and assess whether routine renovation and remodeling activities increased lead dust levels in the work area and property.

A copy of these studies is now available in the docket for this action (EPA–HQ–OPPT–2005–0049). EPA is

asking the public to consider their previous comments in light of these studies, particularly those related to the proposed work practice standards. EPA intends to consider these studies, and public comment received as a result of this document, in the development of the final Renovation, Repair, and Painting Program rule. In particular, EPA requests comment on the proposed methods of containment, cleaning, and cleaning verification in light of the information contained in these studies. In addition, the Agency is interested in comments on whether certain practices should require additional protective measures or should be prohibited based on the study findings. Comments should be submitted to the docket for the proposed rule (EPA–HQ–OPPT–2005–0049) and must be received on or before April 16, 2007.

List of Subjects 40 CFR Part 745

Environmental protection, Infants and children, Health and safety, Housing renovation, Lead, Lead-based paint.

Dated: March 12, 2007.

James B. Gulliford,

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

[FR Doc. E7–4869 Filed 3–15–07; 8:45 am]

BILLING CODE 6560–50–S

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 28 and 52

[FAR Case 2006–013; Docket 2007–0001; Sequence 3]

RIN 9000–AK71

Federal Acquisition Regulation; FAR Case 2006–013, List of Approved Attorneys, Abstracters, and Title Companies

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

ACTION: Proposed rule with request for comments.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) are proposing to amend the Federal Acquisition Regulation (FAR) to update the procedures for the acceptance of a bond with a security interest in real property.

DATES: Interested parties should submit written comments to the FAR Secretariat on or before May 15, 2007 to be considered in the formulation of a final rule.

ADDRESSES: Submit comments identified by FAR case 2006–013 by any of the following methods:

• Federal eRulemaking Portal: *http://www.regulations.gov*. Search for any document by first selecting the proper document types and selecting ''Federal Acquisition Regulation'' as the agency of choice. At the ''Keyword'' prompt, type in the FAR case number (for example, FAR Case 2006–001) and click on the ''Submit'' button. Please include any personal and/or business information inside the document.You may also search for any document by clicking on the ''Advanced search/document search''tab at the top of the screen, selecting from the agency field ''Federal Acquisition Regulation'', and typing the FAR case number in the keyword field. Select the ''Submit'' button.

• Fax: 202–501–4067.

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

Instructions: Please submit comments only and cite FAR case 2006–013 in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Jerry Olson, Procurement Analyst, at (202) 501–3221 for clarification of content. For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501–4755. Please cite FAR case 2006–013.

SUPPLEMENTARY INFORMATION:

A. Background

FAR Subpart 28.2, Sureties and other Security for Bonds, includes policies which require agencies to obtain adequate security for bonds when bonds are used with a contract for supplies or services (including construction). A corporate or individual surety is an acceptable form of security for a bond. Whenever a surety secures a bond with interest in real property, FAR 28.203–3 requires that the surety provide evidence of title in the form of a certificate of title prepared by a title insurance company that has been approved by the Department of Justice (DOJ).DOJ maintained a list of the approved title companies that could prepare the certificate of title on the ''List of Approved Attorneys, Abstracters, and Title Companies.'' DOJ has revised its procedures and no longer maintains a list of approved title insurance companies. Instead, DOJ has developed a guide for the preparation of evidence of title, Title Standards 2001 (Standards). The Standards address the various types of title evidence that may be acceptable considering local practice, reliability, security, economy and other factors. The Standards also address the qualification requirements for preparers of title evidence.

The FAR rule proposes to revise the types of acceptable title evidence and the qualification requirements for preparers of title evidence consistent with the Standards. The types of acceptable title evidence and the required qualifications are located in Section 2 of the Standards.

In addition, FAR 28.203–3(d) requires sureties to execute a lien if a surety pledges real estate on Standard Form 28, Affidavit of Individual Surety. The lien must be recorded in the local recorder's office. When multiple parties jointly own the real estate, the lien must be signed by each owner of the property to be valid. The FAR currently does not clearly specify that all owners of the property must sign the lien. The proposed rule clarifies that all property owners are required to sign the lien when a surety pledges real estate as collateral.

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

B. Regulatory Flexibility Act

The Councils do not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the incidence of use of bonds secured by interest in real property is very low. An Initial Regulatory Flexibility Analysis has, therefore, not been performed. We invite comments from small businesses and other interested parties. The Councils will consider comments from small entities concerning the affected FAR Parts 28 and 52 in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, *et seq.* (FAR case 2006–013), in correspondence.

C. Paperwork Reduction Act

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

List of Subjects in 48 CFR Parts 28 and 52

Government procurement.

Dated: March 7, 2007

Ralph De Stefano

Director, Contract Policy Division.

Therefore, DoD, GSA, and NASA propose amending 48 CFR parts 28 and 52 as set forth below:

1. The authority citation for 48 CFR parts 28 and 52 continues to read as follows:

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

PART 28—BONDS AND INSURANCE

2. Amend section 28.203-3 by revising paragraphs (a)(1) and paragraph (d) introductory text to read as follows:

28.203–3 Acceptance of real property.

(a) * * *

(1) Evidence of title that is consistent with the requirements of Section 2 of the United States Department of Justice Title Standard 2001 at *http://www.fws.gov/realty/doj__2001.pdf.* Depending on the value of the property, contracting officers should consider requesting assistance from the agency-designated legal counsel to determine if the evidence of title is adequate.

* * * * *

(d) The following format, or any document substantially the same, shall be signed by all owners of the property and used by the surety and recorded in the local recorder's office when a surety pledges real estate on Standard Form 28, Affidavit of Individual Surety.

* * * * *

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Amend section 52.228–11 by revising the date of the clause and the first sentence in paragraph (b)(2)(i) of the clause to read as follows:

52.228–11 Pledges of Assets.

* * * * *

PLEDGES OF ASSETS (DATE)

* * * * *

(b) * * *

(2) * * *

(i) Evidence of title that is consistent with the requirements of Section 2 of the United States Department of Justice Title Standard 2001 at *http://www.fws.gov/realty/doj__2001.pdf* * * * .

* * * * *

[FR Doc. 07–1182 Filed 3–15–07; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AU75

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Peck's Cave Amphipod, Comal Springs Dryopid Beetle, and Comal Springs Riffle Beetle

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period and notice of availability of draft economic analysis.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the reopening of the comment period on the proposed designation of critical habitat for the Peck's cave amphipod (*Stygobromus pecki*), Comal Springs dryopid beetle (*Stygoparnus comalensis*), and Comal Springs riffle beetle (*Heterelmis comalensis*) (Comal springs invertebrates, or CSI) under the Endangered Species Act of 1973, as amended (Act), and the availability of the draft economic analysis of the proposed designation of critical habitat. The draft economic analysis forecasts future impacts associated with conservation efforts in areas proposed as critical habitat to be $23.3 million over the next 20 years under scenario 1 (scenario description described in Background), or $152 million under scenario 2 in undiscounted dollars (annualized dollars are estimated at $1.2 million under scenario 1 and $7.6 million under scenario 2). Future economic impacts associated with conservation efforts in areas proposed as critical habitat at a 3 percent discount rate are estimated to be $17.1 million over the next 20 years under Scenario 1, or $111.3 million under scenario 2 (annualized dollars are estimated at $1.2 million under scenario 1 and $7.5 million under scenario 2). Future economic impacts associated with conservation efforts in areas proposed as critical habitat at a 7 percent discount rate are estimated to be $11.9 million over the next 20 years under scenario 1, or $77.3 million under scenario 2 (annualized dollars are estimated at $1.2 million under scenario 1 and $7.4 million under scenario 2). It should be noted that the majority of economic impacts quantified in this draft EA are jointly caused by eight endangered species, including the three CSI. Because all of these species reside in the same habitat, separating future impacts of CSI from those of the other listed species in the aquifer is not possible.

DATES: We will accept public comments until April 16, 2007.

ADDRESSES: If you wish to comment on the proposed rule or draft economic analysis, you may submit your comments and materials identified by RIN 1018–AU75, by any of the following methods:

1. *Mail or hand delivery/courier:* You may submit written comments and information to Robert T. Pine, Field Supervisor, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, TX 78758.

2. *Fax:* You may fax your comments to (512) 490–0974.

3. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the directions for submitting comments. In the event that our Internet connection is not functional, please submit your comments by one of the alternate methods mentioned above.

4. *E-mail:* Please submit electronic comments in an ASCII file format to *FW2Comal@fws.gov* and avoid the use of special characters and encryption. Please include ''Attn: RIN 1018–AU75'' and your name and return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, please contact us directly by calling our Austin Ecological Services Field Office at (512) 490–0057.

FOR FURTHER INFORMATION CONTACT: Robert T. Pine, Supervisor, Austin Ecological Services Field Office, at the address listed in **ADDRESSES** (telephone: (512) 490–0057; facsimile: (512) 490–0974). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800/877–8339, 24 hours a day, 7 days a week.

SUPPLEMENTARY INFORMATION:

Public Comments Solicited

We intend that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, we solicit comments on the original proposed critical habitat designation (71 FR 40588; July 17, 2006) and on our draft economic analysis of the proposed designation. Copies of the draft economic analysis and the proposed rule for critical habitat designation are available on the internet at *http://www.fws.gov/southwest/es/*

Library/ or from the Austin Ecological Services Field Office at the address above. You may review comments and materials received and review supporting documentation used in preparation of this proposed rule by appointment during normal business hours, at the Austin Ecological Services Field Office (see **ADDRESSES**). We will consider information and recommendations from all interested parties. We are particularly interested in comments concerning:

(1) The reasons why any habitat should or should not be determined to be critical habitat, as provided by section 4 of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*), including whether it is prudent to designate critical habitat;

(2) Specific data on those specific areas that should be included in the designations that were identified as occupied at the time of listing that contain the features essential for the conservation of the species; and those specific areas that were not occupied by the species at the time it was listed but which have subsequently been identified as occupied and those unoccupied areas that are essential to the conservation of the species and should be included in the designations and why such areas are essential;

(3) Land-use designations and current or planned activities in, or adjacent to, the subject areas and their possible impacts on these species or proposed critical habitat;

(4) Whether our approach to designating critical habitat could be improved or modified in any way to provide for greater public participation and understanding, or to assist us in accommodating public concerns and comments;

(5) Data on any foreseeable economic, national security, or other potential impacts resulting from the proposed designation and, in particular, any impacts on small entities;

(6) Any foreseeable environmental impacts directly or indirectly resulting from the proposed designation of critical habitat;

(7) Data supporting the need for subsurface vegetation (*e.g.*, roots that can penetrate into the aquifer) for sheltering, breeding, or feeding habitat for any or all of the listed invertebrates. If providing such data, please explain if the 50-foot (ft) distance appropriately defines the lateral extent of critical habitat to provide for the primary constituent elements (PCEs) related to the surface vegetation that produces the subsurface vegetation (*e.g.*, roots);

(8) Information on the extent of documented Comal Springs riffle beetles occurrences in Spring Lake;

(9) Whether there are data supporting the premise that any or all of the invertebrates are detritivores (detritus-feeding animals) in spring-influenced riparian zones;

(10) Whether there are any data documenting the need of any subsurface areas for breeding, feeding, or sheltering, or documenting the presence of any or all of the invertebrates in the subsurface areas;

(11) Whether the economic analysis adequately addresses the likely effects and resulting costs arising from State laws as a result of the proposed critical habitat designation;

(12) Whether the economic analysis correctly assesses the effect on regional costs associated with land-use controls that could arise from the designation of critical habitat for these species;

(13) Whether the designation of critical habitat will result in disproportionate economic or other impacts to specific areas that should be evaluated for possible exclusion from the final designation;

(14) Whether the economic analysis appropriately identifies all costs that could result from the designation of critical habitat for these species; and

(15) Whether the benefits of exclusion in any particular area outweigh the benefits of inclusion under section 4(b)(2) of the Act.

Our final designation of critical habitat will take into consideration all comments and any additional information received, including all previous comments and information submitted during the initial comment period.

Please include ''RIN 1018–AU75'' and your name and return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, please contact us directly (see **ADDRESSES** section). Please note that the e-mail address *FW2Comal@fws.gov* will be unavailable after the public comment period terminates.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their names and home addresses, but if you wish us to consider withholding this information, you must state this prominently at the beginning of your comments. In addition, you must present rationale for withholding this information. This rationale must demonstrate that disclosure would constitute a clearly unwarranted invasion of privacy. Unsupported assertions will not meet this burden. In the absence of exceptional, documentable circumstances, this information will be released. We will always make submissions from organizations or businesses, and from individuals identifying themselves as representatives of or officials of organizations or businesses, available for public inspection in their entirety.

Background

We proposed to designate critical habitat for the Peck's cave amphipod, Comal Springs dryopid beetle, and Comal Springs riffle beetle on July 17, 2006 (71 FR 40588). The proposed critical habitat totaled about 38.5 acres (ac) (15.6 hectares (ha)) for the Peck's cave amphipod in Comal County, Texas; 39.5 ac (16.0 ha) for the Comal Springs dryopid beetle in Comal and Hays Counties, Texas; and 30.3 ac (12.3 ha) for the Comal Springs riffle beetle in Comal and Hays Counties, Texas. Pursuant to the terms of a settlement agreement, we will submit for publication to the **Federal Register** a final critical habitat designation for the Peck's cave amphipod, Comal Springs dryopid beetle, and Comal Springs riffle beetle by June 29, 2007.

Section 4(b)(2) of the Act requires that we designate or revise critical habitat based upon the best scientific and commercial data available, after taking into consideration the economic or any other relevant impacts of specifying any particular area as critical habitat. Based on the July 17, 2006, proposed rule to designate critical habitat for the Peck's cave amphipod, Comal Springs dryopid beetle, and Comal Springs riffle beetle (71 FR 40588), we have prepared a draft economic analysis (EA) of the proposed critical habitat designation for the Peck's cave amphipod, Comal Springs dryopid beetle, and Comal Springs riffle beetle.

Our draft EA addresses the potential impacts of conservation efforts for the Peck's cave amphipod, Comal Springs dryopid beetle, and Comal Springs riffle beetle on activities occurring on lands proposed for or that may be affected by the proposed designation. The EA measures lost potential economic efficiency associated with water use activities, construction development, water quality, aquatic restoration, and administrative costs.

The draft EA considers the potential economic effects of actions relating to the conservation of the Peck's cave amphipod, Comal Springs dryopid beetle, and Comal Springs riffle beetle, including costs associated with sections 4, 7, and 10 of the Act and those

attributable to designating critical habitat. It further considers the economic effects of protective measures taken as a result of other Federal, State, and local laws that aid habitat conservation for the Comal Springs invertebrates in the areas proposed as critical habitat. The analysis considers both economic efficiency and distributional effects. In the case of habitat conservation, efficiency effects generally reflect the ''opportunity costs'' associated with the commitment of resources to comply with habitat protection measures (*e.g.*, lost economic opportunities associated with restrictions on land use). The draft EA also analyzes whether a particular group or economic sector bears an undue proportion of the impacts, with specific analysis of the impacts to small entities and potential impacts on energy availability. Finally, the draft EA estimates economic impacts to activities from 2006 to 2026 (20 years after the year of proposed designation of critical habitat). Forecasts of economic conditions and other factors beyond the next 20 years would be speculative.

We solicit data and comments from the public on the draft EA, as well as on all aspects of our proposal to designate critical habitat. We may revise the proposal, or its supporting documents, to incorporate or address new information received during this comment period. In particular, we may exclude an area from the final designation of critical habitat if the Secretary determines that the benefits of excluding the area outweigh the benefits of including the area as critical habitat, provided such exclusion will not result in the extinction of the species.

Under scenarios 1 and 2 in our draft EA, impacts associated with water use changes comprise the vast majority, or between 94 and 98 percent, of the total quantified impacts in the areas we have proposed for designation. Total permitted withdrawals from the Edwards Aquifer are to be reduced from approximately 549,000 acre-feet to 450,000 acre-feet, following a 1993 lawsuit concerning five endangered species in the Edwards Aquifer that share habitat with CSI. As soon as 2008, total permitted water withdrawals in the Edwards Aquifer may be further limited from the present 549,000 acre-feet per year to 400,000 acre-feet per year (scenario 1). It is also possible that, in dry years, additional restrictions may be imposed that will further limit aquifer withdrawals to 340,000 acre-feet (scenario 2). This draft EA examines social welfare and regional economic impacts that could result from these limits to water withdrawals in the aquifer. It should be noted that the majority of economic impacts quantified in this draft EA are jointly caused by eight endangered species, including the three CSI. Because all of these species reside in the same habitat, separating future impacts of CSI from those of the other listed species in the aquifer is not possible.

We estimate costs related to conservation activities for the area proposed for designation of critical habitat for the Comal Springs invertebrates under sections 4, 7, and 10 of the Act to be approximately $23.3 million over the next 20 years under scenario 1, or $152 million under scenario 2 in undiscounted dollars (annualized dollars are estimated to be $1.2 million under scenario 1 and $7.6 million under scenario 2). Future economic impacts associated with conservation efforts in areas proposed as critical habitat at a 3 percent discount rate are estimated to be $17.1 million over the next 20 years under scenario 1, or $111.3 million under scenario 2 (annualized dollars are estimated to be $1.2 million under scenario 1 and $7.5 million under scenario 2). Future economic impacts associated with conservation efforts in areas proposed as critical habitat at a 7 percent discount rate are estimated to be $11.9 million over the next 20 years under scenario 1, or $77.3 million under scenario 2 (annualized dollars are estimated to be $1.2 million under scenario 1 and $7.4 million under scenario 2).

Required Determinations—Amended

In our July 17, 2006, proposed rule (71 FR 40588), we indicated that we would be deferring our determination of compliance with several statutes and Executive Orders until the information concerning potential economic impacts of the designation and potential effects on landowners and stakeholders was available in the draft economic analysis. Those data are now available for our use in making these determinations. In this notice, we are affirming the information contained in the proposed rule concerning Executive Order 13132 and Executive Order 12988; the Paperwork Reduction Act; the National Environmental Policy Act; and the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951). Based on the information made available to us in the draft economic analysis, we are amending our Required Determinations, as provided below, concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Order 13211, Executive Order 12630, and the Unfunded Mandates Reform Act.

Regulatory Planning and Review

In accordance with Executive Order 12866, this document is a significant rule because it may raise novel legal and policy issues. However, on the basis of our draft EA, we do not anticipate that the designation of critical habitat for these species would have an annual effect on the economy of $100 million or more or affect the economy in a material way. Due to the timeline for publication in the **Federal Register**, the Office of Management and Budget (OMB) has not formally reviewed the proposed rule.

Further, Executive Order 12866 directs Federal agencies promulgating regulations to evaluate regulatory alternatives (Office of Management and Budget, Circular A–4, September 17, 2003). Pursuant to Circular A–4, once it has been determined that the Federal regulatory action is appropriate, the agency will then need to consider alternative regulatory approaches. Since the determination of critical habitat is a statutory requirement pursuant to the Endangered Species Act of 1973, as amended, we must then evaluate alternative regulatory approaches, where feasible, when promulgating a designation of critical habitat.

In developing our proposed designation of critical habitat, we consider economic impacts, impacts to national security, and other relevant impacts under section 4(b)(2) of the Act. Based on the discretion allowable under this provision, we may exclude any particular area from the designation of critical habitat provided that the benefits of such exclusion outweigh the benefits of specifying the area as critical habitat and that such exclusion would not result in the extinction of the species. As such, we believe that the evaluation of the inclusion or exclusion of particular areas, or combination(s) thereof, in a designation constitutes our alternative regulatory analysis.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under 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 must 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 government 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. In our proposed rule, we withheld our determination of whether this designation would result in a significant effect as defined under SBREFA until we completed our draft economic analysis of the proposed designation so that we would have the factual basis for our determination.

According to the Small Business Administration (SBA), small entities include small organizations, such as independent nonprofit organizations, and small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents, as well as small businesses (13 CFR 121.201). Small businesses include manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 100 employees, retail and service businesses with less than $5 million in annual sales, general and heavy construction businesses with less than $27.5 million in annual business, special trade contractors doing less than $11.5 million in annual business, and agricultural businesses with annual sales less than $750,000. To determine if potential economic impacts to these small entities are significant, we considered the types of activities that might trigger regulatory impacts under this designation as well as types of project modifications that may result. In general, the term ''significant economic impact'' is meant to apply to a typical small business firm's business operations.

To determine if this proposed designation of critical habitat for the Comal Springs invertebrates would affect a substantial number of small entities, we evaluated the entities potentially impacted within particular types of economic activities (*e.g.*, aquatic restoration, changes in water use, and construction and development activities). We considered each industry or category individually to determine the impacts. In estimating the numbers of small entities potentially affected, we also considered whether their activities have any Federal involvement; some kinds of activities are unlikely to have any Federal involvement and so will not be affected by the designation of critical habitat. Designation of critical habitat only affects activities conducted, funded, permitted, or authorized by Federal agencies; non-Federal activities are not affected by the designation.

In Chapters 2 and 3 of our draft EA, we focus on small entities that may bear the regulatory costs. Of the three affected activities discussed in the economic analysis, (1) Aquatic restoration, (2) changes in water use, and (3) construction and development activities, the analysis determines that only impacts to construction and development activities are forecast to be borne in part by small entities.

If this proposed critical habitat designation is made final, Federal agencies must consult with us if their activities may affect designated critical habitat. Consultations to avoid the destruction or adverse modification of critical habitat would be incorporated into the existing consultation process.

Construction and Development Activities. The draft EA concludes that the most likely location for development activities within the proposed critical habitat designation is on two parcels in the Comal Springs unit. The analysis assumes that the private owners of developable lands in the proposed critical habitat designation impacted by future conservation efforts for the Peck's cave amphipod, Comal Springs dryopid beetle, and Comal Springs riffle beetle will be developers. This analysis estimates that one developer (0.3 percent of small developers) is likely to develop the affected parcels. Since 98 percent of the developers in the region are considered small, this analysis assumes that the one affected developer will be small. The draft economic analysis estimates that two residential housing units could be built within proposed critical habitat by one small developer over the next 20 years. Impacts to the developer are estimated to include conservation efforts, such as reducing sedimentation, monitoring, appropriate equipment staging, and minimizing disturbance to the water body. Costs are estimated to be approximately 0.001 percent of annual sales (Draft Economic Analysis 2007, Appendix B, p. B8). From this analysis, we have determined that this proposed designation will not have an effect on a substantial number of small businesses that are part of residential and commercial development nor will it result in a significant effect to the annual sales of these small businesses impacted by this proposed designation, because only one developer (0.3 percent of small developers) may be affected and the approximate impacts to this one developer would be 0.001 percent of typical annual sales over the next 20 years.

Executive Order 13211—Energy Supply, Distribution, and Use

On May 18, 2001, the President issued Executive Order (E.O.) 13211 on regulations that significantly affect energy supply, distribution, and use. E.O. 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. This proposed rule is considered a significant regulatory action under E.O. 12866 because it raises novel legal and policy issues, but it is not expected to significantly affect energy supplies, distribution, or use (Draft Economic Analysis 2007, p. B9). Therefore, this action is not a significant action and no Statement of Energy Effects is required.

Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*)

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501), the Service makes the following findings:

(a) This rule will not produce a Federal mandate. In general, a Federal mandate is a provision in legislation, statute, or regulation that would impose an enforceable duty upon State, local, or tribal governments, or the private sector, and includes both ''Federal intergovernmental mandates'' and ''Federal private sector mandates.'' These terms are defined in 2 U.S.C. 658(5)–(7). ''Federal intergovernmental mandate'' includes a regulation that ''would impose an enforceable duty upon State, local, or tribal governments,'' with two exceptions: it excludes ''a condition of federal assistance'' and ''a duty arising from participation in a voluntary Federal program,'' unless the regulation ''relates to a then-existing Federal program under which $500,000,000 or more is provided annually to State, local, and tribal governments under entitlement authority,'' if the provision would ''increase the stringency of conditions of assistance'' or ''place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding'' and the State, local, or tribal governments ''lack authority'' to adjust accordingly. At the time of enactment, these entitlement programs were: Medicaid; Aid to Families with Dependent Children work programs; Child Nutrition; Food Stamps; Social Services Block Grants; Vocational Rehabilitation State Grants; Foster Care, Adoption Assistance, and Independent Living; Family Support Welfare Services; and Child Support Enforcement. ''Federal private sector mandate'' includes a regulation that ''would impose an enforceable duty upon the private sector, except (i) A condition of Federal assistance; or (ii) a duty arising from participation in a voluntary Federal program.''

The designation of critical habitat does not impose a legally binding duty

on non-Federal Government entities or private parties. Under the Act, the only regulatory effect is that Federal agencies must ensure that their actions do not destroy or adversely modify critical habitat under section 7. Non-Federal entities that receive Federal funding, assistance, or permits, or otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat. However, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency. Furthermore, to the extent that non-Federal entities are indirectly impacted because they receive Federal assistance or participate in a voluntary Federal aid program, the Unfunded Mandates Reform Act would not apply; nor would critical habitat shift the costs of the large entitlement programs listed above on to State governments.

(b) The draft economic analysis discusses potential impacts of critical habitat designation for the Peck's cave amphipod, Comal Springs dryopid beetle, and Comal Springs riffle beetle on water management activities, administration activities, residential and commercial development activities, and aquatic restoration activities. Impacts on small governments are not anticipated, or they are anticipated to be passed through to consumers (Draft Economic Analysis 2007, Appendix B). As such, a Small Government Agency Plan is not required.

Takings

In accordance with E.O. 12630 (''Government Actions and Interference with Constitutionally Protected Private Property Rights''), we have analyzed the potential takings implications of proposing critical habitat for the Peck's cave amphipod, Comal Springs dryopid beetle, and Comal Springs riffle beetle in a takings implications assessment. The takings implications assessment concludes that this proposed designation of critical habitat for these Comal Springs invertebrates does not pose significant takings implications.

Author

The primary author of this notice is the staff of the Austin Ecological Services Field Office.

Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: March 8, 2007.

David M. Verhey,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. E7–4802 Filed 3–15–07; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register
Vol. 72, No. 51
Friday, March 16, 2007

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

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

March 12, 2007.

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

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

National Agricultural Statistics Service

Title: Cold Storage.

OMB Control Number: 0535–0001.

Summary of Collection: The primary objective of the National Agricultural Statistics Service (NASS) is to prepare and issue State and national estimates of crop and livestock production. The monthly Cold Storage Survey provides information on national supplies of food in refrigerated storage facilities. A biennial survey of refrigerated warehouses is also conducted to provide a benchmark of the capacity available for refrigerated storage of the nation's food supply. The data will be collected under the authority of 7 U.S.C. 2204(a). This statute specifies ''The Secretary of Agriculture shall procure and preserve all information concerning agriculture which he can obtain * * * by the collection of statistics * * * and shall distribute them among agriculturists.''

Need and Use of the Information: USDA agencies such as the World Agricultural Outlook Board, Economic Research Service, and Agricultural Marketing Service use information from the Cold Storage report in setting and administering government commodity programs and in supply and demand analysis. Included in the report are stocks of pork bellies, frozen orange juice concentrate, butter, and cheese which are traded on the Chicago Board of Trade. The timing and frequency of the surveys have evolved to meet the needs of producers, facilities, agribusinesses, and government agencies.

Description of Respondents: Business or other for-profit.

Number of Respondents: 4,320.

Frequency of Responses: Reporting: Monthly; biennially.

Total Burden Hours: 6,047.

National Agricultural Statistics Service

Title: Supplemental Qualifications Statement.

OMB Control Number: 0535–0209.

Summary of Collection: The Department of Agriculture has an Interagency Agreement (DOA–1) with the Office of Personnel Management which provides the National Agricultural Statistics Service (NASS) with the authority to examine, rate, and certify applications for agricultural statistician positions. In addition to resumes, curriculum vitae, and the standard Optional Application for Federal Employment, NASS has created a Supplemental Qualifications Statement (SQS) for agricultural statistician and mathematical statistician positions. The SQS allows applicants the opportunity to describe their achievements or accomplishments as they relate to the required knowledge, skills, and abilities.

Need and Use of the Information: The SQS provides applicants with information related to how they will be measured for a position and what kinds of information will be used to evaluate those abilities. NASS personnel specialist will use the information on the SQS to evaluate and rate the applicant's accomplishments or achievements. Ultimately, the information is used by the selecting official as one of the criteria in the selection process.

Description of Respondents: Individuals or households.

Number of Respondents: 50.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 150.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. E7–4800 Filed 3–15–07; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

Federal Advisory Committee for the Expert Review of Synthesis and Assessment Product 4.3 (CERSAP); Establishment

AGENCY: Office of the Chief Economist, U.S. Department of Agriculture.

SUMMARY: Notice is hereby given of the creation of the Federal Advisory Committee for the Expert Review of Synthesis and Assessment Product 4.3 (CERSAP).

PURPOSE: The Department of Agriculture (USDA) is the lead agency for Climate Change Science Program Synthesis and Assessment Product 4.3 titled, *The Effects of Climate Change on Agriculture, Land Resources, Water Resources, and Biodiversity.* CERSAP will provide advice to the Secretary of Agriculture on the conduct of this study.

FOR FURTHER INFORMATION CONTACT: Mr. William Hohenstein, Global Change Program Office, U.S. Department of Agriculture, Room 112-A Whitten Federal Building, 1400 Independence Avenue SW., Washington, DC 20250–3810; telephone: 202–720–6698.

Authority: CERSAP is established in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2 section 9 (c). CERSAP supports the USDA in its participation in the interagency U.S. Climate Change Science Program, specifically in implementation of Synthesis and Assessment Product 4.3 (SAP 4.3), *The Effects of Climate Change on Agriculture, Land Resources, Water Resources, and Biodiversity.* The Secretary of Agriculture has determined that CERSAP is in the public interest and will support USDA in performing its duties and responsibilities.

SUPPLEMENTARY INFORMATION: CERSAP will provide advice to the Secretary of Agriculture on the conduct of a study titled, *The Effects of Climate Change on Agriculture, Land Resources, Water Resources, and Biodiversity,* to be conducted as part of the U.S. Climate Change Science Program. The draft report will be published at *http://www.climatescience.gov/Library/sap/sap4–3/default.htm.* CERSAP will provide advice on the specific issues to be addressed, appropriate technical approaches, the nature of information relevant to decision makers, the content of the final report, compliance with the Information Quality Act, and other matters important to the successful achievement of the study objectives. CERSAP will respond specifically to the following seven inquiries related to the report:

1. Are the goals, objectives, and intended audience of the product clearly described in the document? Does the product address all the questions as outlined in the prospectus?

2. Are the findings and recommendations adequately supported by evidence and analysis? If any recommendations are based on value judgments or the collective opinions of the authors, is this acknowledged and are adequate reasons given for reaching those judgments?

3. Are the data and analyses handled competently? Are statistical methods applied appropriately? Are uncertainties and confidence levels evaluated and communicated appropriately?

4. Are the document's presentation and organization effective? Are the questions outlined in the prospectus addressed and communicated in a manner that is appropriate for the intended audience?

5. Is the document scientifically objective and policy-neutral? Is it consistent with the scientific literature, including recent National Research Council reports and other scientific assessments on the same topic?

6. Does the summary concisely and accurately describe the content, key findings, and recommendations? Is it consistent with other sections of the document?

7. What significant improvements, if any, might be made in the document?

Duties: CERSAP will provide expert peer-review to SAP 4.3, according to the criteria listed above. CERSAP will generate a list of comments and suggestions to increase the merit of SAP 4.3. After SAP 4.3's authors have responded to those comments, CERSAP will review those responses to ensure that their review comments have been adequately considered and addressed.

The duties of the CERSAP are solely advisory in nature.

Official(s) To Whom CERSAP Reports: CERSAP will submit advice and report to the Secretary of Agriculture through the Director of USDA's Global Change Program Office (GCPO) within the Office of the Chief Economist (OCE).

Estimated Number and Frequency of Meetings: CERSAP expects to meet approximately two (2) times. Meetings are expected to occur when the draft report, *The Effects of Climate Change on Agriculture, Land Resources, Water Resources, and Biodiversity,* is initially available, and again to finalize the review document, or as needed and approved by the Designated Federal Officer (DFO). USDA may pay travel and per diem expenses when determined necessary and appropriate. A full-time or permanent part-time employee of USDA will be appointed as the DFO. The DFO or a designee will be present at all meetings and each meeting will be conducted in accordance with an agenda approved in advance by the DFO. The DFO is authorized to adjourn any meeting when he or she determines it is in the public interest to do so.

As required by FACA, CERSAP will hold open meetings unless the Secretary of Agriculture determines that a meeting or a portion of a meeting may be closed to the public in accordance with subsection c of Section 522(b) of Title 5, United States Code. Interested persons may attend meetings, appear before CERSAP as time permits, and file comments with the CERSAP.

Duration and Termination: This charter will be in effect until publication of SAP 4.3. The charter will expire upon publication of SAP 4.3, and will not be renewed.

Member Composition: CERSAP will be composed of approximately twelve (12) members. Members will be appointed by the Secretary of Agriculture through the Office of the Chief Economist. No member shall have served as an author of the draft SAP 4.3.

Most members shall be designated Special Government Employees, reflecting their selection based upon their scientific expertise in the fields of climate change effects on the ecosystems and ecosystem services investigated by SAP 4.3. Other members may be Regular Government Employees, and will have comparable expertise.

Equal opportunity practices, in line with USDA policies, will be followed in all membership appointments to CERSAP. To ensure that the recommendations of CERSAP have taken into account the needs of the diverse groups served by the Department, membership shall include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

Subgroups: USDA, or CERSAP with USDA's approval, may form CERSAP subcommittees or workgroups for any purpose consistent with this charter. Such subcommittees or workgroups may not work independently of CERSAP and must report their recommendations and advice to the full CERSAP committee for deliberation and discussion. Subcommittees or workgroups have no authority to make decisions on behalf of the full CERSAP committee, nor can they report directly to the Secretary of Agriculture or other USDA officials.

Keith Collins,

Chief Economist,

[FR Doc. E7–4873 Filed 3–15–07; 8:45 am]

BILLING CODE 3410–01–P

DEPARTMENT OF AGRICULTURE

Federal Advisory Committee for the Expert Review of Synthesis and Assessment Product 4.3 (CERSAP); Nomination Request

AGENCY: Office of the Chief Economist, U.S. Department of Agriculture.

ACTION: Request for nominations to the Committee for the Expert Review of Synthesis and Assessment Product 4.3 (CERSAP).

SUMMARY: The Department of Agriculture (USDA) is inviting nominations for membership on the Committee for the Expert Review of Synthesis and Assessment Product 4.3 (CERSAP). The purpose of the Committee is to provide advice on the conduct of a study titled The Effects of Climate Change on Agriculture, Land Resources, Water Resources, and

Biodiversity, to be conducted as part of the U.S. Climate Change Science Program (CCSP). The prospectus for the study titled *The Effects of Climate Change on Agriculture, Land Resources, Water Resources, and Biodiversity* is on the CCSP Web site at *http://www.climatescience.gov/Library/sap/sap4–3/default.htm.*

Committee membership will total approximately twelve persons and may include individuals from the Federal Government, State and/or local governments, the scientific community, non-governmental organizations and the private sector, with expertise, experience, and knowledge essential to the successful completion of the study. Nominations for employees of the Department of Agriculture will not be considered.

Nominations must be received within twenty-one days of the date of this **Federal Register** notice. Any interested person or organization may submit a nomination. Nominations must include a complete resume of the nominee's background, experience and expertise, Form AD755, and any other information considered relevant. Form AD755 is available online through the following Web sites: *http://www.usda.gov/oce/global_change/index.htm, http://www.climatescience.gov/Library/sap/sap4–3/default.php,* and *http://www.sap43.ucar.edu/.* Additional avenues and resources will be utilized by USDA in the solicitation of nominees.

ADDRESSES: Submit nominations to: Dr. Margaret Walsh, Global Change Program Office, Office of the Chief Economist, U.S. Department of Agriculture, Room 112–A Whitten Federal Building, 1400 Independence Avenue, SW., Washington, DC 20250–3810; e-mail address: *mwalsh@usda.gov,* fax: (202) 401–1176.

FOR FURTHER INFORMATION CONTACT: Dr. Margaret Walsh, Global Change Program Office, Office of the Chief Economist, U.S. Department of Agriculture, Room 112–A Whitten Federal Building, 1400 Independence Avenue, SW., Washington, DC 20250–3810; telephone: (202) 720–9978; e-mail address: *mwalsh@oce.usda.gov,* fax: (202) 401–1176.

SUPPLEMENTARY INFORMATION: A copy of the Committee Charter is available at *http://www.fido.gov/facadatabase/.* The purpose of the Committee is to provide advice on the conduct of a study titled *The Effects of Climate Change on Agriculture, Land Resources, Water Resources, and Biodiversity* to be conducted as part of the U.S. Climate Change Science Program (CCSP). CERSAP will advise on the specific issues to be addressed, appropriate technical approaches, the nature of information relevant to decision makers, the content of the final report, compliance with the Information Quality Act, and other matters important to the successful achievement of the objectives of the study. CERSAP will respond specifically to the following seven inquiries related to the report:

1. Are the goals, objectives, and intended audience of the product clearly described in the document? Does the product address all the questions as outlined in the prospectus?

2. Are the findings and recommendations adequately supported by evidence and analysis? If any recommendations are based on value judgments or the collective opinions of the authors, is this acknowledged and are adequate reasons given for reaching those judgments?

3. Are the data and analyses handled competently? Are statistical methods applied appropriately? Are uncertainties and confidence levels evaluated and communicated appropriately?

4. Are the document's presentation and organization effective? Are the questions outlined in the prospectus addressed and communicated in a manner that is appropriate for the intended audiences?

5. Is the document scientifically objective and policy-neutral? Is it consistent with the scientific literature, including recent NRC reports and other scientific assessments on the same topic?

6. Does the summary concisely and accurately describe the content, key findings, and recommendations? Is it consistent with other sections of the document?

7. What significant improvements, if any, might be made in the document?

Individuals and organizations interested in submitting nominations for membership should familiarize themselves with the draft prospectus for this study, which is available at *http://www.climatescience.gov/Library/sap/sap4–3/default.htm.*

CERSAP is expected to meet twice during 2007 in the Washington, DC area.

Completed nominations should be sent preferably by e-mail. If sent by either fax or regular mail, the sender is encouraged to phone (202) 720–9978 in advance.

Keith Collins,

Chief Economist.

[FR Doc. E7–4874 Filed 3–15–07; 8:45 am]

BILLING CODE 3410–01–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2007–0034]

Notice of Request for Extension of Approval of an Information Collection; Interstate Movement of Certain Land Tortoises

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection associated with regulations for the interstate movement of certain land tortoises.

DATES: We will consider all comments that we receive on or before May 15, 2007.

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

Federal eRulemaking Portal: Go to *http://www.regulations.gov,* select ''Animal and Plant Health Inspection Service'' from the agency drop-down menu, then click ''Submit.'' In the Docket ID column, select APHIS–2007–0034 to submit or view public comments and to view supporting and related materials available electronically. Information on using Regulations.gov, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's ''User Tips'' link.

Postal Mail/Commercial Delivery: Please send four copies of your comment (an original and three copies) to Docket No. APHIS–2007–0034, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS–2007–0034.

Reading Room: You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

Other Information: Additional information about APHIS and its programs is available on the Internet at *http://www.aphis.usda.gov.*

FOR FURTHER INFORMATION CONTACT: For information on the regulations for the interstate movement of certain land tortoises, contact Dr. Peter Merrill, Senior Staff Veterinarian, National Center for Import and Export, VS, 4700 River Road Unit 41, Riverdale, MD 20737; (301) 734–0649. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734–7477.

SUPPLEMENTARY INFORMATION:

Title: Interstate Movement of Certain Land Tortoises.

OMB Number: 0579–0156.

Type of Request: Extension of approval of an information collection.

Abstract: The Animal and Plant Health Inspection Service (APHIS) regulates the importation and interstate movement of certain animals and animal products to prevent the introduction into or dissemination within the United States of pests and diseases of livestock.

The regulations in 9 CFR part 93 prohibit the importation of the leopard tortoise, the African spurred tortoise, and the Bell's hingeback tortoise to prevent the introduction and spread of exotic ticks known to be vectors of heartwater disease, an acute, infectious disease of cattle and other ruminants. The regulations in 9 CFR part 74 prohibit the interstate movement of those tortoises that are already in the United States unless the tortoises are accompanied by a health certificate or certificate of veterinary inspection. The certificate must be signed by an APHIS accredited veterinarian and must state that the tortoises have been examined by that veterinarian and found free of ticks.

We are asking the Office of Management and Budget (OMB) to approve our use of this certificate for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the information collection, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the information collection on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies, e.g., permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.083 hours per response.

Respondents: APHIS accredited veterinarians, U.S. tortoise breeders, and members of tortoise adoption organizations.

Estimated annual number of respondents : 150.

Estimated annual number of responses per respondent: 20.

Estimated annual number of responses: 3,000.

Estimated total annual burden on respondents: 249 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 12th day of March 2007.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E7–4824 Filed 3–15–07; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Klamath National Forest, California, Westpoint

AGENCY: Forest Service, USDA.

ACTION: Cancellation notice.

SUMMARY: On June 23, 2006, a Notice of Intent (NOI) to prepare an environmental impact statement (EIS) for the Westpoint Project on the Scott River Ranger District of the Klamath National Forest, was published in the **Federal Register** (71 FR 36056–36058). The Forest Service has decided to cancel the preparation of this EIS. The NOI is hereby rescinded.

FOR FURTHER INFORMATION CONTACT: Bill Bailey, Timber Management Officer, Salmon/Scott River Ranger District, 11263 N. Highway 3, Fort Jones, CA 96032, telephone (530) 468–5351.

Dated: March 9, 2007.

Margaret J. Boland,

Forest Supervisor, Klamath National Forest.

[FR Doc. 07–1285 Filed 3–15–07; 8:45am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Pike and San Isabel National Forest Cimarron and Comanche Grasslands, Colorado; Upper Arkansas Water Conservancy District Reservoir Analysis

AGENCY: Forest Service, USDA.

ACTION: Notice of Intent to prepare an Environmental Impact Statement.

SUMMARY: The USDA Forest Service (FS) and the Upper Arkansas Water Conservacy District (UAWCD) have agreed to work cooperatively for the creation of the necessary environmental analysis and associated documents for the purpose of potential expansion construction of the North Fork Reservoir Water storage facility, reconstruction of the Boss Lake Reservoir emergency spillway, and long term operations and maintenance of all three reservoirs operated by UAWCD (Boss Lake, O'Haver, and North Fork). The FS has determined that all three facilities should be analyzed under an ''all-inclusive'' Environmental Impact Statement (EIS) which addresses each facility individually.

The UAWCD has agreed to pay for all necessary NEPA analysis through a third party consultant working for the FS. The FS will oversee the final approval of:

1. The environmental firm awarded the contract to conduct the NEPA analysis.

2. The quality/thoroughness of the final environmental document.

3. Any future long-term Special Use Permit (naming UAWCD as the holder) covering the operational hydrology and maintenance needs of each individual water storage facility.

DATES: Comments concerning the scope of the analysis must be postmarked or received within 45 days from the date of publication of this notice in the **Federal Register** to ensure full consideration. The draft environmental impact statement is expected January 2008 and the final environmental impact statement is expected April 2008.

ADDRESSES: Send written comments to; USDA Forest Service, Salida Ranger District, ATTN: Mike Sugaski, 325 W. Rainbow Blvd., Salida, CO 81201.

Comments may be submitted electronically to *musgaski@fs.fed.us.* Comments may also be sent by fax to (719) 539–3593.

FOR FURTHER INFORMATION CONTACT: Mike Sugaski, Recreation Staff, Salida Ranger District at the address noted above or by calling (719) 539–3591.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

The UAWCD has determined that there is a need to operate all three reservoirs to meet the user demands and a growing population. Also driving this project's Purpose and Need is the fact that each facility's term Special Use Permit (SUP) has expired. The FS feels that a thorough understanding of each facility's associated watershed and operational hydrology must be reached before term SUPs can be reissued to UAWCD. The Instream Flow Incremental Methodology (IFIM) will be used to assist in determining appropriate discharge volumes and flow regimes necessary for protection of terrestrial and aquatic life and maintain stream channel stability below each reservoir.

Proposed Action

UAWCD proposes to operate all three reservoirs to meet future water demands. They intend to analyze the feasibility of increasing the capacity of North Fork Reservoir and reconstructing the Boss Lake Reservoir emergency spillway, as well as assess the long term operation and maintenance requirements and future operational hydrology scenarios for all three reservoirs. The proposed expansion being analyzed for North Fork Reservoir could double the live storage capacity from 516 acre feed to 1024 acre feet, which would increase the surface acreage of the lake from 33 acres to 42 acres. To accommodate the additional storage, the dam height would be raised 15 feet.

The FS proposes that all three water storage facilities be analyzed under an ''all-inclusive'' Environmental Impact Statement (EIS) which addresses each facility individually.

Possible Alternatives

Other than the ''Proposed Action'' brought forward by UAWCD, and the ''No Action'' alternative, additional alternatives to this proposed project have not been identified at this time. Potential alternatives to the proposed action will undoubtedly surface during the internal and external scoping and public comment periods required during the NEPA process.

Lead and Cooperating Agencies

The USDA Forest Service will be the lead agency for this project, but will consult with other concerned local, state, and federal entities as appropriate. For example, Section 7 consultation with the U.S. Fish & Wildlife Service will be completed for the analysis area for Threatened and Endangered Species (TES).

Responsible Official

The responsible official is Robert J. Leaverton, PSICC Forest Supervisor, 2840 Kachina Drive, Pueblo, CO 81008.

Nature of Decision To Be Made

The responsible official will decide whether or not to allow for expansion of North Fork Reservoir, allow the reconstruction of the Boss Lake Reservoir emergency spillway, and approve the long term operation and maintenance requirements and future operational hydrology scenarios for all three reservoirs. The decision and rationale for the decision will be documented in the Record of Decision, which will be subject to Forest Service Appeal Regulations (36 CFR part 215).

Scoping Process

Internal FS scoping has already begun in the form of posting the project within the Schedule of Proposed Actions (SOPA), Interdisciplinary Team (IDT) meetings, conference calls, and FS specialist field reviews of various sites within the analysis area. External public scoping was initiated by way of listing the project within SOPA, posting a legal public notice in the Salida District's local newspaper, the Mountain Mail, on August 25, 2004, as well as radio announcements by the local Colorado Division of Wildlife (CDOW).

In addition to these preliminary forms of scoping, the FS plans on holding public meetings throughout various stages of this project to ensure that all relevant issues and concerns are brought to the attention of the agency before issuing the final decision. The times and locations of these meetings are yet to be determined.

Preliminary Issues

Some preliminary issues identified for this project include the following:

1. Expired long-term SUP's for all three facilities.

2. Appropriate discharge volumes needed to protect terrestrial and aquatic life and maintain stream channel stability below each reservoir while meeting UAWCD water rights and user demands.

3. Effects to the high-use scenic campground at North Fork and Boss Lake.

4. Unrestricted public access to each facility.

5. Effects to private landowners adjacent to North Fork and Boss Lake.

6. Impacts to sub-alpine wetland areas at North Fork, and effects to two rare plant species identified near the North Fork facility (moonwort, *Botrychium spp*).

Permits or Licenses Required

Each facility's term Special Use Permit (SUP) has expired. The FS feels that a thorough understanding of each facility's associated watershed and operational hydrology must be reached before term SUPs can be reissued to UAWCD. Temporary Special Use Permits have been issued to UAWCD to allow for the continued operation of the existing water storage facilities.

An Army Corps of Engineers 404 permit has been obtained by UAWCD in order to implement work that may be necessary within or adjacent to designated wetland areas around the North Fork facility. Additional 404 permits may be necessary at Boss Lake and North Fork prior to implementing any selected alternative.

Comment Requested

This Notice of Intent supports the scoping process which guides the development of the environmental impact statement.

Early Notice of Importance of Public Participation in Subsequent Environmental Review

A draft environmental impact statement will be prepared for public 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 local newspaper. 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 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: March 12, 2007.

Robert J. Leaverton,

Forest Supervisor.

[FR Doc. 07–1286 Filed 3–15–07; 8:45 am]

BILLING CODE 3410–ES–M

DEPARTMENT OF AGRICULTURE

Forest Service

Lake Tahoe Basin Federal Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Lake Tahoe Basin Federal Advisory Committee will hold a meeting on March 29, 2007 at the North Tahoe Conference Center, Kings Beach, CA 96143. This Committee, established by the Secretary of Agriculture on December 15, 1998 (64 FR 2876), is chartered to provide advice to the Secretary on implementing the terms of the Federal Interagency Partnership on the Lake Tahoe Region and other matters raised by the Secretary.

DATES: The meeting will be held March 29, 2007, beginning at 9 a.m. and ending at 4 p.m.

ADDRESSES: The meeting will be held at the North Tahoe Conference Center, Kings Beach, CA 96143.

FOR FURTHER INFORMATION CONTACT: Arla Hains, Lake Tahoe Basin Management Unit, Forest Service, 35 College Drive, South Lake Tahoe, CA 96150, (530) 543–2773.

SUPPLEMENTARY INFORMATION: Items to be covered on the agenda include: (1) The revised Lake Tahoe Federal Advisory Committee Communications Plan; (2) the Southern Nevada Public Land Management Act Round 8; and, (3) Public Comment. All Lake Tahoe Basin Federal Advisory Committee meetings are open to the public. Interested citizens are encouraged to attend at the above address. Issues may be brought to the attention of the Committee during the open public comment period at the meeting or by filing written statements with the secretary for the Committee before or after the meeting. Please refer any written comments to the Lake Tahoe Basin Management Unit at the contact address stated above.

Dated: March 12, 2007.

Joseph Keely,

Acting Forest Supervisor.

[FR Doc. 07–1281 Filed 3–15–07; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Meeting of the Land Between the Lakes Advisory Board

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Land Between The Lakes Advisory Board will hold a meeting on Thursday, April 5, 2007. Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2.

The meeting agenda includes the following:

(1) Welcome/Introductions
(2) Board Discussion on Public Comments Received
(3) Strategies for Environmental Education
(4) Brandon Spring Group Center Program Presentation
(5) Discussions with Students Visiting Brandon Spring Group Center

The meeting is open to the public. Written comments are invited and may be mailed to: William P. Lisowsky, Area Supervisor, Land Between The Lakes, 100 Van Morgan Drive, Golden Pond, Kentucky 42211. Written comments must be received at Land Between The Lakes by March 29, 2007, in order for copies to be provided to the members at the meeting. Board members will review written comments received, and at their request, oral clarification may be requested at a future meeting.

DATES: The meeting will be held on April 5, 2007, 8:30 a.m. to 3:15 p.m.

ADDRESSES: The meeting will be held at the Brandon Spring Group Center at Land Between The Lakes, Kentucky, and will be open to the public.

FOR FURTHER INFORMATION CONTACT: Sharon Byers, Advisory Board Liaison, Land Between The Lakes, 100 Van Morgan Drive, Golden Pond, Kentucky 42211, 270–924–2002.

SUPPLEMENTARY INFORMATION: None.

Dated: March 9, 2007.

William P. Lisowsky,

Area Supervisor, Land Between The Lakes.

[FR Doc. E7–4852 Filed 3–15–07; 8:45 am]

BILLING CODE 3410–11–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the California Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights and the Federal Advisory Committee Act, that a factfinding, planning meeting with briefing of the California Advisory Committee will convene at 10 a.m. and adjourn at 4 p.m. on Friday, March 23, 2007, at the Federal Building, 300 N. Los Angeles Street, Conference Room 8529, Los Angeles, California 90012. The purpose of the factfinding, planning meeting with briefing is to obtain information for the FY 2008 Statutory Report on Religion in Prisons.

Persons desiring additional information, or planning to present a statement to the Committee, should contact Thomas V. Pilla, Civil Rights Analyst of the Western Regional Office, 213–894–3437 (TDD 213–894–3435). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission and the Federal Advisory Committee Act.

It was not possible to publish this notice 15 days in advance of the meeting date because of internal processing delays.

Dated at Washington, DC, March 13, 2007.

Ivy L. Davis,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. E7–4837 Filed 3–15–07; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Illinois Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights and the Federal Advisory Committee Act, that a planning meeting with briefing of the Illinois Advisory Committee will convene at 1 p.m. and adjourn at 5 p.m. on Thursday, March 22, 2007, at 55 W. Monroe Street, Fifth Floor Conference Room, Chicago, Illinois 60603. The purpose of the planning meeting with briefing is to conduct an orientation and ethics training for new members, plan future activities, and have a briefing on religious discrimination in prisons.

Persons desiring additional information, or planning to present a statement to the Committee, should contact Constance M. Davis, Regional Director of the Midwestern Regional Office, 312–353–8311 (TDD 312–353–8362). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission and the Federal Advisory Committee Act.

It was not possible to publish this notice 15 days in advance of the meeting date because of internal processing delays.

Dated at Washington, DC, March 13, 2007.

Ivy L. Davis,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. E7–4838 Filed 3–15–07; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Notice of Prospective Grant of Exclusive Patent License

AGENCY: National Institute of Standards and Technology, Commerce.

SUMMARY: This is a notice in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the National Institute of Standards and Technology (''NIST''), U.S. Department of Commerce, is contemplating the grant of an exclusive license in the United States of America, its territories, possessions and commonwealths, to NIST's interest in the invention embodied in U.S. Patent No. 5,514,501 (Application No. 08/255,961), titled ''Process For UV-Photopatterning of Thiolate Monolayers Self-Assembled On Gold, Silver and Other Substrates,'' NIST Docket No. 93–047US to Stratos Biosystems, LLC, having a place of business at 2401 Elliott Avenue, 5th Floor, Seattle, Washington 98121. The grant of the license would be for the field of use: Substrates for analysis of proteins and nucleic acids by mass spectrometry in the Life Sciences Research and In Vitro Diagnostic markets.

FOR FURTHER INFORMATION CONTACT: J. Terry Lynch, National Institute of Standards and Technology, Office of Technology Partnerships, 100 Bureau Drive, Stop 2200, Gaithersburg, MD 20899, Phone 301–975–2691.

SUPPLEMENTARY INFORMATION: 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 days from the date of this published Notice, NIST receives written evidence and argument which establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7. The availability of the invention for licensing was published in the **Federal Register** on October 11, 1994.

U.S. Patent No. 5,514,501 is owned by the U.S. government, as represented by the Secretary of Commerce. The invention is a process for creating a two dimensional spacial distribution pattern of ferent thiolate molecules on a substrate by illuminating a surface of a self-assembled monolayer of a first thiolate compound in the presence of oxygen with high frequency electromagnetic radiation distributed according to a desired pattern, and subsequently immersing the illuminated substrate in a solution of a second thiolate compound so that molecules of the first thiolate compound in illuminated areas of the monolayer are exchanged for molecules of said second thiolate compound; and a patterned biomolecular composite formed of a substrate which forms a self-assembled thiolate monolayer when immersed in a solution of a thiolate forming compound, a thiolate monolayer deposited on the substrate and composed of patterned areas of first and second thiolate compounds, respectively, the first thiolate compound having an affinity for specifically or nonspecifically adsorbing a biological molecule, and the second thiolate compound having essentially no affinity for the biological molecule, and at least one biological material adsorbed in a corresponding pattern on the patterned areas of the first thiolate compound in the thiolate monolayer.

Dated: March 9, 2007.

James E. Hill,

Acting Deputy Director.

[FR Doc. E7–4865 Filed 3–15–07; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF DEFENSE

Department of the Army

Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Concerning a Method and Device for the Detection and Track of Targets in High Clutter

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6 and 404.7, announcement is made of the availability for licensing of the invention set forth in U.S. Patent No. 7,154,433 entitled ''Method and Device for the Detection and Track of Targets in High Clutter,'' issued on December 26, 2006. The United States Government, as represented by the Secretary of the Army, has rights in this invention.

ADDRESSES: Office of Research and Technology Applications, SDMC–RDTC–TDL (Ms. Susan D. McRae), Bldg. 5220, Von Braun Complex, Redstone Arsenal, AL 35898.

FOR FURTHER INFORMATION CONTACT: Ms. Joan Gilsdorf, Patent Attorney, e-mail: *joan.gilsdorf@smdc.army.mil* (256) 955–3213 or Ms. Susan D. McRae, Office of Research and Technology Applications, e-mail: *susan.mcrae@smdc.army.mil*; (256) 955–1501.

SUPPLEMENTARY INFORMATION: The invention pertains to Doppler radar systems for tracking targets in high

clutter. A processor mitigates a clutter cloud in a reflected radar signal, the clutter cloud having a velocity growth rate. The processor includes an input for receiving a reflected radar signal, a delay line having a plurality of moving target indicator (MTI) Doppler filters, and an output connected in circuit with the plurality of MTI Doppler filters. The delay line covers a Doppler frequency range corresponding to the velocity growth rate of the clutter cloud. The reflected radar signal passes through the delay line to mitigate a portion of the reflected radar signal that is reflected by the clutter cloud from the reflected radar signal.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 07–1277 Filed 3–15–07; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Availability of Non-Exclusive, Exclusive License or Partially Exclusive Licensing of U.S. Patent Concerning Methods for Polymerization of Electronic and Photonic Polymers

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR part 404.6, announcement is made of the availability for licensing of U.S. Patent No. US 7,186,792 B2 entitled ''Methods for Polymerization of Electronic and Photonic Polymers'' issued March 6 2007. This patent has been assigned to the United States Government as represented by the Secretary of the Army.

FOR FURTHER INFORMATION CONTACT: Mr. Jeffrey DiTullio at U.S. Army Soldier Systems Center, Kansas Street, Natick, MA 01760, Phone; (508) 233–4184 or E-mail: *Jeffrey.DiTullio@us.army.mil.*

SUPPLEMENTARY INFORMATION: Any licenses granted shall comply with 35 U.S.C. 209 and 37 CFR part 404.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 07–1279 Filed 3–15–07; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Availability of Non-Exclusive, Exclusive License or Partially Exclusive Licensing of U.S. Patent Concerning Methods for Polymerization of Electronic and Photonic Polymers

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR part 404.6, announcement is made of the availability for licensing of U.S. Patent No. US 7,186,791 B2 entitled ''Methods for Polymerization of Electronic and Photonic Polymers'' issued March 6, 2007. This patent has been assigned to the United States Government as represented by the Secretary of the Army.

FOR FURTHER INFORMATION CONTACT: Mr. Jeffrey DiTullio at U.S. Army Soldier Systems Center, Kansas Street, Natick, MA 01760, Phone; (508) 233–4184 or E-mail: *Jeffrey.DiTullio@us.army.mil.*

SUPPLEMENTARY INFORMATION: Any licenses granted shall comply with 35 U.S.C. 209 and 37 CFR part 404.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 07–1280 Filed 3–15–07; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Concerning a Multiple Pass Faraday Rotation Amplifier

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6 and 404.7, announcement is made of the availability for licensing of the invention set forth in U.S. Patent No. 7,095,555 entitled ''Multiple Pass Faraday Rotation Amplifier,'' issued on August 22, 2006. The United States Government, as represented by the Secretary of the Army, has rights in this invention.

ADDRESSES: Office of Research and Technology Applications, SDMC–RDTC–TDL (Ms. Susan D. McRae), Bldg. 5520, Von Braun Complex, Redstone Arsenal, AL 35898.

FOR FURTHER INFORMATION CONTACT: Ms. Joan Gilsdorf, Patent Attorney, e-mail: *joan.gilsdorf@smdc.army.mil* (256) 955–3213 or Ms. Susan D. McRae, Office of Research and Technology Applications, e-mail: *susan.mcrae@army.mil;* (256) 955–1501.

SUPPLEMENTARY INFORMATION: The invention pertains to the amplification of Faraday or Voigt rotation in thin film materials by passing a light beam through a sample of material many times through use of multiple internal reflections and successive mirrored chambers that repeatedly send the light beam back through the sample.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 07–1276 Filed 3–15–07; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Notice of Availability for the Final Environmental Impact Statement/ Environmental Impact Report for the Burlington Northern Santa Fe (BNSF) Cajon Third Main Track Summit to Keenbrook, San Bernardino County, CA

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of Availability.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969 (as amended), the U.S. Army Corps of Engineers, Los Angeles District (Corps) Regulatory Branch, in coordination with the County of San Bernardino and in cooperation with U.S. Forest Service, has completed a Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Burlington Northern Santa Fe (BNSF) Third Main Track Summit to Keenbrook Project. The proposed BNSF project requires authorization pursuant to section 404 of the Clean Water Act for approximately 2.95 acres of fill placement in jurisdictional waters of the United States, including wetlands, to construct 15.9 miles of a new main track through the Cajon Pass in San Bernardino County, California. Three alternatives were co-equally analyzed in the EIS/EIR, including Alternative 1 (Reduced Footprint), Alternative 2 (Standard Engineering Design) and the No Action Alternative, as required by NEPA. As the project proponent and applicant, the BNSF Railway Co. selected Alternative 1 as its preferred alternative. The Corps determined Alternative 1 is the environmentally preferred alternative and the least environmentally damaging

practicable alternative pursuant to the 404(b)(1) Guidelines (40 CFR 230.12).

FOR FURTHER INFORMATION CONTACT: Questions or comments concerning the Final EIS/EIR should be directed to Ms. Susan A. Meyer, Senior Project Manager, Regulatory Branch, U.S. Army Corps of Engineers, Los Angeles District, P.O. Box 532711, 915 Wilshire Boulevard, Los Angeles, CA 90053–2325, (808) 438–2137. Alternatively, comments can be submitted electronically to: *susan.a.meyer@usace.army.mil.*

SUPPLEMENTARY INFORMATION: Paper copies of the Final EIS/EIR will be made available to the public for review at the following libraries: Norman F. Feldheym Central Library (San Bernardino, California), Hesperia Branch Library (Hesperia, California), and the Rancho Cucamonga Public Library (Rancho Cucamonga, California). A CD copy of the document may be obtained by contacting Ms. Meyer in writing at the address or email above. Interested parties are invited to provide their comments on the Final EIS/EIR, which will become a part of the official record and will be considered in the final decision. Written comments must be received on or before April 16, 2007 and should be submitted to the contact listed above. A Record of Decision (ROD) will be issued by the Corps no earlier than 30 days after the Notice of Receipt for the Final EIS/EIR is published in the **Federal Register**. As a cooperating agency, the USFS intends to adopt the Final EIS/EIR and issue its own ROD in support of the issuance of a USFS special use permit.

Dated: March 7, 2007.

David J. Castanon,

Chief, Regulatory Branch.

[FR Doc. E7–4823 Filed 3–15–07; 8:45 am]

BILLING CODE 3710–KF–P

DEPARTMENT OF THE DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement for the Port Canaveral Navigation Improvements Section 203 Feasibility Study Located in Brevard County, FL

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers (Corps), Jacksonville District intends to prepare a Draft Environmental Impact Statement (DEIS) for the Port Canaveral Improvements Section 203 Feasibility Study. The study is being conducted by the Canaveral Port Authority under authority granted by section 203 of Water Resources Development Act (WRDA) 1986.

ADDRESSES: U.S. Army Corps of Engineers, Planning Division, Environmental Branch, P.O. 4970, Jacksonville, FL, 32232–0019.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Stodola, by e-mail *Paul.E.Stodola@saj02.usace.army.mil* or by telephone at (904) 232–3271.

SUPPLEMENTARY INFORMATION:

a. Proposed Action. Canaveral Port Authority has elected to conduct a feasibility study of potential improvements under the authority granted by section 203 of WRDA 1986. Section 203 states (in part) that ''A non-Federal interest may on its own undertake a feasibility study of a proposed harbor or inland harbor project and submit it to the Secretary of the Army.'' Corps of Engineers guidance for implementation of Section 203 is contained in Engineering Regulation (ER) 1165–2–122, August 26, 1991.

b. Objectives. The objectives of the Port Canaveral Navigation Improvements feasibility study are to prepare a Section 203 Study Report that fully complies with all Federal laws and regulations applicable to navigation project General Investigation feasibility studies, and to enable the Assistant Secretary of the Army to make appropriate recommendations to Congress regarding authorization of the Federal navigation improvements project for Port Canaveral.

c. Study Purpose and Need for Action. The purpose of the study is to evaluate modification to the Federal project for improvements to the navigational channels, the west turning basin, and wideners at the port, all of which would result in an increase in the efficiency of cargo vessels and cruise ships using the port. The study will identify and evaluate alternatives that will (2) reduce future congestion at Port Canaveral; (2) accommodate anticipated future growth in vessel traffic; (3) improve the efficiency of operations for cruise ships and cargo vessels within the Port complex; (4) allow for use of the Port by larger, more efficient, cruise ships and cargo vessels; and (5) allow for development of additional terminals/berths without encroaching on the West Turning Basin.

The total Federal project includes, a 41-foot-deep entrance channel and maintenance of the 44-foot-deep Navy Channel in the 41-foot channel reach; a 40-foot deep and 400-foot-wide inner channel; depths of 35 and 39 feet in the middle turning basin; a channel 39 feet deep and 400 feet wide from the middle turning basin west, 1,800 feet, hence a channel 31 feet deep and 400 feet wide to the west turning basin also 31 feet deep; a channel 39 feet deep and 350 feet wide from the middle turning basin and channel north to the end of Berth 4; relocation of the perimeter dike about 4,000 feet westward and extension of the harbor westward; a south entrance jetty 1,100 feet long and an entrance jetty 1,150 long; a barge dock 90 feet wide and 600 feet long west of the harbor dike; and a barge canal 12 feet by 125 feet from the middle turning basin tot he Atlantic Intracoastal Waterway.

The without project condition is for continuation of the same channel depths and dimensions, with maintenance dredging as needed to maintain current authorized depths. Without proposed project improvements the port will continue to experience the following three major problems which greatly impact port operations, safety, and economic viability.

1. The size of cruise ships calling at Port Canaveral is constrained by channel and turning basin dimensions. The potential for future cruise ship terminal expansion cannot be fully exploited under existing channel and turning basin dimensions and configurations. In addition, the increasingly larger cruise ships calling at Port Canaveral are beginning to encroach on the existing west turning basin. Also, passage of large cruise ships through the narrow ship channel causes surges at cargo piers, which result in cargo vessels having to stop loading and unloading activities while the cruise ships pass.

2. The size of cargo vessels calling at Port Canaveral is constrained by existing channel dimensions and configuration. Larger, more efficient vessels could be used for bulk items such as aggregates and cement if channels were improved.

3. Congestion at cargo berths reduces the effectiveness and efficiency of cargo vessels and landside facilities. Given the rapid growth in commodity movements at Port Canaveral, in the very near future a significant proportion of cargo vessels calling at Port Canaveral will have to wait offshore for a berth to become available. Some of these vessels will likely divert to an alternative port, and incur increased transportation costs, if channels are not improved. In addition, landside facilities will stand idle as vessels wait offshore for an available berth.

d. Alternatives. The proposed alternative navigation improvements at

Port Canaveral include making no further improvements to the project (no action alternative), deepening ocean access and interior channels to accommodate larger vessels; deepening the turning circles in the west and middle turning basins to accommodate larger vessels; increasing the diameter of the west turning basin to accommodate new larger cruise ships; deepening the widener to accommodate larger cruise ships; and widening interior channels to accommodate larger cruise ships.

e. Issues. The Environmental Impact Statement (EIS) will consider impacts on marine resources, protected species, water quality, fish and wildlife resources, cultural resources, essential fish habitat, socio-economics resources, coastal processes, aesthetics and recreation, and other impacts identified through scoping, public involvement, and agency coordination.

f. Scoping Process. Based on early coordination, the local sponsor determined that an EIS was needed. Scoping meetings were held by the local sponsor with Federal agencies. Additional agency meetings will be held in the coming months. All parties are invited to participate in the scoping process by identifying any additional concerns on issues, studies needed, alternatives, procedures, and other matters related to the scoping process. At this time, there are no plans for a public scoping meeting.

g. Public Involvement. We invite the participation of affected Federal, state and local agencies, affected Indian tribes, and other interested private organizations and parties.

h. Coordination. The proposed action is being coordinated with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act, with the FWS under the Fish and Wildlife Coordination Act, and with the State Historic Preservation Officer.

i. Other Environmental Review and Consultation. The proposed action would involve evaluation for compliance with guidelines pursuant to Section 404(b) of the Clean Water Act; application (to the State of Florida) for Water Quality Certification pursuant to Section 401 of the Clean Water Act; certification of state lands, easements, and rights of way; Essential Fish Habitat with National Marine Fisheries Service; and determination of Coastal Zone Management Act consistency.

j. Agency Role. The non-Federal sponsor (Canaveral Port Authority) will provide extensive information and assistance on the resources to be impacted, mitigation measures, and alternatives. The corps will provide coordination of the EIS process.

k. DEIS Preparation. It is estimated that the DEIS will be available to the public on or about January 2008.

Dated: March 7, 2007.

Stuart J. Appelbaum,

Chief, Planning Division.

[FR Doc. 07–1278 Filed 3–15–07; 8:45 am]

BILLING CODE 3710–AJ–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare an Environmental Impact Statement for the Proposed Placer Vineyards Project, Corps Permit Application Number 199900737

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The Placer Vineyards Specific Plan Property Group proposes to construct a mixed-use master planned community with residential, employment, commercial, open space, recreational and public/quasi-public land uses. The Plan provides for 14,132 homes in a variety of housing types, styles, and densities. At full Plan build-out, projected to occur over a 20- to 30-year time period, Placer Vineyards will have a population of approximately 33,000 people, 42 acres of employment centers, 140 acres of retail commercial centers and approximately 930 acres of new parks and open space. This project, as proposed, would result in impacts to approximately 102.7 acres of waters of the United States, including 8.5 acres of temporary impacts to water and wetlands.

DATES: Two scoping meetings will be held on March 28, 2007. The first meeting will be conducted from 3 p.m. to 5 p.m., and the second will be conducted from 6 p.m. to 8 p.m.

ADDRESSES: The meetings will be held at the Placer County Community Development Resource Center, Planning Commission Hearing Room, 3091 County Center Drive (corner of Bell Road and Richardson), Auburn, CA 95603.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and the Draft Environmental Impact Statement can be answered by Tom Cavanaugh, (916) 557–5261, e-mail: *thomas.j.cavanaugh@usace.army.mil*.

SUPPLEMENTARY INFORMATION: The applicants have applied for a Department of the Army permit under Section 404 of the Clean Water Act to construct a large-scale mixed-use development project. As part of the Section 404(b)(1) application process, the development of an Environmental Impact Statement (EIS) is required. No project alternatives have been defined to date. The proposed project and the alternatives to its proposed size, design and location will be developed through the EIS process.

Although wetland delineations have been conducted for each of the participating properties, some have not yet been verified. Based upon the best currently available information, approximately 156.1 acres of waters of the United States have been delineated within the participating properties. Of the 156.1 acres mapped on site, the applicants propose to result in impacts to approximately 61.3 acres of waters of the United States and to avoid approximately 60.1 acres of waters of the United States for construction of the project (not including infrastructure). For development of the infrastructure elements, the applicants propose to affect an estimated 41.4 acres of waters of the United States. Thus, the combined total proposed impacts to waters of the United States for all elements of this comprehensive permit application would affect 102.7 acres.

The Placer Vineyards Plan Area is bounded on the north by Baseline Road, on the south by the Sacramento/Placer County line, on the west by the Sutter/Placer County line and Pleasant Grove Road, and on the east by Dry Creek and Walerga Road. East to west, the Specific Plan area spans approximately 6 miles. North to south, at its widest point, it spans approximately 2 miles.

The Corps' public involvement program includes several opportunities to provide oral and written comments. Affected Federal, state, local agencies, Indian tribes and other interested private organizations and parties are invited to participate. Significant issues to be analyzed in depth in the EIS include, loss of waters to the United States, including vernal pools and other wetlands; cultural resources; threatened and endangered species; surface water and groundwater; water quality; socio-economic effects, and aesthetics.

The Corps will initiate formal consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service under Section 7 of the Endangered Species Act for two federally threatened and endangered species that may be affected by this project. In addition, the Corps will be consulting with the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act regarding potential impacts to sites

listed or eligible for listing on the National Register of Historic Places.

The estimated date when the EIS will be made available to the public is December 2008.

Dated: March 7, 2007.

James A. Porter,

Lt. Col., Corps of Engineers, Deputy District Engineer.

[FR Doc. 07–1287 Filed 3–15–07; 8:45 am]

BILLING CODE 3710–EZ–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC07–549B–000; FERC–549B]

Commission Information Collection Activities, Proposed Collection; Comment Request; Extension

March 12, 2007.

AGENCY: Federal Energy Regulatory Commission, DOE.

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 May 22, 2007.

ADDRESSES: Copies of sample filings of the proposed collection of information can be obtained from the Commission's Web site (*http://www.ferc.gov/docs-filing/efiling.asp*) or from the Federal Energy Regulatory Commission, Attn: Michael Miller, Office of the Executive Director, ED–34, 888 First Street, NE., Washington, DC 20426. Comments may be filed either in paper format or electronically. Those parties filing electronically do not need to make a paper filing. For paper filing, the original and 14 copies of such comments should be submitted to the Secretary of the Commission, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426 and refer to Docket No. IC07–549B–000.

Documents filed electronically via the Internet must be prepared in WordPerfect, MS Word, Portable Document Format, or ASCII format. To file the document, access the Commission's Web site at *http://www.ferc.gov*, go to the tab labeled Documents and Filing, choose eFiling from the drop-down list and follow the instructions given. First time users will need to establish a user name and password. The Commission will send an automatic acknowledgement to the sender's e-mail address upon receipt of comments.

All comments may be viewed, printed or downloaded remotely via the Internet through the Commission'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–549B ''Gas Pipeline Rates: Capacity Information'' (OMB No. 1902–0169) includes both the Index of Customers Report under 18 CFR 284.13(c) and capacity reporting requirements under 18 CFR 284.13(b) and 284.13(d). This information is used by the Commission to implement the statutory provisions of sections 4, 5, and 16 of the NGA, 15 U.S.C. 717c–717o, PL 75–688, 52 Stat. 822 and 830 and Title III of the NGPA, 15 U.S.C. 3301–3432, PL. 95–621.

Capacity Reports

On April 4, 1992, in Order No. 636, the Commission established a capacity release mechanism under which shippers could release firm transportation and storage capacity on either a short or long term basis to other shippers wanting to obtain capacity. Pipelines posted available firm and interruptible capacity information on their electronic bulletin boards (EBBs) to inform potential shippers. On September 11, 1992, in Order No. 636–A, the Commission determined, through staff audits, that the efficiency of the capacity release mechanism could be enhanced by standardizing the content and format of capacity release information and the methods by which shippers access this information, posted to EBBs.

On April 4, 1995, through Order 577 (RM95–5–000), the Commission amended § 284.243(h) of its regulations to allow shippers the ability to release capacity without having to comply with the Commission's advance posting and bidding requirements.

To create greater substitution between different forms of capacity and to enhance competition across the pipeline grid, on February 25, 2000, in Order No. 637, the Commission revised its capacity release regulations regarding scheduling, segmentation and flexible point rights, penalties, and reporting requirements. This resulted in more reliable capacity information availability and price data that shippers needed to make informed decisions in a competitive market as well as to improve shipper's and the Commission's availability to monitor marketplace behavior.

Index of Customers

In Order 581, issued September 28, 1995, the Commission established the Index of Customers (IOC) information requirement. The Index of Customers had two functions, first, for analyzing capacity held on pipelines and second, for providing capacity information to the market. The Index of Customers information aides the capacity release system by enabling shippers to identify and locate those holding capacity rights that the shippers may want to acquire. The information was required to be posted on the pipeline's EBB and filed on electronic media with the Commission. This first Index contained, for all firm customers under contract as of the first day of the calendar quarter, the full legal name of the shipper, the rate schedule number for which service is contracted, the contract effective and expiration dates, and the contract quantities.

In Order 637, the Commission required the following additional information: the receipt and delivery points held under contract and the zones or segments in which the capacity is held; the common transaction point codes; the contract number; a shipper identification number, such as DUNS; an indication whether the contract includes negotiated rates; the names of any agents or asset managers that control capacity in a pipeline rate zone; and any affiliate relationship between the pipeline and the holder of capacity. The Index is now provided through a quarterly filing on electronic media to the Commission and is posted on pipelines' Internet Web sites.

Action: The Commission is requesting a three-year extension of the current expiration date, with no changes to the existing collection of data.

Burden Statement: Public reporting burden for this collection is estimated as:

Number of respondents annually (1)	Number of responses per respondent (2)	Average burden hours per response (3)	Total annual burden hours (1)×(2)×(3)
Capacity Rpts & IOC: 103	Capacity Rpts: 6 IOC: 4	Capacity Rpts: 291 IOC: 3	Capacity Rpts: 179,838 IOC: 1,236
Total:			181,704

Estimated cost burden to respondents is as follows:

Capacity reports: 179,838 hours/2080 work hours per year × $122,137 = $10,560,035.

Index of Customers (IOC): 1,236 hours/2080 work hours per year × $122,137 = $72,578. Total Costs = $10,632,613. The estimated annual cost per respondent is: Capacity Reports: $102,525; Index of Customers: $705.

The reporting burden includes the total time, effort, or financial resources expended to generate, maintain, retain, disclose, or provide the information including: (1) Reviewing instructions; (2) developing, acquiring, installing, and utilizing technology and systems for the purposes of collecting, validating, verifying, processing, maintaining, disclosing and providing information; (3) adjusting the existing ways to comply with any previously applicable instructions and requirements; (4) training personnel to respond to a collection of information; (5) searching data sources; (6) completing and reviewing the collection of information; (7) transmitting, or otherwise disclosing the information; and (8) requesting *e.g.* waiver or clarification of requirements.

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.

Philis Posey,

Acting Secretary.

[FR Doc. E7–4809 Filed 3–15–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP07–94–000, CP07–96–000]

Enstor Gulf Coast Storage, LLC; Notice of Application

March 12, 2007.

Take notice that on March 2, 2007, as supplemented on March 7, 2007, Enstor Gulf Coast Storage, LLC (Enstor) 20333 State Highway 249, Suite 400, Houston, Texas 77070, filed (1) an application in Docket No. CP07–94–000, pursuant to section 7(c) of the NGA and the Commission's regulations, for a certificate of public convenience and necessity authorizing the operation of a Gulf Coast storage pool that will aggregate storage capacity obtained from discrete affiliated and non-affiliated service providers, and in combination with off-system interstate transportation capacity acquired on five interstate pipelines, will provide storage and in Docket No. CP07–94–000 storage related services to the interstate market; and (2) an application in Docket No. CP07–96–000 for a blanket transportation certificate under Part 284 Subpart G of the Commission's regulations, to provide open access storage and storage related services at market based rates with pregranted abandonment.

These filings are available for review at the Commission's Washington, DC offices or may be viewed on the Commission's Web site at *http://www.ferc.gov/* using the ''e-Library'' link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at *ferconlinesupport@ferc.gov* or Telephone: 202–502–6652; Toll-free: 1–866–208–3676; or for TTY, contact (202) 502–8659.

Any questions regarding these applications should be directed to Joseph H. Fagan of Heller Ehrman LLP, 1717 Rhode Island Avenue, NW., Washington, DC 20036–3001, or phone (202) 912–2162, or FAX (202) 912–2020, or e-mail *joseph.fagan@hellerehrman.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 proceeding for this project should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10) by the comment date, below. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will

receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project and/or associated pipeline. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

Protests and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 285.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-filing'' link. The Commission strongly encourages electronic filings.

Comment Date: April 2, 2007.

Philis J. Posey,

Acting Secretary.

[FR Doc. E7–4807 Filed 3–15–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP07–32–001]

Gulf South Pipeline Company, LP; Notice of Amended Application

March 12, 2007.

Take notice that on March 5, 2007, Gulf South Pipeline Company, LP (Gulf South), 20 East Greenway Plaza, Houston, Texas 77046, filed in Docket No. CP07–32–001, an amendment to its pending application pursuant to section 7(c) of the Natural Gas Act (NGA) in which it seeks authorization to site, construct, and operate facilities proposed in Docket No. CP07–32–000 filed December 11, 2006. In the amended application, Gulf South proposes to internally coat the pipe for the entire length of the project, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The Commission staff will determine if this amendment will have an effect on the schedule for the environmental review of this project. If necessary, a revised Notice of Schedule for Environmental Review will be issued within 90 days of this Notice. The instant 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.

Any questions regarding this application may be directed to J. Kyle Stephens, Director of Certificates, 20 East Greenway Plaza, Houston, Texas 77046 or by telephone at 713–544–7309 or telecopy to 713–544–3540.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the below listed comment date, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

Motions to intervene, protests and comments may be filed electronically via the Internet in lieu of paper; see, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Comment Date: April 2, 2007.

Philis Posey,

Acting Secretary.

[FR Doc. E7–4806 Filed 3–15–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EL05–25–003, EL05–26–003, EL05–27–003]

Southern Company Services, Inc.; Notice of Filing

March 12, 2007.

Take notice that on March 5, 2007 Southern Company Services, Inc for itself and as agent for Alabama Power Company and Georgia Power Company filed a compliance report 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 26, 2007.

Philis J. Posey,

Acting Secretary.

[FR Doc. E7–4808 Filed 3–15–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings # 1

March 12, 2007.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC07–65–000.

Applicants: Astoria Energy LLC, SCS Energy, LLC, SUEZ Energy Development NA, Inc., Suez Energy North America, Inc.

Description: Astoria Energy LLC submits an application for FERC authorization for the indirect disposition of certain jurisdictional facilities & acquisition of securities.

Filed Date: 03/05/2007

Accession Number: 20070309–0257.

Comment Date: 5 p.m. Eastern Time on Monday, March 26, 2007.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER99–2156–010; ER96–719–016; ER97–2801–016

Applicants: Cordova Energy Company LLC; MidAmerican Energy Company; PacifiCorp.

Description: Cordova Energy Co, LLC et al submit a Notice of Change in Status in connection with MidAmerican Energy Co's operation of additional generating resources.

Filed Date: 03/02/2007.

Accession Number: 20070309–0240.

Comment Date: 5 p.m. Eastern Time on Friday, March 23, 2007.

Docket Numbers: ER01–205–019; ER98–2640–017; ER98–4590–015; ER99–1610–023.

Applicants: Xcel Energy Services Inc; Northern States Power Company and Northern States Power Company (Wisconsin); Public Service Company of Colorado; Southwestern Public Service Company.

Description: Xcel Energy Services Inc on behalf of Southwestern Public Service Company submits a change in status report relating to its market-based rate authority.

Filed Date: 03/02/2007.

Accession Number: 20070309–0567.

Comment Date: 5 p.m. Eastern Time on Friday, March 23, 2007.

Docket Numbers: ER02–2560–008.

Applicants: Louisville Gas & Electric Company/KU.

Description: Louisville Gas & Electric Co/Kentucky Utilities Co submits a compliance refund report.

Filed Date: 03/08/2007.

Accession Number: 20070308–5071.

Comment Date: 5 p.m. Eastern Time on Thursday, March 29, 2007.

Docket Numbers: ER03–478–015; ER06–200–008; ER07–240–003; ER06–1093–002; ER03–951–011; ER03–416–012; ER04–94–009; ER03–296–011; ER05–534–009; ER05–365–009; ER01–3121–010; ER02–418–009; ER05–332–009; ER02–417–009; ER05–1146–009; ER05–481–009; ER03–1326–008; ER05–1262–006.

Applicants: PPM Energy, Inc.; Big Horn Wind Project LLC; Twin Buttes Wind LLC; Flat Rock Windpower II LLC; Moraine Wind LLC; Klondike Wind Power LLC; Mountain View Power Partners III, LLC; Flying Cloud Power Partners, LLC; Eastern Desert Power LLC; Elk River Windfarm LLC; Klamath Energy LLC; Klamath Generation LLC; Klondike Wind Power II LLC; Pheonix Wind Power LLC; Shiloh I Wind Project, LLC; Trimont Wind I LLC; Colorado Green Holdings LLC; Flat Rock Windpower LLC.

Description: PPM Energy, Inc. et al. submits a change in status resulting from an intra-corporate restructuring under which PPM transferred its ownership interests in three wind energy companies to Aeolus Windpower III LLC etc.

Filed Date: 03/02/2007.

Accession Number: 20070309–0563.

Comment Date: 5 p.m. Eastern Time on Friday, March 23, 2007.

Docket Numbers: ER04–925–015.

Applicants: Merrill Lynch Commodities, Inc.

Description: Merrill Lynch Commodities, Inc. informs the Commission of a non-material change in the characteristics relied upon in granting them market-based rate authorization under ER04–925.

Filed Date: 03/02/2007.

Accession Number: 20070306–0203.

Comment Date: 5 p.m. Eastern Time on Friday, March 23, 2007.

Docket Numbers: ER06–731–005.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Midwest Independent Transmission System Operator, Inc. submits amendments to its 1/22/07 filing regarding the Broad Constrained Area Mitigation pursuant to FERC's 12/21/06 Letter Order.

Filed Date: 03/02/2007.

Accession Number: 20070306–0206.

Comment Date: 5 p.m. Eastern Time on Friday, March 23, 2007.

Docket Numbers: ER07–284–002.

Applicants: San Diego Gas & Electric Company.

Description: San Diego Gas & Electric Company submits Volumes 2 & 6 to its compliance filing pursuant to FERC's 1/31/07 order.

Filed Date: 03/02/2007.

Accession Number: 20070309–0182.
Comment Date: 5 p.m. Eastern Time on Friday, March 23, 2007.

Docket Numbers: ER07–319–001.
Applicants: Southwest Power Pool.
Description: Southwest Power Pool, Inc submits Exhibits I and II as Fourth Revised Sheet 618 to FERC Electric Tariff, Fourth Revised Volume 1 an errata to the 3/2/07 compliance filing, effective 2/1/07.
Filed Date: 03/06/2007.
Accession Number: 20070309–0234.
Comment Date: 5 p.m. Eastern Time on Tuesday, March 27, 2007.

Docket Numbers: ER07–587–000.
Applicants: Xcel Energy Operating Companies.
Description: Xcel Energy Services, Inc. on behalf of Public Service Co of Colorado submits a Standard Large Generation Interconnection Agreement with Peetz Logan Interconnect, LLC.
Filed Date: 03/02/2007.
Accession Number: 20070306–0239.
Comment Date: 5 p.m. Eastern Time on Friday, March 23, 2007.

Docket Numbers: ER07–605–000.
Applicants: HLM Energy LLC.
Description: HLM Energy, LLC submits a notice of cancellation of Original Sheet 1–2 to FERC Electric Tariff, Volume 1 pursuant to Sections 35.15 and 131.53 of FERC's Regulations.
Filed Date: 03/07/2007.
Accession Number: 20070309–0558.
Comment Date: 5 p.m. Eastern Time on Wednesday, March 28, 2007.

Docket Numbers: ER07–604–000.
Applicants: Southern California Edison Company.
Description: Southern California Edison Co submits a Large Generator Interconnection Agreement w/ El Segundo Power II LLC et al. pursuant to Section 35.13 of FERC's Regulations.
Filed Date: 03/08/2007.
Accession Number: 20070309–0561.
Comment Date: 5 p.m. Eastern Time on Thursday, March 29, 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 email 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.

Philis J. Posey,
Acting Secretary.
[FR Doc. E7–4816 Filed 3–15–07; 8:45 am]
BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD06–9–000]

RTO Border Utility Issues; Supplemental Notice of Technical Conference on Seams Issues for RTOs and ISOs in the Eastern Interconnection

March 12, 2007.

On January 25, 2007, the Federal Energy Regulatory Commission issued a notice that on March 29, 2007, the Commission will convene a technical conference on RTO and ISO seams issues in the Eastern Interconnection. The technical conference will be held at the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in the Commission Meeting Room. It will begin at 9 a.m. and end at 4:45 p.m. Eastern time. Commissioners will attend and participate in the conference. Members of the public may attend and registration is not required.

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

A free Webcast of this event will be available through *http://www.ferc.gov.* Anyone with Internet access who desires to view this event can do so by navigating to *http://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 Danielle 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: Udi Helman, Office of Energy Markets and Reliability, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, 202–502–8080, *Udi.Helman@ferc.gov.*

Philis J. Posey,
Acting Secretary.
[FR Doc. E7–4805 Filed 3–15–07; 8:45 am]
BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Revised Notice for Commission Open Meeting on March 15, 2007

March 13, 2007.

On March 8, 2007, the Commission issued a Notice pursuant to the Government in the Sunshine Act, 5 U.S.C. 552b, announcing the agenda for the Commission's open meeting to be held on March 15, 2007.

Take notice that the docket numbers for the item listed as ''C–4'' are revised to read as follows:

''C–4 CP06–448–000 and CP06–449–000''.

A corrected version of the Sunshine Notice for the March 15, 2007 open meeting will be posted in the Commission's eLibrary system and the Commission's Web site.

This Notice is issued pursuant to the Government in the Sunshine Act, 5 U.S.C. 552b. Chairman Kelliher, Commissioners Kelly, Spitzer, Moeller and Wellinghoff, voted to issue this notice on March 9, 2007.

Philis J. Posey,

Acting Secretary.

[FR Doc. E7–4836 Filed 3–15–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the Record Communications; Public Notice

March 12, 2007.

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC, Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866)208–3676, or for TTY, contact (202)502–8659.

Docket no.	Date received	Presenter or requester
Prohibited:		
1. CP07–62–000	2–21–07	Ruth Coleman.
CP07–63–000		
CP07–64–000		
CP07–65–00		
Exempt:		
1. CP98–150–000	2–14–07	Hon Michael A. Arcuri.
2. CP06–615–000	3–5–07	David Hanobic.
3. CP06–354–000	3–5–07	David Swearington.
4. CP06–421–000	2–17–07	Hon. Frank R. Wolf[1].
5. CP07–8–000	3–8–07	Joel A. Trick.
6. CP07–62–000, *et al.*	2–14–07	Hon. Joseph J. Minnick.
7. CP07–62–000, *et al.*	2–14–07	Hon. John Olsezewski, Sr.
8. ER07–427–000	2–14–07	Hon. Judith F. Judson. Hon. James Connelly. Hon. W. Robert Keating. Hon. Soo J. Kim.
9. Project No. 2197–008	3–1–07	Jennifer and James H. Farmer, Jr.

[1]One of three letters from the Honorable Frank R. Wolf filed 2/21/07, 3/5/07 and 3/6/07, in Docket No. CP06–421–000.

Philis J. Posey,
Acting Secretary.
[FR Doc. E7–4810 Filed 3–15–07; 8:45 am]
BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2006–0442; FRL–8288–6]

Agency Information Collection Activities: Submission to OMB for Review and Approval; Comment Request: NSPS for Commercial and Industrial Solid Waste Incineration Units (Renewal), EPA ICR Number 1926.04, OMB Control Number 2060–0450

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This ICR which is abstracted below, describes the nature of the information collection and its expected burden and cost.

DATES: Additional comments may be submitted on or before April 16, 2007.

ADDRESSES: Submit your comments, referencing docket ID number EPA–HQ–OECA–2006–0442, to (1) EPA online using *www.regulation.gov* (our preferred method) or by e-mail to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, Mail Code 2201T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: With questions about this ICR, contact Zofia Kosim, Air Enforcement Division, Office of Civil Enforcement, Mail Code 2242A, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 564–8733; fax number: (202) 564–0068; e-mail address: *kosim.zofia@epa.gov*. Refer to EPA ICR Number 1926.04.

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On June 21, 2006, (71 FR 35652), Agency Information Collection Activities: Request for Comments on Thirty Two Proposed Information Collection Requests, EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments.

EPA has established a public docket for this ICR under Docket ID No. OECA–2006–0442, which is available for public viewing on line at *http://www.regulations.gov* in person viewing at the Enforcement and Compliance Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the Enforcement and Compliance Docket and Information Center is (202) 566–1927.

Use EPA's electronic docket and comments system at *http://www.regulations.gov* to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the docket ID number identified above. Please note that EPA's policy that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov,* as EPA receives them and without change, unless the comment contains copyrighted material, Confidential Business Information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *http://www.regulations.*

Title: NSPS for Commercial and Industrial Solid Waste Incineration Units (Renewal).

ICR Numbers: EPA ICR Number 1926.04, OMB Control Number 2060–0450.

ICR Status: This is a request to renew an existing approved collection that is scheduled to expire on March 31, 2007. Under the OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, and displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: The Environmental Protection Agency (EPA) is required under section 111 of the Clean Air Act, as amended, to collect data. The information will be used by Agency enforcement personnel to (1) identify existing sources subject to these standards; (2) ensure that Best Demonstrated Technology is being properly applied; and (3) ensure that the emission control device is being properly operated and maintained on a continuous basis. In addition, records and reports are necessary to enable the EPA to identify those site remediation facilities that may not be in compliance with these standards. Based on reported information, the EPA can decide which facilities should be inspected and what records or processes should be inspected at the facilities. The records that site remediation facilities maintain would indicate to the EPA whether the personnel are operating and maintaining control equipment properly. The type of data required is principally emissions data (through parametric monitoring) and would not be confidential. If any information is submitted to the EPA for which a claim of confidentiality is made, the information would be safeguarded according to the Agency policies set forth in 40 CFR, chapter 1, part 2, subpart B.

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 are listed in 40 CFR part 9. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on June 21, 2006. No comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 250 hours per response. Burdens 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.

Respondents/Affected Entities: Commercial and Industrial Solid Waste Incineration Units.

Estimated Number of Respondents: 31.

Frequency of Response: Initial, on occasion, semiannual, annual.

Estimated Total Annual Hour Burden: 11,246.

Estimated Total Annual Cost: $1,029,920 which includes $2,240 Annualized Capital Start up Costs, $6,330 Annualized Operations & Maintenance (O&M), and $1,021,350 Annualized Labor Costs.

Changes in the Estimates: There is a decrease in cost from the most recently approved ICR due to the revised number of sources. There is also an overall reduction in burden because the estimated growth rate for the industry was reduced from six to one per year. For the same reason, the capital startup costs are lower.

Dated: March 8, 2007.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. E7–4855 Filed 3–15–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2006–0482; FRL–8288–4]

Agency Information Collection Activities; Proposed Collection; Comment Request; Mobile Air Conditioner Retrofitting Program (Renewal), EPA–ICR No. 1774.04, OMB Control No. 2060–0350

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA)(44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before April 16, 2007.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2006–0482 to (1) EPA online using *www.regulations.gov* (our preferred method), by e-mail to *a-and-r-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Air and Radiation Docket, Mail Code 6102T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Karen Thundiyil, Stratospheric Protection Division, Office of Air and Radiation, Mail Code 6205J, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 343–9464; fax number: (202) 343–2363; e-mail address: *thundiyil.karen@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On June 15, 2006 (71 FR 34604), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–OAR–2006–0482, which is available for online viewing at *www.regulations.gov,* or in person viewing at the Air Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202–566–1744, and the telephone number for the Air Docket is 202–566–1742.

Use EPA's electronic docket and comment system at *www.regulations.gov,* to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *www.regulations.gov.*

Title: Mobile Air Conditioner Retrofitting Program (Renewal).

ICR numbers: EPA ICR No. 1774.04, OMB Control No. 2060–0350.

ICR Status: This ICR is scheduled to expire on March 31, 2007. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct, or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in Title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register**, or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: EPA's Significant New Alternatives Policy (SNAP) program implements section 612 of the 1990 Clean Air Act Amendments which authorized the Agency to establish regulatory requirements to insure that ozone depleting substances would be replaced by alternatives that reduce overall risks to human health and the environment, and to promote an expedited transition to safe substitutes. To promote this transition, the Act specified that EPA establish an information clearinghouse of available alternatives, and coordinate with other Federal agencies and the public on research, procurement practices, and information and technology transfers.

Since the program's inception in 1994, SNAP has reviewed over 400 new chemicals and alternative manufacturing processes for a wide range of consumer, industrial, space exploration, and national security applications. Roughly 90% of alternatives submitted to EPA for review have been listed as acceptable for a specific use, typically with some condition, or limit to minimize risks to human health and the environment.

Regulation promulgated under SNAP requires that mobile air conditioners (MAC) retrofitted to use a SNAP substitute refrigerant include basic information on a label to be affixed to the air conditioner. The label includes the name of the substitute refrigerant, when and by whom the retrofit was performed, environmental and safety

information about the substitute refrigerant, and other information. This information is needed so that subsequent technicians working on the MAC system will be able to service the equipment properly, decreasing the likelihood of significant refrigerant cross-contamination and potential failure of air conditioning systems and recovery/recycling equipment.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 0.08 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Vehicle Air Conditioning Repair Facilities.

Estimated Number of Respondents: 87,000.

Frequency of Response: Once per and upon retrofit of a motor vehicle air conditioner.

Estimated Total Annual Hour Burden: 27,778.

Estimated Total Annual Cost: $2,011,111, which includes zero capital startup cost, $33,333 annualized O&M costs and $ 1,977,778 annual labor cost.

Changes in the Estimates: There is a decrease of 55,555 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This decrease is because the number of cars that could be retrofitted to use a SNAP substitute refrigerant is decreasing. New cars sold before 1994 contain CFC–12 air conditioning systems and the number of those cars in operation has decreased since this last ICR renewal. (New cars sold after 1994 contain a SNAP substitute refrigerant and do not need to be retrofitted.) With fewer CFC–12 cars (pre-1994 cars) on the road, there are fewer cars that will be retrofitted to a new SNAP approved refrigerant and subject to this ICR.

Dated: March 10, 2007.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. E7–4856 Filed 3–15–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2006–0449; FRL–8288–5]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; NSPS for Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction or Modification Commenced After June 11, 1973, and Prior to May 19, 1978 (Renewal), EPA ICR Number 1797.04, OMB Control Number 2060–0442

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR which is abstracted below describes the nature of the collection and the estimated burden and cost.

DATES: Additional comments may be submitted on or before April 16, 2007.

ADDRESSES: Submit your comments, referencing docket ID number EPA–HQ–OECA–2006–0449, to (1) EPA online using www.regulations.gov (our preferred method), or by e-mail to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, mail code 2201T , 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: María Malavé, Compliance Assessment and Media Programs Division (Mail Code 2223A), Office of Compliance, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 564–7027; fax number: (202) 564–0050; e-mail address: *malave.maria@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On June 21, 2006 (71 FR 35652), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under docket ID number EPA–HQ–OECA–2006–0449, which is available for public viewing online at *http://www.regulations.gov,* in person viewing at the Enforcement and Compliance Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the Enforcement and Compliance Docket is (202) 566–1927.

Use EPA's electronic docket and comment system at *http://www.regulations.gov,* to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov,* as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *www.regulations.gov.*

Title: NSPS for Standards of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction or Modification Commenced after June 11, 1973, and prior to May 19, 1978 (Renewal).

ICR Numbers: EPA ICR Number 1797.04, OMB Control Number 2060–0442.

ICR Status: This ICR is scheduled to expire on March 31, 2007. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, and displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: The New Source Performance Standards (NSPS) for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction or Modification Commenced after June 11, 1973, and prior to May 19, 1978 were proposed on June 11, 1973, and promulgated on March 8, 1974. These regulations apply to facilities that store petroleum liquids in storage vessels with a storage capacity greater than 151,416 liters (40,000 gallons) including: storage vessels with capacity greater than 151,416 liters (40,000 gallons) but not exceeding 246,052 liters (65,000 gallons), and where construction or modification commenced after March 8, 1974, and prior to May 19, 1978; and storage vessels that have a capacity greater than 246,052 liters (65,000 gallons), and where construction or modification commenced after June 11, 1973, and prior to May 19, 1978. Facilities that are not subject to these standards are storage vessels of petroleum or condensate stored, processed, and/or treated at a drilling and production facility prior to custody transfer. This information is being collected to assure compliance with 40 CFR part 60, subpart K.

In general, all NSPS standards require initial notifications, performance tests, and periodic reports. Affected facilities report only if a storage vessel is no longer subject to 40 CFR part 60, subpart K and will become subject to the current storage vessel standard, 40 CFR part 60, subpart Kb. The NSPS subpart K standards also require the owner/operator to document (recordkeeping) the activities of the storage period, the maximum true vapor pressure, and the type of petroleum liquid stored. This information is recorded only when a petroleum liquid is changed in the storage vessel. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and required of all sources subject to NSPS.

Any owner or operator subject to the provisions of this part shall maintain a file of these measurements, and retain the file for at least two years following the date of such measurements, maintenance reports, and records. All reports are sent to the delegated state or local authority. In the event that there is no such delegated authority, the reports are sent directly to the United States Environmental Protection Agency (EPA) regional office.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 3.5 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Owners or operators of facilities that store petroleum liquids for which construction, reconstruction or modification commenced after June 11, 1973, and prior to May 19, 1978.

Estimated Number of Respondents: 220.

Frequency of Response: Initially, on Occasion.

Estimated Total Annual Hour Burden: 769 hours.

Estimated Total Annualized Cost: $65,142, which includes $0 annualized capital startup costs, $0 Operating and Maintenance Costs (O&M) and $65,142 annual labor costs.

Changes in the Estimates: There is a small increase of 100 in the labor hours and no change in the annualized cost, which includes capital/startup and operation and maintenance costs, in this ICR compared to the previous ICR. This is due to two considerations. First, the regulations have not changed over the past three years and are not anticipated to change over the next three years. Secondly, the growth rate for the industry is very low, negative or non-existent, so there is no significant change in the overall burden. Since there are no changes in the regulatory requirements and there is no significant industry growth, the slight increase in the labor hours is only due to the inclusion of managerial and clerical hours and updating of the technical labor rate. In addition, there is no change in the annualized cost in this renewal when compared to the previous ICR.

Dated: March 7, 2007.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. E7–4857 Filed 3–15–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6685–1]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at 202–564–7167.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 7, 2006 (71 FR 17845).

Draft EISs

EIS No. 20060431, ERP No. D–COE–E67005–NC, PCS Phosphate Mine Continuation, Proposes Continued Mining of the Phosphate Reserve in an Economically Viable Fashion, Beaufort County, NC

Summary: EPA objected to issuance of a permit for the applicant-preferred alternative, which would impact 2,408 acres of waters/wetlands of the U.S. and 7.3 miles of streams. EPA noted that the applicant-preferred alternative is the most environmentally damaging of the alternatives that were evaluated and would represent one of the largest wetland acreage loss ever permitted in North Carolina. EPA encouraged the Corps to determine if there may be another alternative that would have less environmental impact and still be practicable, and recommended specific refinements to other alternatives. EPA requested information in the Final EIS, including additional information about the economic analyses, determination of appropriate stream mitigation ratios, clarification of phosphogypsum stack impacts on surficial aquifers, and

mitigation of elevated cadmium in reclamation sites.

Rating EO2.

EIS No. 20060471, ERP No. D–FHW–F40812–IL, Prairie Parkway Study, Transportation System Improvement between Interstate 80 (I–80) and Interstate 88 (I–88) Grundy, Kendall and Kane Counties, IL

Summary: EPA expressed environmental concerns about direct and indirect impacts to wetlands, streams and forests, as well as cumulative impacts.

Rating EC2.

EIS No. 20060542, ERP No. D–FRC–L05239–00, Spokane River and Post Falls Hydroelectric Project, Applications for two New Licenses for Existing 14.75 (mw) Post Falls No. 12606 and 122.9 (mw) Spokane River No. 2545, Kootenai and Benewah Counties, ID and Spokane, Lincoln and Stevens Counties, WA

Summary: EPA expressed environmental concerns about degradation of water quality from the proposed relicensing, and requested additional information on metal contaminants and sediment supply/transport in the project area.

Rating EC2.

EIS No. 20070008, ERP No. D–AFS–K61165–00, Great Basin Creek South Rangeland Management Projects, Management of 12 Livestock Grazing Allotments, Bridgeport Ranger District, Lyon and Mineral Counties, NV and Mono County, CA

Summary: EPA expressed environmental concerns about the proposed management actions and the potential environmental impacts of these actions. EPA requested additional site- and allotment-specific information and an expedited implementation of corrective management measures where ecosystem and rangeland functions are known to be impaired.

Rating EC2.

Final EISs

EIS No. 20060537, ERP No. F–COE–K36143–CA, American River Watershed, Lower American River Common Features Mayhew Levee Project, Reconstruction, Sacramento County, CA

Summary: No formal comment letter was sent to the preparing agency.

EIS No. 20060544, ERP No. F–FRC–C05149–NY, Niagara Project, Hydroelectric Relicensing Application FERC No. 2216, Niagara River, Niagara County, NY

Summary: The Final EIS addressed EPA's earlier concerns regarding potential cumulative impacts to water levels; therefore, EPA does not object to the proposed relicensing.

EIS No. 20070017, ERP No. F–NRC–C06016–NJ, GENERIC—License Renewal of Nuclear Plants (GEIS) Regarding Oyster Creek Nuclear Generating Station Supplement 28 to NUREG–1437, Located adjacent to Barnegat Bay, Lacy and Ocean Townships, Ocean County, NJ

Summary: EPA continues to have environmental concerns about the use of outdated ichthyoplankton and zooplankton studies. EPA is also concerned about the lack of a complete evaluation of the environmental effects from the continued operation of the facility based on these studies.

EIS No. 20070027, ERP No. F–FRC–K05061–CA, Lake Elsinore Advanced Pumped Storage (LEAPS) Project, Construction and Operation, Application for Hydroelectric License, Special-Use-Permit, FERC No.11858, City of Lake Elsinore, Riverside County, CA

Summary: EPA continues to have environmental concerns about the potential significant adverse impacts to air, water, and habitat resources; and recommended a number of mitigation measures to minimize the potential impacts.

EIS No. 20070031, ERP No. F–AFS–K39101–CA, Lake Davis Pike Eradication Project, To Eradicate Pike and Re-Establish Trout Fishery in the Tributaries, Special-Use-Permit, Plumas National Forest, Plumas County, CA

Summary: EPA continues to have environmental concerns about the tradeoffs from the neutralization process and the mechanisms that will avoid reintroduction of the species.

EIS No. 20070045, ERP No. F–FHW–J40174–UT, Riverdale Road Project (UT–26), Improvement Mobility and Safety between 1900 West in Roy, UT and U.S. Highway 89 (Washington Boulevard) in Odgen, UT, Cities of Roy, Riverdale, South Ogden and Ogden, Weber County, UT

Summary: No formal comment letter was sent to the preparing agency.

Dated: March 13, 2007.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E7–4859 Filed 3–15–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6684–9]

Environmental Impacts Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 or *http://www.epa.gov/compliance/nepa/.* Weekly receipt of Environmental Impact Statements. Filed 03/05/2007 through 03/09/2007. Pursuant to 40 CFR 1506.9.

EIS No. 20070088, Draft EIS, AFS, WY, Eagle Prospect Exploratory Wells Project, Proposes to Drill up to 3 Exploratory Oil and Gas Wells, Big Piney Ranger District, Bridger-Teton National Forest, Sublette County, WY, *Comment Period Ends:* 04/30/2007, *Contact:* Teresa Trulock 307–367–4326.

EIS No. 20070089, Draft EIS, MMS, 00, Programmatic—Alternative Energy Development and Production and Alternate Use of Facilities on the Outer Continental Shelf, Implementation, Atlantic, Gulf of Mexico, Pacific and Alaska, *Comment Period Ends:* 05/15/2007, *Contact:* Mary Boatman 703–787–1662.

EIS No. 20070090, Final EIS, AFS, SD, Dakota Prairie Grasslands Noxious Weed Management Project, Implementation, Billings, Slope, Golden Valley, Sioux, Grant, McHenry, Ransom and Richland Counties, ND and Corson, Perkins, and Ziebach Counties, SD, *Wait Period Ends:* 04/16/2007, *Contact:* Sheila McNee 701–250–4443.

EIS No. 20070091, Draft EIS, NPS, MN, Pipestone National Monument General Management Plan, Implementation, Pipestone County, MN, *Comment Period Ends:* 05/15/2007, *Contact:* Nick Chevance 402–661–1844.

EIS No. 20070092, Draft Supplement, COE, FL, Central and Southern Florida Project, Tamiami Trail Modifications, Modified Water Deliveries to Everglades National Park, Acquisition of Real Estate Rights to Portions of Privately Owned Properties along the Tamiami Trail, Dade County, FL, *Comment Period Ends:* 05/07/2007, *Contact:* Barbara Cintron 904–232–1692.

EIS No. 20070093, Final EIS, CGB, CA, Cabrillo Port Liquefied Natural Gas (LNG) Deepwater Port, Construction and Operation an Offshore Floating Storage and Regasification Unit (FSRU), Application for License, Ventura and Los Angeles Counties, CA, *Wait Period Ends:* 04/30/2007, *Contact:* Ray Martin 202–372–1449

EIS No. 20070094, Final EIS, COE, CA, Cajon Third Main Track, Construction from Summit to Keenbrook, Special Use Permit and U.S. Army COE 404 Permit, San Bernardino County, CA, *Wait Period Ends:* 04/16/2007, *Contact:* Susan A. Meyer 808–438–2137.

EIS No. 20070095, Final Supplement, AFS, ID, Hidden Cedar Project, Updated Information, Manage Vegetation Conditions and the Transportation System, Idaho Panhandle National Forests, St. Joe Ranger District, Benewah, Latah and Shoshone Counties, ID, *Wait Period Ends:* 04/16/2007, *Contact:* Peter Ratcliffe 208–245–2531.

EIS No. 20070096, Draft EIS, USA, MD, Garrison Aberdeen Proving Ground, Base Realignment and Closure Actions, Realignment of Assets and Staff, Implementation, Hartford and Baltimore Counties, MD, *Comment Period Ends:* 04/30/2007, *Contact:* Karen Wilson 703–602–2861.

EIS No. 20070097, Draft EIS, NOA, 00, PROGRAMMATIC—Marine Mammal Health and Stranding Response Program (MMHSRP), Day-to-Day Operation on Stranding, Response, Rehabilitation, Release, and Disentanglement Activities, *Comment Period Ends:* 04/30/2007, *Contact:* David Cottingham 301–713–2322.

EIS No. 20070098, Draft Supplement, AFS, MT, Frenchtown Face Ecosystem Restoration Project, Additional Information Maintenance and Improvement of Forest Health, Risk Reduction of Damage Insects and Disease, Lolo National Forest, Ninemile Ranger District, Missoula, MT, *Comment Period Ends:* 04/30/2007, *Contact:* Gary Edson 406–626–5201.

Amended Notices

EIS No. 20070080, Draft EIS, NIG, CA, Graton Rancheria Casino and Hotel Project, Transfer of Land into Trust, Implementation, Federated Indians of Graton Rancheria (Tribe), Sonoma County, CA, *Comment Period Ends:* 05/14/2007, *Contact:* Brad Mehaffy 202–632–7003.

Revision of FR Notice Published 03/09/2007: Extending Comment Period from 04/23/2007 to 05/14/2007 also Correction to Contact Person Name.

Dated: March 13, 2007.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E7–4858 Filed 3–15–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8288–3]

McClellan Air Force Base Superfund Site Proposed Notice of Administrative Order on Consent

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: Notice is hereby given that a proposed administrative order on consent concerning portions of the McClellan Air Force Base Superfund Site (''Site'') in McClellan, California has been negotiated by the Agency and the Respondent, McClellan Business Park, LLC, a Delaware limited liability company. The proposed administrative order on consent concerns cleanup of portions of the Site pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9604, 9606 and 9622 (''CERCLA''). Pursuant to a Federal Facilities Agreement (''FFA''), the U.S. Air Force is performing the CERCLA response actions for the Site; however, the FFA will be amended to suspend the obligations of the Air Force to conduct the response actions undertaken by the Respondent. The Air Force has prepared a Finding of Suitability for Early Transfer (''FOSET''), which will be submitted to the Environmental Protection Agency (''EPA''), Region 9, and the State of California for their approval after a public comment period. Upon approval of the FOSET, the Air Force will transfer portions of the Site to the County of Sacramento, which will then transfer those portions to the Respondent. The Air Force and the County of Sacramento have entered into an Environmental Services Cooperative Agreement, which requires the County of Sacramento to perform certain CERCLA response actions on the transferred portions of the Site, using funds supplied by the Air Force. The County of Sacramento has contracted with Respondent to conduct those CERCLA response actions. The proposed administrative order on consent would require the Respondent to prepare and perform removal actions, one or more remedial investigations and feasibility studies and one or more remedial designs and remedial actions for certain contaminants present on the transferred portions of the Site, under the oversight of EPA and the State of California. The administrative order on consent also commits the Respondent to reimburse direct and indirect future response costs incurred by EPA in connection with actions conducted under CERCLA at the transferred portions of the Site.

For thirty (30) calendar days following the date of publication of this notice, EPA will receive written comments relating to the proposed administrative order on consent. EPA's response to any comments received will be available for public inspection at the U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105.

DATES: Comments must be submitted on or before April 16, 2007.

ADDRESSES: The proposed administrative order on consent may be obtained from Judith Winchell, Docket Clerk, telephone (415) 972–3124. Comments regarding the proposed administrative order on consent should be addressed to Judith Winchell (SFD–7) at United States EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105, and should reference ''Parcel C6 Privatization, McClellan Superfund Site,'' and ''Docket No. R9–2006–27''.

FOR FURTHER INFORMATION CONTACT: Sarah Mueller, Assistant Regional Counsel (ORC–3), Office of Regional Counsel, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105; *E-mail: mueller.sarah@epa.gov*; phone: (415) 972–3953.

Dated: March 9, 2007.

Keith Takata,

Director, Superfund Division, Region IX.

[FR Doc. E7–4867 Filed 3–15–07; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2 p.m. on Tuesday, March 20, 2007, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous Board of Directors' meetings.

Summary reports, status reports, and reports of actions taken pursuant to authority delegated by the Board of Directors.

Memorandum and resolution re: Expanded Exam Cycle for Certain Small Insured Depository Institutions and U.S. Branches and Agencies of Foreign Banks.

Memorandum and resolution re: Notice of Final Rule on Standards of Ethical Conduct for FDIC Employees Regarding Extensions of Credit, Securities Ownership, and Definitions.

Discussion Agenda

Memorandum and resolution re: Interagency Proposal for Model Privacy Notice Under the Gramm-Leach-Bliley Act.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, DC.

The FDIC will provide attendees with auxiliary aids (e.g., sign language interpretation) required for this meeting. Those attendees needing such assistance should call (703) 562–6067 (Voice or TTY), to make necessary arrangements.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Executive Secretary of the Corporation, at (202) 898–7122.

Dated: March 13, 2007.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 07–1306 Filed 3–13–07; 4:06 pm]

BILLING CODE 6714–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on tuesday, March 20, 2007, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, pursuant to section 552b(c)(2), (c)(4), (c)(6), (c)(8), (9)(A)(ii), (9)(B), and (c)(10) Title 5, United States Code, to consider matters relating to the Corporation's supervisory and corporate activities.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Executive Secretary of the Corporation, at (202) 898–7122.

Dated: March 13, 2007.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary

[FR Doc. 07–1307 Filed 3–13–07; 4:06 pm]

BILLING CODE 6714–01–M

FEDERAL ELECTION COMMISSION

Sunshine Act Notices

AGENCY: Federal Election Commission.

DATE & TIME: Thursday, March 22, 2007, at 10 a.m.

PLACE: 999 E Street, NW., Washington, DC (ninth floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes.

Advisory Opinion 2007–01: Senator Claire McCaskill and McCaskill for Auditor by counsel, Marc E. Elias and Caroline P. Goodson.

Draft Notice of Proposed Rulemaking on Standards of Conduct.

Draft Final Rules on Best Efforts in Administrative Fines Challenges.

Policy Regarding Self-Reporting of Campaign Finance Violations (Sua Sponte Submissions).

Bush/Cheney '04 Audit.

Clark for President, Inc.

Policy Statement Regarding Internal Controls.

Management and Administrative Matters.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Biersack, Press Officer, Telephone: (202) 694–1220.

Mary W. Dove,

Secretary of the Commission.

[FR Doc. 07–1324 Filed 3–14–07; 2:42 pm]

BILLING CODE 6715–01–M

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 30, 2007.

A. Federal Reserve Bank of Kansas City (Donna J. Ward, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. Douglas J. Compton, Lawrence, Kansas; to acquire voting shares of First Financial Bancshares, Inc., and thereby indirectly acquire voting shares of The Lawrence Bank, both in Lawrence, Kansas.

Board of Governors of the Federal Reserve System, March 12, 2007.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E7–4790 Filed 3–15–07; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 9, 2007.

A. Federal Reserve Bank of Cleveland (Douglas A. Banks, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101-2566:

1. LNB Bancorp, Inc., Lorain, Ohio; to merge with Morgan Bancorp, Inc., and thereby indirectly acquire Morgan Bank, N.A., both of Hudson, Ohio.

Board of Governors of the Federal Reserve System, March 12, 2007.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E7–4792 Filed 3–15–07; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 12, 2007.

A. Federal Reserve Bank of Boston (Richard Walker, Community Affairs Officer) P.O. Box 55882, Boston, Massachusetts 02106-2204:

1. MountainOne Financial Partners, MHC and MountainOne Financial Partners, Inc., both of North Adams, Massachusetts; to acquire 100 percent of the voting shares, and thereby merge with South Coastal Holdings, MHC and its subsidiary bank, South Coastal Bank, both of Rockland, Massachusetts.

B. Federal Reserve Bank of Kansas City (Donna J. Ward, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. Dickinson Financial Corporation II and Dickinson Financial Corporation, both of Kansas City, Missouri; to acquire 100 percent of the voting shares of SunBank, N.A., Phoenix, Arizona (in organization).

C. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. Bozka Investments, Ltd., Hallettsville, Texas, to become a bank holding company by acquiring 15.63 percent of Peoples State Bank of Hallettsville, Hallettsville, Texas.

Board of Governors of the Federal Reserve System, March 13, 2007.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E7–4828 Filed 3–15–07; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL TRADE COMMISSION

[File No. 062 3088]

Kmart Corporation, Kmart Services Corporation, and Kmart Promotions, LLC; Analysis of Proposed Consent Order To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of Federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before April 10, 2007.

ADDRESSES: Interested parties are invited to submit written comments. Comments should refer to ''Kmart Corporation, File No. 062 3088,'' to facilitate the organization of comments. A comment filed in paper form should include this reference both in the text and on the envelope, and should be mailed or delivered to the following address: Federal Trade Commission/Office of the Secretary, Room 135–H, 600 Pennsylvania Avenue, NW., Washington, DC 20580. Comments containing confidential material must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with Commission Rule 4.9(c). 16 CFR 4.9(c) (2005).[1] The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions. Comments that do not contain any nonpublic information may instead be filed in electronic form as part of or as an attachment to email messages directed to the following e-mail box: *consentagreement@ftc.gov*.

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. All timely and responsive public comments, whether filed in paper or electronic form, will be considered by the Commission, and will be available to the public on the FTC Web site, to the extent practicable, at *http://www.ftc.gov*. As a matter of discretion, the FTC makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC Web site. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm*.

FOR FURTHER INFORMATION CONTACT: Peggy Twohig or Alice Saker Hrdy, Bureau of Consumer Protection, 600 Pennsylvania Avenue, NW., Washington, DC 20580, (202) 326–3224.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46(f), and § 2.34 of the Commission Rules of Practice, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the

[1] The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. *See* Commission Rule 4.9(c), 16 CFR 4.9(c).

full text of the consent agreement package can be obtained from the FTC Home Page (for March 12, 2007), on the World Wide Web, at *http://www.ftc.gov/os/2007/03/index.htm*. A paper copy can be obtained from the FTC Public Reference Room, Room 130–H, 600 Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326–2222.

Public comments are invited, and may be filed with the Commission in either paper or electronic form. All comments should be filed as prescribed in the **ADDRESSES** section above, and must be received on or before the date specified in the **DATES** section.

Analysis of Agreement Containing Consent Order To Aid Public Comment

The Federal Trade Commission has accepted, subject to final approval, an agreement containing a consent order from Kmart Corporation, Kmart Services Corporation, and Kmart Promotions, LLC (collectively, ''respondents'').

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

Respondents advertise, sell, and distribute the Kmart Gift Card through their retail stores and Internet Web site, *http://www.Kmart.com*. The Kmart Gift Card is a plastic, stored-value card, similar in size and shape to a credit or debit card, that can be used to purchase goods or services from Kmart retail locations. This matter concerns the respondents' alleged failure to disclose, or failure to disclose adequately, material terms and conditions of the Kmart Gift Card as well as a deceptive claim regarding the Kmart Gift Card.

The Commission's complaint alleges that, in the advertising and sale of Kmart Gift Cards, respondents have represented, expressly or by implication, that a consumer can redeem a Kmart Gift Card for goods or services of an equal value to the monetary amount placed on the card. Respondents have failed to disclose, or failed to disclose adequately, that, after 24 consecutive months of non-use, a $2.10 fee is deducted, for each of the past 24 months, and again for each successive month of continued inactivity, from the value of the Kmart Gift Card. The proposed complaint alleges that the failure to disclose adequately this material fact is a deceptive practice.

The complaint also alleges that respondents have represented on the *Kmart.com* Web site that the Kmart Gift Card never expires. In truth and in fact, after 24 months of non-use, the application of the Kmart Gift Card dormancy fee causes any Kmart Gift Card valued at less than $50.40 to expire. The complaint alleges that the representation that the Kmart Gift Card never expires is false and misleading.

The proposed consent order contains provisions designed to prevent respondents from engaging in similar acts and practices in the future.

Part I.A. of the proposed order prohibits respondents from advertising or selling Kmart Gift Cards without disclosing, clearly and prominently: (a) The existence of any expiration date or automatic fees, in all advertising, and (b) all material terms and conditions of any expiration date or automatic fee, at the point of sale and prior to purchase. The effect of this provision is to require respondents to alert consumers to potential fees and expiration dates during advertising, and to fully disclose all relevant details at the point of sale, before consumers purchase the gift cards.

Part I.B. of the proposed order prohibits respondents from advertising or selling Kmart Gift Cards without disclosing, clearly and prominently the existence of any automatic fee or expiration date on the front of the gift card.

Part II of the proposed order prohibits respondents from making any misrepresentation about any material term or condition associated with the Kmart Gift Card.

Part III.A. of the proposed order prohibits respondents from collecting or attempting to collect any dormancy fee on any Kmart Gift Card activated prior to the date of issuance of the proposed order.

Part III.B. of the proposed order requires respondents to create, maintain, and distribute a written policy to reimburse consumers whose gift cards were diminished by fees. The policy: (1) Must specify a toll free number, a valid email address and a postal address that consumers can use to complete a request for reimbursement of dormancy fees from Kmart; (2) must be clearly and prominently disclosed on Kmart's web site for two years from the issuance of the order; (3) must be disclosed to anyone who complains or inquires to Kmart about a gift card balance; and (4) requires reimbursement to any eligible consumer who (a) contacts Kmart by phone, email, or postal mail, and (b) provides a Kmart gift card number, a mailing address, and a phone number. Once a consumer provides the required information, Kmart must issue a reimbursement within 10 business days, provided however, that for thirty (30) days after issuance of the order, respondents shall issue a reimbursement within fifteen (15) business days.

Part IV of the proposed order contains a document retention requirement, the purpose of which is to ensure compliance with the proposed order. It requires that respondents maintain accounting and sales records for the Kmart Gift Card, copies of ads and promotional material that contain representations covered by the proposed order, complaints and refund requests relating to the Kmart Gift Card, and other materials that were relied upon by respondents in complying with the proposed order.

Part V of the proposed order requires respondents to distribute copies of the order to various principals, officers, directors, and managers of respondents as well as to the officers, directors, and managers of any third-party vendor who engages in conduct related to the proposed order.

Part VI of the proposed order requires respondents to notify the Commission of any changes in corporate structure that might affect compliance with the order.

Part VII of the proposed order requires respondents to file with the Commission one or more reports detailing compliance with the order.

Part VIII of the proposed order is a ''sunset'' provision, dictating the conditions under which the order will terminate twenty years from the date it is issued or twenty years after a complaint is filed in Federal court, by either the United States or the FTC, alleging any violation of the order.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the proposed order or to modify in any way its terms.

By direction of the Commission.

Donald S. Clark,

Secretary.

Statement of Commissioners Pamela Jones Harbour and Jon Leibowitz (Concurring in Part and Dissenting In Part)

Today, the Commission approves for public comment a proposed consent agreement with Kmart Corporation and two of its subsidiaries (collectively, ''Kmart'') to settle charges that Kmart misrepresented material aspects of its

gift cards and failed to disclose that, after two years of non-use, Kmart would deduct a $50 fee from the gift card and a $2.10 monthly fee thereafter. We concur in the Commission's decision to bring an action against Kmart, but dissent in part from the proposed consent agreement because we believe the remedy should include disgorgement of ill-gotten profits. Otherwise, Kmart will remain unjustly enriched by a substantial amount of buried ''dormancy fees'' while many consumers will have lost the chance for reimbursement because they long ago threw out their seemingly worthless gift cards in frustration.[2]

Gift cards have become enormously popular with consumers and generated nearly $28 billion in sales during the 2006 holiday season.[3] Gift card dormancy fees and expiration dates are material restrictions that affect the value of the cards. These restrictions must be clearly disclosed so that consumers can make informed decisions, whether they are purchasing the cards or receiving them as a gift.

The proposed order settles the Commission's allegations that Kmart deceptively advertised its gift cards by, among other things, misrepresenting the existence of any expiration dates or fees associated with the cards. Not only did Kmart claim that the gift cards could be used ''like cash at all Kmart locations,'' but its Web site also affirmatively misled consumers by stating that the Kmart gift cards ''never expire.'' We agree that Kmart's alleged conduct justifies the order's injunctive provisions.

But we believe the order should go further. It should require Kmart to disgorge the profits of its unlawful behavior, provide more complete consumer redress, or a combination of both.[4] More than three decades ago, in sponsoring the Magnuson-Moss Act extending the Commission's authority under Section 19 to obtain monetary remedies, Senator Magnuson explained that the Commission cannot ''rely merely upon a slap of the violator's wrist to maintain fair play in the marketplace'' and that ''[a] mere cease-and-desist order has frequently let a wrongdoer keep his ill-gotten gains.''[5] The same rationale holds true today.

In this case, Kmart deducted dormancy fees from consumers' gift cards. It failed to give adequate notice. In many instances, Kmart's actions rendered unused or partially used cards valueless, at significant monetary benefit to Kmart but considerable monetary detriment to consumers. The proposed consent order, in our opinion, stops the deceptive practices but does not completely cure the consumer injury or fully excise Kmart's ill-gotten gains. Pursuant to the order, Kmart may not assess additional dormancy fees on previously activated gift cards and must reimburse previously assessed dormancy fees if consumers complain and can provide the gift card number. Many consumers no doubt already have thrown out their gift cards and will have no remedy under this settlement. Moreover, the order does not require Kmart automatically to restore previously deducted dormancy fees (absent consumer inquiries) or disgorge the windfall profits it made from these fees. Although Kmart's reimbursement practices have been improved by the Commission's efforts, in our opinion the refund policy, without additional monetary relief, is still too little, too late.

We commend staff for pursuing Kmart's failure to disclose its gift card dormancy fees and for challenging Kmart's affirmative misrepresentations that its gift cards do not expire. For the foregoing reasons, however, we respectfully dissent in part from the proposed order.

[FR Doc. E7–4798 Filed 3–15–07; 8:45 am]

BILLING CODE 6750–01–P

[2] Kmart applied a dormancy fee of $2.10 per month to the balance of every Kmart gift card that went unused for 24 months—both retroactively ($50.40) and prospectively. Consequently, cards worth $50 or less were rendered worthless if unused for two years. Imagine stashing a $10, $25 or $50 gift card in a drawer and then pulling it out two years later for a trek to shop at Kmart, only to learn at the check-out counter that the card had no value. Kmart recently discontinued charging this dormancy fee after learning about the FTC's investigation, but only on a prospective basis.

[3] Press Release, Nat'l Retail Fed'n, *Gift Card Spending Surpassed Expectations as Last-Minute Shoppers Looked for Quick, Easy Gifts; Most Consumers Have Spent Less Than Half of Card Values* (Jan. 23, 2007).

[4] Commission consent orders have required advertisers to pay redress, offer refunds, or disgorge profits, and it is appropriate to do so here. *See, e.g., Hi-Health Supermart Corp.*, FTC Dkt. No. C–4136 (May 12, 2005) (requiring $450,000 in redress); *ValueVision Int'l, Inc.*, FTC Dkt. No. C–4022 (Aug. 24, 2001) (requiring company to offer refunds to all purchasers of the challenged products); *Weider Nutrition Int'l, Inc.*, FTC Dkt. No. C–3983 (Nov. 17, 2000) (requiring $400,000 in redress); *Dura Lube, Inc.*, FTC Dkt. No. D–9292 (May 5, 2000) (requiring $2 million in redress); *Apple Computer, Inc.*, FTC Dkt. No. C–3890 (Aug. 6, 1999) (requiring company to honor representation that customers would receive free support for as long as they own the product); *Azrak-Hamway Int'l, Inc.*, 121 F.T.C. 507 (1996) (requiring toymaker to offer refunds); *L & S Research Corp.*, 118 F.T.C. 896 (1994) (requiring $1.45 million in disgorgement).

[5] 119 Cong. Rec. 29480 (1973).

FEDERAL TRADE COMMISSION

[File No. 061 0026]

Missouri Board of Embalmers and Funeral Directors; Analysis of Agreement Containing Consent Order To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of Federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

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

ADDRESSES: Interested parties are invited to submit written comments. Comments should refer to ''Missouri Board of Embalmers and Funeral Directors, File No. 061 0026,'' to facilitate the organization of comments. A comment filed in paper form should include this reference both in the text and on the envelope, and should be mailed or delivered to the following address: Federal Trade Commission/ Office of the Secretary, Room 135–H, 600 Pennsylvania Avenue, NW., Washington, DC 20580. Comments containing confidential material must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with Commission Rule 4.9(c). 16 CFR 4.9(c) (2005).[1] The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions. Comments that do not contain any nonpublic information may instead be filed in electronic form as part of or as an attachment to e-mail messages directed to the following e-mail box: *consentagreement@ftc.gov*.

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. All timely and responsive

[1] The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. *See* Commission Rule 4.9(c), 16 CFR 4.9(c).

public comments, whether filed in paper or electronic form, will be considered by the Commission, and will be available to the public on the FTC Web site, to the extent practicable, at *http://www.ftc.gov*. As a matter of discretion, the FTC makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC Web site. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm*.

FOR FURTHER INFORMATION CONTACT: Mark D.S. Peterson (202–326–3731), Joel Christie (202–326–3297), or Grace Kwon (202–326–2560), Bureau of Competition, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46(f), and § 2.34 of the Commission Rules of Practice, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for March 9, 2007), on the World Wide Web, at *http://www.ftc.gov/os/2007/03/index.htm*. A paper copy can be obtained from the FTC Public Reference Room, Room 130–H, 600 Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326–2222.

Public comments are invited, and may be filed with the Commission in either paper or electronic form. All comments should be filed as prescribed in the **ADDRESSES** section above, and must be received on or before the date specified in the **DATES** section.

Analysis of Agreement Containing Consent Order To Aid Public Comment

The Federal Trade Commission has accepted for public comment an Agreement Containing Consent Order with the Missouri Board of Embalmers and Funeral Directors (''the Board'' or ''Respondent''). The agreement settles charges that the Board violated Section 5 of the Federal Trade Commission Act, 15 U.S.C. 45, through particular acts and practices described below. The Agreement has been placed on the public record for thirty (30) days for receipt of comments from interested members of the public. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will review the agreement and the comments received, and will decide whether it should withdraw from the agreement or make the proposed Order final.

The purpose of this analysis is to facilitate comment on the proposed consent Order. This analysis does not constitute an official interpretation of the agreement and proposed Order, and does not modify the terms in any way. Further, the proposed consent Order has been entered into for settlement purposes only, and does not constitute an admission by the proposed Respondent that it violated the law or that the facts alleged in the Complaint against the Respondent (other than jurisdictional facts) are true.

I. The Respondent

Respondent is the sole licensing authority for the practices of funeral directing and embalming in the State of Missouri. It is authorized to promulgate, adopt and enforce rules and regulations governing and defining those practices. Respondent is able to seek a court order to enjoin any person from engaging or offering to engage in any act that requires a license from the Board. The unlicensed practice of funeral directing or embalming in Missouri may be prosecuted as a class A misdemeanor.

At the time it adopted the regulation at issue in the proposed complaint, the Board was composed of five (5) licensed funeral directors, all of whom competed in the sale of at-need funeral caskets to consumers in Missouri.

II. The Conduct Addressed by the Proposed Consent Order

The proposed Complaint alleges that Respondent violated Section 5 of the Federal Trade Commission Act by unlawfully restraining competition in the retail funeral casket market in the State of Missouri by promulgating a regulation that defined the practice of funeral directing to include selling at-need funeral merchandise.

The at-issue regulation stated: ''No person other than a duly licensed and registered funeral director may make the following at-need arrangements with the person having the right to control the incidents of burial: * * * (C) sale or rental to the public of funeral merchandise, services or paraphernalia.'' [2] Under the laws of the State of Missouri, however, licensing qualifications and conditions for persons practicing or offering to practice funeral directing and embalming do not apply to anyone engaged simply in the furnishing of at-need burial receptacles to the public.[3]

The proposed Complaint alleges that the Board's regulation had anticompetitive effects by discouraging non-licensed persons from selling funeral caskets to the public in Missouri, depriving consumers of the benefits of price competition, and reducing consumer choices concerning the purchase of funeral caskets.

The Commission has previously found that funeral director conduct that limits entry by non-licensed casket sellers harms competition. In its 1994 review of the Funeral Rule,[4] the Commission found that funeral-director-imposed ''casket handling fees'' excluded competition from third-party casket sellers, and the record evidence indicated that the fees ''prevent[ed] potential price competition and reduce[d] consumer choice.'' [5] The Commission further found that ''the long-term effect of [banning these fees] will be increased competition in the casket market such that prices will eventually go down and all consumers will pay less.'' [6]

The courts have likewise found that state laws prohibiting the sale of caskets by non-licensed persons harm competition. The Sixth Circuit concluded that a Tennessee state law forbidding anyone but state licensed funeral directors from selling caskets imposed ''a significant barrier to competition in the casket market'' and ''harm[ed] consumers in their pocketbooks.'' [7] A district court in Oklahoma found that ''[a]s long as independent sellers stay in the market, casket sales from independent sources * * * place downward pressure on

[2] 4 CSR 120–2.060(18).

[3] See Mo. Rev. Stat. § 333.251 (2005). The at-issue regulation was revised during the course of the investigation and published in 20 CSR 2120–2.060(18)(C) effective September 2006.

[4] The FTC's Funeral Rule, which was promulgated by the Commission in 1982 and revised in 1994, requires providers of funeral goods and services to give consumers itemized lists of funeral goods and services that not only provide price and descriptions, but also contain specific disclosures. The Funeral Rule removed the primary industry restraint on consumer choice (package-only funeral goods and service pricing) and makes clear that consumers may select and purchase only the goods and services they want. See 59 FR 1592 (1994).

[5] 59 FR at 1603–04.

[6] *Pa. Funeral Directors Ass'n, Inc.* v. *FTC,* 41 F.3d 81, 91 (3d Cir. 1994). See also Memorandum of Law of Amicus Curiae The Federal Trade Commission, *Powers* v. *Harris,* Case No. CIV–01–445–F (W.D. Okla. Aug. 29, 2002).

[7] *Craigmiles* v. *Giles,* 312 F.3d 220, 222, 228 (6th Cir. 2002).

casket prices as a result of increased competition.'' [8] A district court reviewing a similar statute in Mississippi also concluded that such requirements result in less price competition and consumer choice in selecting a casket.[9]

The Missouri statute that created the Board and grants it the authority to act was not intended to displace competition in the sale of funeral merchandise with regulation. Indeed, it appears that Missouri intended to preserve price competition with respect to the retail sale of funeral caskets by excepting from application of the at-need funeral statute ''any person engaged simply in the furnishing of burial receptacles for the dead.'' [10]

III. Terms of the Proposed Consent Order

The Board has signed a consent agreement containing the proposed consent Order. The proposed Order would prevent the Board from prohibiting, restricting, impeding or discouraging any person from engaging in the sale or rental to the public of funeral merchandise or burial receptacles for the dead, directly or indirectly, or through any rule, regulation, policy, or conduct.

The proposed Order requires the Board to publish in the Newsletter of the Board of Embalmers and Funeral Directors, the full text of Mo. Rev. Stat. § 333.251 (2005), the Order, and an accompanying statement that: ''The Rules and Regulations of the Board of Embalmers and Funeral Directors do not prohibit persons not licensed as funeral directors or embalmers from selling caskets, burial receptacles or other funeral merchandise to the public in the State of Missouri.''

The proposed Order also requires the Board to display an advisory on its public website stating that it has settled FTC allegations regarding restrictions and prohibitions on the sale of funeral merchandise or caskets, and to provide a link to the Board's website that contains the full text of Mo. Rev. Stat. § 333.251 (2005), a link to Mo. Code Regs. Ann. tit. 20, § 2120–2.060 (2006), and a link to this Order. The proposed Order further requires the Board to publish notice of the Order and settlement in three consecutive issues of Missouri Funeral Directors' Association Magazine and in the Missouri State Board of Embalmers and Funeral Directors Rules and Regulations, Chapters 333, 436, 193, 194, which shall be provided to all licensees within one (1) year from the date the Order becomes final.

The proposed Order includes requirements that the Board notify the Commission at least thirty (30) days prior to any filing with the Missouri Secretary of State of any Proposed Order of Rulemaking concerning the Board's rules or regulations, or prior to proposing any change in Respondent that may affect compliance obligations. The proposed Order contains standard provisions requiring the filing of regular written reports of the Board's compliance with the terms of the Order for each of the next five years. The Order will expire in ten (10) years.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. E7–4799 Filed 3–15–07; 8:45 am]

BILLING CODE 6750–01–P

[8] *Powers* v. *Harris,* 2002 WL 32026155 at *6 (W.D. Okla. Dec. 12, 2002).

[9] *Casket Royale, Inc.* v. *Mississippi,* 124 F.Supp. 2d 434, 440 (S.D. Miss. 2000).

[10] Mo. Rev. Stat. § 333.251 (2005).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institute for Occupational Safety and Health; Final Effect of Designation of a Class of Employees for Addition to the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) gives notice concerning the final effect of the HHS decision to designate a class of employees at the Allied Chemical Corporation Plant in Metropolis, Illinois, as an addition to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000. On February 1, 2007, as provided for under 42 U.S.C. 7384q(b), the Secretary of HHS designated the following class of employees as an addition to the SEC:

Atomic Weapons employees who were monitored or should have been monitored for exposure to ionizing radiation while working at Allied Chemical Corporation Plant in Metropolis, Illinois, from January 1, 1959 through December 31, 1976, and who were employed for a number of work days aggregating at least 250 work days or in combination with work days within the parameters established for one or more other classes of employees in the Special Exposure Cohort.

This designation became effective on March 3, 2007, as provided for under 42 U.S.C. 7384*l*(14)(C). Hence, beginning on March 3, 2007, members of this class of employees, defined as reported in this notice, became members of the Special Exposure Cohort.

FOR FURTHER INFORMATION CONTACT: Larry Elliott, Director, Office of Compensation Analysis and Support, National Institute for Occupational Safety and Health (NIOSH), 4676 Columbia Parkway, MS C–46, Cincinnati, OH 45226, Telephone 513–533–6800 (this is not a toll-free number). Information requests can also be submitted by e-mail to *OCAS@CDC.GOV.*

Dated: March 12, 2007.

John Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 07–1274 Filed 3–15–07; 8:45 am]

BILLING CODE 4163–19–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institute for Occupational Safety and Health; Final Effect of Designation of a Class of Employees for Addition to the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) gives notice concerning the final effect of the HHS decision to designate a class of employees at the Harshaw Harvard-Denison Plant in Cleveland, Ohio, as an addition to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000. On February 1, 2007, as provided for under 42 U.S.C. 7384q(b), the Secretary of HHS designated the following class of employees as an addition to the SEC:

Atomic Weapons employees who were monitored or should have been monitored while working at the Harshaw Harvard-Denison Plant located at 1000 Harvard Avenue in Cleveland, Ohio from August 14, 1942 through November 30, 1949, and who were employed for a number of work days aggregating at least 250 work days or in combination with work days within the parameters established for one or more other classes of employees in the Special Exposure, Cohort.

This designation became effective on March 3, 2007, as provided for under 42

U.S.C. 7384*l*(14)(C). Hence, beginning on March 3, 2007, members of this class of employees, defined as reported in this notice, became members of the Special Exposure Cohort.

FOR FURTHER INFORMATION CONTACT: Larry Elliott, Director, Office of Compensation Analysis and Support, National Institute for Occupational Safety and Health (NIOSH), 4676 Columbia Parkway, MS C–46, Cincinnati, OH 45226, Telephone 513–533–6800 (this is not a toll-free number). Information requests can also be submitted by e-mail to *OCAS@CDC.GOV.*

Dated: March 12, 2007.

John Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 07–1273 Filed 3–15–07; 8:45 am]

BILLING CODE 4163–19–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Nominations of Topics for Evidence-based Practice Centers

AGENCY: Agency for Healthcare Research and Quality (AHRQ), DHHS.

ACTION: Nominations of topics for evidence reports, technology assessments, and comparative and effectiveness reviews.

SUMMARY: AHRQ invites nominations of topics for evidence reports, technology assessments, and comparative and effectiveness reviews conducted by its Evidence-based Practice Centers (EPC) Program relating to the prevention, diagnosis, treatment and management of common diseases and clinical condition, as well as, topics relating to the organization and financing of health care. Previous evidence reports and comparative effectiveness reviews can be found at *http://www.ahrq.gov/clinic/epcix.htm* and *http://effectivehealthcare.ahrq.gov/products/progress.cfm*, respectively.

DATES: Topic nominations for general evidence reports should be submitted by April 16, 2007, in order to be considered for fiscal year 2007 selection. Topic nominations for comparative and effectiveness review are accepted on an on-going basis at: *http://effectivehealthcare.ahrq.gov/topicNomination/nominationForm.cfm.* In addition to timely responses to this request for nominations, AHRQ also accepts topic nominations on an ongoing basis for consideration for future years. Topics submitted for consideration as general evidence reports will concurrently be considered as comparative effectiveness reviews as appropriate. AHRQ will not reply to individual responses, but will consider all nominations during the selection process.Those who submit topics that are selected will be notified by AHRQ.

ADDRESSES: Topics nominations should be submitted to Beth A. Collins Sharp, PhD, R.N., director, Evidence-based Practice Centers (EPC) Program, Center for Outcomes and Evidence, AHRQ, 540 Gaither Road, Rockville, MD 20850. Electronic submissions to *epc@ahrq.gov* are preferred.

FOR FURTHER INFORMATION CONTACT: Beth A. Collins Sharp, Ph.D., R.N., Center for Outcomes and Evidence, AHRQ, 540 Gaither Road, Rockville, MD 20850; Phone: (301) 427–1503; Fax: (301) 427–1640; E-mail: *beth.collinssharp@ahrq.hhs.gov.*

Arrangement for Public Inspection: All nominations will be available for public inspection by appointment at the Center for Outcomes and Evidence, telephone (301) 427–1600, weekdays between 8:30 a.m. and 5 p.m. (Eastern time).

SUPPLEMENTARY INFORMATION:

1. Background

Under Title IX of the Public Health Service Act, AHRQ is charged with enhancing the quality, appropriateness, and effectiveness of health care services and access to such services. AHRQ accomplishes these goals through scientific research, including evaluative medical literature reviews and technology assessments, and through the promotion of improvements in clinical practice and health systems practices.

2. Purpose and Overview

The purpose of this notice is to solicit topic nominations for evidence reports, technology assessments, and comparative and effectiveness reviews. Professional societies, health systems, employers, insurers, providers, and consumer groups are encouraged to nominate topics and then collaborate with AHRQ, as it carries out its mission to promote the practice of evidence-based health care. In this endeavor, AHRQ serves as a science partner with private-sector and public organizations in their efforts to improve the quality, effectiveness, and appropriateness of health care delivery in the United States, and to expedite the translation of evidence-based research findings into improved health care services. To undertake scientific analyses and evidence syntheses on topics of high-priority to its public and private healthcare partners and the health care community generally, AHRQ awards task order contracts to its Evidence-based Practice Centers (EPCs).

The EPCs produce systematic reviews of the scientific literature—evidence reports, technology assessments, and comparative and effectiveness reviews—that provide to public and private organizations the foundation for developing and implementing their own practice guidelines, performance measures, educational programs, and other strategies to improve the quality of health care and decision-making related to the effectiveness and appropriateness of specific health care technologies and services. The evidence reports, technology assessments, and comparative and effectiveness reviews also may be used to inform coverage and reimbursement policies. As the body of scientific studies related to organization and financing of health care grows, systematic review and analysis of these studies, in addition to clinical and behavioral research, can provide health system organizations with a scientific foundation for developing or improving system-wide policies and practices.

Currently, AHRQ supports approximately nine general evidence reports per year, in collaboration with non-Federal partners, and 4–10 comparative effectiveness reviews. Nominations of general topics from non-Federal partners are solicited annually through a notice in the **Federal Register**. However, topic nominations are accepted on an ongoing basis. All nominations received in the previous year as well as topics that were previously submitted but not selected are considered for the upcoming year.

Reports and assessments usually require about 12 months for completion once assigned to an EPC. AHRQ widely disseminates the EPC evidence reports and technology assessments, both electronically and in print. The EPC evidence reports, technology assessments and comparative and effectiveness reviews do not make clinical recommendations or recommendations regarding reimbursement and coverage policies.

3. Role/Responsibilities of Partners for General Topics

Nominators of topics selected for development of an EPC evidence report assume the role of Partners of AHRQ and the EPCs. Partners have defined roles and responsibilities. AHRQ places high value on these cooperative relationships, and takes into consideration a Partner organization's

past performance of these responsibilities when considering whether to accept additional topics nominated by that organization in subsequent years. Specifically, Partners are expected to serve as resources to EPCs as they develop the evidence reports related to the nominated topic; serve as external peer reviewers of relevant draft evidence reports and assessments; and commit to timely translation of the EPC reports and assessments into their own quality improvement tools (e.g., clinical practice guidelines, performance measures), educational programs, or reimbursement policies; and dissemination of these derivative products to their membership or other health care stakeholders, as appropriate. AHRQ also is interested in all the uses of these derivative products and the products' impact on enhanced health care. AHRQ looks to its Partners to provide use and impact data on products that are based on EPC evidence reports and technology assessments.

4. Topics for Reports

The EPCs prepare evidence reports, technology assessments, and comparative and effectiveness reviews on topics for which there is significant demand for information by health care providers, insurers, purchasers, health-related societies, and patient advocacy organizations. Such topics may include the prevention, diagnosis and/or treatment of particular clinical and behavioral conditions, use of alternative or complementary therapies, and appropriate use of commonly provided services, procedures, or technologies. Topics also may include issues related to the organization and financing of care such as risk adjustment methodologies, market performance measures, provider payment mechanisms, and insurance purchasing tools, as well as measurement or evaluation of provider integration of new scientific findings regarding health care and delivery innovations. Previous reports and reviews can be found at *http://www.ahrq.gov/clinic/epcix.htm* and *http://effectivehealthcare.ahrq.gov/products/progress.cfm*.

AHRQ is very interested in receiving topic nominations from professional societies and organizations composed of members of minority populations, as well as topic nominations that have significant impact on AHRQ priority populations including low-income groups, minority groups, women, children, the elderly, and individuals with special health care needs, such as those with disabilities, those who need chronic care or end-of-life healthcare, or those who live in inner-city and rural areas.

5. Topic Nomination

Nominations of topics for AHRQ evidence reports, technology assessments, and comparative effectiveness reviews should focus on specific aspects of prevention, diagnosis, treatment and/or management of a particular condition; an individual procedure, treatment, or technology; or a specific health care organizational or financial strategy. The processes that AHRQ employs to select clinical and behavioral topics as well as organization and financing topics nominated by the EPCs are described below. For each topic, the nominating organization must provide the following information:

A. Rationale and supporting evidence on the relevance and importance of the topic;

B. Three to five focused questions on the topic to be addressed;

C. Plans for rapid translation of the evidence reports and technology assessments into clinical guidelines, performance measures, educational programs, or other strategies for strengthening the quality of health care services, or plans to inform development of reimbursement or coverage policies;

D. Plans for use and/or dissemination of these derivative products, e.g., to membership and others, if appropriate; and,

E. Process by which the nominating organization will measure the use of these products and impact of such use.

6. Topic Selection

Factors that will be considered in the selection of topics for AHRQ evidence reports, technology assessments, and comparative and effectiveness reviews and which should/may be addressed in nomination material, include:

A. Burden of related disease(s) including severity, incidence and/or prevalence or relevance of the organizational/financial topic to the general population and/or AHRQ's or the Secretary's priorities which are available at *http://www.effectivehealthcare.ahrq.gov;*

B. Total costs associated with a condition, procedure, treatment, technology, or organization/financial topic taking into account the number of people needing such care, the unit cost of care, and related or indirect costs;

C. Relevance to the needs of the Medicare, Medicaid and other Federal health care programs;

D. Controversy or uncertainty about the topic and availability of scientific data to support the systematic review and analysis of the topic;

E. Potential for reducing clinically significant variations in the prevention, diagnosis, treatment, or management of a disease or condition; or in changing the use of a procedure or technology; informing and improving patient and/or provider decision making; improving health outcomes; and/or reducing costs; and,

F. Nominating organization's plan to disseminate derivative products, measure use and impact of these products on outcomes, or otherwise incorporate the report into its managerial or policy decision making.

7. Submission of Nominations

Topic nominations for general topics should be submitted to Beth A. Collins Sharp, Ph.D., R.N., Director, Evidence-based Practice Centers (EPC) Program, Center for Outcomes and Evidence, AHRQ, 540 Gaither Road, Rockville, MD 20850. Electronic submissions to *epc@ahrq.gov* are preferred. Topic nominations for comparative effectiveness reviews should be submitted to *http://www.effectivehealthcare.ahrq.gov.*

Dated: March 8, 2007.

Carolyn M. Clancy,

Director.

[FR Doc. 07–1236 Filed 3–15–07; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: State Title IV–D Agency Caseworkers On-Line Survey.

OMB No.: New Collection.

Description: The Office of Child Support Enforcement (OCSE) plans to reach out to as many State child support enforcement caseworkers as possible to invite them to participate in a brief on-line survey. The responses will be used to determine if OCSE needs to modify the content and the means of communicating information and training materials used to process child support enforcement cases. All information will be treated confidentially and will not be identified by State or e-mail address of respondents. Depending on the overall response rate to the outreach efforts through the title IV–D agencies, the actual number of respondents could be much lower than the nationwide

estimate of 60,000 caseworkers used for the burden estimates.

Respondents: State Title IV–D Agency Caseworkers.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Invitation to participate in on-line survey	60,000	1	.1	6,000

Estimated Total Annual Burden Hours: 6,000.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register.** Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Fax: 202–395–6974, Attn: Desk Officer for the Administration for Children and Families.

Dated: March 12, 2007.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 07–1231 Filed 3–15–07; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Anti-Infective Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). At least one portion of the meeting will be closed to the public.

Name of Committee: Anti-Infective Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on April 11, 2007, from 8:30 a.m. to 4 p.m.

Location: Food and Drug Administration, Center for Drug Evaluation and Research Advisory Committee Conference Room, rm. 1066, 5630 Fishers Lane, Rockville, MD.

Contact Person: Lt. Sohail Mosaddegh, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane (for express delivery, 5630 Fishers Lane, rm. 1093), Rockville, MD 20857, 301–827–7001, FAX: 301–827–6776, e-mail: *sohail.mosaddegh@fda.hhs.gov*, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 3014512530. Please call the Information Line for up-to-date information on this meeting.

Agenda: The meeting will be open to the public from 8:30 a.m. to 9:30 a.m., unless public participation does not last that long, from 9:30 a.m. to 4 p.m., the meeting will be closed to permit discussion and review of trade secret and/or confidential commercial information.

FDA intends to make background material available to the public no later than 1 business day before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/ohrms/dockets/ac/acmenu.htm*, click on the year 2007 and scroll down to the appropriate advisory committee link.

Procedure: On April 11, 2007, from 8:30 a.m. to 9:30 a.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before March 28, 2007. Oral presentations from the public will be scheduled between approximately 8:30 a.m. and 9:30 a.m. Those desiring to make formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before March 21, 2007. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by March 22, 2007.

Closed Committee Deliberations: On April 11, 2007, from 9:30 a.m. to 4 p.m., the meeting will be closed to permit discussion and review of trade secret and/or confidential commercial information (5 U.S.C. 552b(c)(4)).

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Sohail Mosaddegh at least 7 days in advance of the meeting.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: March 8, 2007.

Randall W. Lutter,

Associate Commissioner for Policy and Planning.

[FR Doc. E7–4860 Filed 3–15–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committee for Pharmaceutical Science and Clinical Pharmacology (formerly called Advisory Committee for Pharmaceutical Science); Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Advisory Committee for Pharmaceutical Science and Clinical Pharmacology (formerly called Advisory Committee for Pharmaceutical Science).

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on May 1 and 2, 2007, from 8:30 a.m. to 5 p.m.

Location: Food and Drug Administration, Center for Drug Evaluation and Research Advisory Committee Conference Room, rm. 1066, 5630 Fishers Lane, Rockville, MD.

Contact Person: Victoria Ferretti-Aceto, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane (for express delivery, 5630 Fishers Lane, rm. 1093) Rockville, MD 20857, 301–827–7001, FAX: 301–827–6776, e-mail: *Victoria.FerrettiAceto@fda.hhs.gov*, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572) in the Washington, DC area), code 3014512539.Please call the Information Line for up to date information on this meeting.

Agenda: On May 1, 2007, the committee will do the following: (1) Receive and discuss updates from the October 18 and 19, 2006, Clinical Pharmacology Subcommittee Meeting and the April 30, 2007, Manufacturing Subcommittee Meeting; (2) receive an update, discuss and make comments on current strategies and directions for the Critical Path Initiative; (3) receive an update and discuss revisions to the FDA draft guidance for industry entitled ''Comparability Protocols — Chemistry, Manufacturing, and Controls Information;'' (4) discuss current thinking on risk-based approaches to managing post-approval activity. On May 2, 2007, the committee will do the following: (1) Receive an update from the Office of Generic Drugs (OGD) on the bioequivalence of highly variable drugs, (2) receive an update on and discuss general strategies within the OGD pertaining to the bioequivalence of narrow therapeutic index drug products, and (3) discuss and provide comments on the topic of alcohol-induced dose dumping.

FDA intends to make background material available to the public no later than 1 business day before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/ohrms/dockets/ac/acmenu.htm*, click on the year 2007 and scroll down to the appropriate advisory committee link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before April 17, 2007. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. each day. Those desiring to make formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before April 9, 2007. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonable accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by April 10, 2007.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Victoria Ferretti-Aceto at least 7 days in advance of the meeting.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: March 8, 2007.

Randall W. Lutter,

Associate Commissioner for Policy and Planning.

[FR Doc. E7–4797 Filed 3–15–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; 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 Research Resources Special Emphasis Panel, TSPC–SEP Teleconference.

Date: March 27, 2007.

Time: 11 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: John R. Glowa, PhD, Scientific Review Administrator, National Center for Research Resources, or National Institutes of Health, 6701 Democracy Blvd., 1 Democracy Plaza, Room 1078—Msc 4874, Bethesda, MD 20892–4874, 301–435–0807, *glowaj@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. 93.306, Comparative Medicine; 93.333, Clinical Research; 93.371, Biomedical Technology; 93.389, Research Infrastructure; 93.306, 93.333, National Institutes of Health, HHS)

Dated: March 8, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1225 Filed 3–15–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood 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 Heart, Lung, and Blood Institute Special Emphasis Panel, Collaborative Studies on Lung Stem Cell Biology and Cell Based Therapy.

Date: April 20, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Four Points Sheraton BWI Airport, 7032 Elm Street, Baltimore, MD 21240.

Contact Person: Katherine M. Malinda, PhD, Scientific Review Administrator, Review Branch/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7198, Bethesda, MD 20892–7924, 301–435–0297, *malindakm@nhlbi.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: March 9, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1222 Filed 3–15–07; 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, 3 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 include an Open session from 8 a.m. to 8:30 a.m. for concept clearance of a proposed RFA on Anorexia. The remainder of the meeting will be Closed for grant review. The meeting is partially Closed to the public.

Dated: March 9, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1219 Filed 3–15–07; 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 contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel, Small Business Innovation Research Review.

Date: March 23, 2007.

Time: 9:30 a.m. to 12 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Christopher S. Sarampote, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6148, MSC 9608, Bethesda, MD 20892, 301–443–1959, *csarampo@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: March 9, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1220 Filed 3–15–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVCIES

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, HIV Prevention in Men.

Date: April 10, 2007.

Time: 3 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge 6700, 6700B Rockledge Drive, Room 3265, Bethesda, MD 20817, (Telephone Conference Call).

Contact Person: Ellen S. Buczko, 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, 301–451–2676, *ebuczko1@niaid.nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, Cooperative Research into Therapeutics and Diagnostics for Category B Bacteria, Viruses, and Parasites.

Date: April 11–13, 2007.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Washington, 15th and Pennsylvania Avenue, Washington, DC 20004.

Contact Person: Mary J. Homer, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID/NIH/DHHS, 6700B

Rockledge Drive, MSC 7616, Bethesda, MD 20892, (301) 496–7042, *mjhomer@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Disease Research, National Institutes of Health, HHS)

Dated: March 9, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1221 Filed 3–15–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed 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 Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel, Rheumatic Diseases Research Core Centers.

Date: April 10–11, 2007.

Time: 7 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Kan Ma, PhD, Scientific Review Administrator, EP Review Branch, NIH/NIAMS, One Democracy Plaza, Suite 800, MSC 4872, 6701 Democracy Blvd., Bethesda, MD 20892–4872, 301–594–4952, *mak2@mail.nih.gov*.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel, Center for Research Translation.

Date: May 23–24, 2007.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Bethesda North Hotel & Conference Center, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Michael L. Bloom, PhD, Scientific Review Administrator, EP Review Branch, NIH/NIAMS, One Democracy Plaza, Room 820, MSC 4872, 6701 Democracy Blvd, Bethesda, MD 20892–4872, 301–594–4953, *Michael_Bloom@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: March 9, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1223 Filed 3–15–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed 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 Environmental Health Sciences Special Emphasis Panel, Review of Patient-Oriented Career Development Award.

Date: April 9, 2007.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: NIEHS/National Institutes of Health, Building 4401, East Campus, 79 T.W. Alexander Drive, Research Triangle Park, NC 27709 (Telephone Conference Call).

Contact Person: Linda K. Bass, Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute Environmental Health Sciences, P.O. Box 12233, MD EC–30, Research Triangle Park, NC 27709, (919) 541–1307, *malone@niehs.nih.gov*.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel, Review of Patient-Oriented Career Development Award.

Date: April 12, 2007.

Time: 1:30 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIEHS/National Institutes of Health, Building 4401, East Campus, 79 T.W. Alexander Drive, Research Triangle Park, NC 27709 (Telephone Conference Call).

Contact Person: Linda K. Bass, Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute Environmental Health Sciences, P.O. Box 12233, MD EC–30, Research Triangle Park, NC 27709, (919) 541–1307, *malone@niehs.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: March 9, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1224 Filed 3–15–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed 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 Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Chronic Kidney Disease in Pediatric HIV–Infection.

Date: April 6, 2007.

Time: 3 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Lakshmanan Sankaran, PhD, Scientific Review Administrator,

Review Branch, DEA, NIDDK, National Institutes of Health, Room 755, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7799, *Is38oz@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: March 8, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1226 Filed 3–15–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed 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 Board of Scientific Counselors, NIDDK.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Diabetes and Digestive and Kidney Diseases, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NIDDK.

Date: April 12, 2007.

Time: 8:15 a.m. to 6 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, building 10, 9000 Rockville Pike, Room 9S235, Bethesda, MD 20892.

Contact Person: Marvin C. Gershengorn, MD, Scientific Director, Division of Intramural Research, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health, 9000 Rockville Pike, Bldg. 10, rm. 9N222, Bethesda, MD 20892, (301) 496–4129.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and state the purpose of their visit.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: March 8, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1227 Filed 3–15–07; 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 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 General Medical Sciences Special Emphasis Panel, NIH Director's Pioneer Awards.

Date: April 23, 2007.

Time: 8 a.m. to 11:59 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Judith H. Greenberg, PhD, Director, Division of Genetics and Developmental Biology, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 2AN–12B, Bethesda, MD 20892, 301–594–2755, *greenbej@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: March 8, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1230 Filed 3–15–07; 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 28, 2007, 8 a.m. to March 28, 2007, 5 p.m., National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD, 20892 which was published in the **Federal Register** on March 3, 2007, 72 FR 9547–9548.

The starting time of the meeting on March 28, 2007 has been changed to 12 p.m. until adjournment. The meeting location remains the same. The meeting is closed to the public.

Dated: March 8, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1228 Filed 3–15–07; 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, Muscle Physiology.

Date: March 27, 2007.

Time: 11 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: 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*.

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, Musculoskeletal Tissue Engineering Member Conflicts.

Date: March 28, 2007.

Time: 12 p.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: Daniel F. McDonald, PhD, Scientific Review Administrator, Chief, MOSS IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892, (301) 435–1215, *mcdonald@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: Brain Disorders and Clinical Neuroscience Integrated Review Group, Cell Death in Neurodegeneration Study Section.

Date: March 29–30, 2007.

Time: 8 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Jurys Washington Hotel, 1500 New Hampshire Avenue, NW., Washington, DC 20036.

Contact Person: David L. Simpson, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5192, MSC 7846, Bethesda, MD 20892, (301) 435–1278, *simpsond@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Mechanisms of Neurodegeneration.

Date: March 30, 2007.

Time: 3 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Jurys Hotel, 1500 New Hampshire Avenue, NW., Washington, DC 20036.

Contact Person: David L. Simpson, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5192, MSC 7846, Bethesda, MD 20892, (301) 435–1278, *simpsond@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Molecular Requirements of B Cell Receptor Antigen Internalization.

Date: April 3, 2007.

Time: 1 p.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: Betty Hayden, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4206, MSC 7812, Bethesda, MD 20892, (301) 435–1223, *haydenb@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, FICRS Resource and Support Center.

Date: April 12, 2007.

Time: 9 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: Sherry L. Dupere, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5136, MSC 7843, Bethesda, MD 20892, (301) 435–1021, *duperes@csr.nih.gov*.

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group, Bioengineering, Technology and Surgical Sciences Study Section.

Date: May 21–22, 2007.

Time: 8 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Dharam S. Dhindsa, DVM, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5110, MSC 7854, Bethesda, MD 20892, (301) 435–1174, *dhindsad@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: March 8, 2007.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1229 Filed 3–15–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS–2007–0014]

Notice of Meeting of National Infrastructure Advisory Council (NIAC)

AGENCY: Directorate for Preparedness, DHS.

ACTION: Notice of Meeting.

SUMMARY: The National Infrastructure Advisory Council (NIAC) will meet in open session.

DATES: Tuesday, April 10, 2007, from 1:30 p.m. to 4:30 p.m.

ADDRESSES: National Press Club, 529 14th Street, NW., Washington, DC 20045. You may submit comments, identified by DHS–2007–0014, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *E-mail: william.corcoran@associates.dhs.gov.* When submitting comments electronically, please include by DHS–2007–0014, in the subject line of the message.
- *Mail:* Jenny Menna, Department of Homeland Security, Directorate for Preparedness, Washington, DC 20528. To ensure proper handling, please reference by DHS–2007–0014, on your correspondence. This mailing address may be used for paper, disk or CD–ROM submissions.
- *Hand Delivery/Courier:* Jenny Menna, Department of Homeland Security, Directorate for Preparedness, Washington, DC 20528. Contact Telephone Number 703–235–5352.

Instructions: All submission received must include the words ''Department of Homeland Security'' and DHS–2007–0014, the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided.

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

FOR FURTHER INFORMATION CONTACT: Jenny Menna, NIAC Designated Federal Officer, Department of Homeland Security, Washington, DC 20528; telephone 703–235–5352.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act (FACA), Public 92–463, as amended (5 U.S.C. App.). AT this meeting, the NIAC will be briefed on the status of several Working Group

activities in which the Council is currently engaged.

This meeting is open to the public on a first-come, first-served basis. Please note that the meeting may close early if all business is finished.

A tentative agenda for the meeting is set forth below, but may be updated. Please consult the NIAC Web site, *http://www.dhs.gov/niac,* for the most current agenda.

Information on Services for Individuals with Disabilities: For information on facilities or services for individuals with disabilities, or to requet special assistance at the meeting, telephone the Designated Federal Officer as soon as possible.

Dated: March 8, 2007.

Jenny Menna,

Designated Federal Officer for the NIAC.

DRAFT AGENDA OF APRIL 10, 2007 MEETING

I. Opening of Meeting	Jenny Menna, Designated Federal Officer, NIAC, Department of Homeland Security (DHS).
II. Roll Call of Members	Jenny Menna.
III. Opening Remarks and Introductions	NIAC Chairman, Erle A. Nye, Chairman Emritus, TXU Corp. Michael Chertoff, Secretary, DHS (Invited). Frances Fragos Townsend, Assistant to the President for Homeland Security and Counterterrorism (Invited).
IV. Approval of April Minutes	NIAC Chairman, Erle A. Nye.
V. Working Group Status Updates	NIAC Chairman, Erle A. Nye Presiding.
A. Chemical, Biological, and Radiological Events and Critical Infrastructure Workers.	Chief Rebecca F. Denlinger, Fire Chief, Cobb County, Georgia Fire and Emergency Services, NIAC Member, Martha H. Marsh, President and CEO, Stanford Hospital and Clinics, NIAC Member and Bruce Rohde, Chairman and CEO Emeritus, ConAgra Foods, Inc., NIAC Member.
B. The Insider Threat to Critical Infrastructure Control Systems	Edmund Archuleta, General Manager, El Paso Water Utilities, NIAC Member, and Thomas Noonan, General Manager, IBM Internet Security Systems, NIAC Member.
VI. New Business	NIAC Chairman, Erle A. Nye, NIAC Members.
VII. Adjournment	NIAC Chairman, Erle A. Nye.

[FR Doc. 07–1235 Filed 3–12–07; 4:35 pm]

BILLING CODE 4410–10–M

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2007–27415]

Transportation Worker Identity Credential (TWIC) Biometric Reader Specification and TWIC Contactless Smart Card Application

AGENCY: Coast Guard, DHS.

ACTION: Notice of availability and request for comments.

SUMMARY: The Coast Guard announces the availability of a draft Transportation Worker Identification Credential (TWIC) biometric reader specification and a draft TWIC contactless smart card application. These draft documents have been recommended to the Coast Guard by the National Maritime Security Advisory Committee. We request your comments on these draft recommended specifications, and on specific questions found at the end of this notice.

DATES: Comments and related material must reach the Docket Management Facility on or before March 30, 2007.

ADDRESSES: You may submit comments identified by Coast Guard docket number USCG–2007–27415 to the Docket Management Facility at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:

(1) Web site: *http://dms.dot.gov.*

(2) Mail: Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590–0001.

(3) Fax: 202–493–2251.

(4) Delivery: Room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, or the recommendations referenced in it, please contact Lieutenant Danielle Fennelly, U.S. Coast Guard, at 202–372–1136. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–493–0402.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to submit comments and related material on the recommended specification and application. All comments received will be posted, without change, to *http://dms.dot.gov* and will include any personal information you have provided. We have an agreement with the Department of Transportation (DOT) to use the Docket Management Facility. Please see DOT's ''Privacy Act'' paragraph below.

Submitting comments: If you submit a comment, please include your name and address, identify the docket number for this notice (USCG–2007–27415), and give the reason for each comment. You may submit your comments and material by electronic means, mail, fax, or delivery to the Docket Management Facility at the address under **ADDRESSES;** but please submit your comments and material by only one means. If you submit them by mail or delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period.

Viewing the comments and specifications: To view the comments and recommended specification and application, go to *http://dms.dot.gov* at any time, click on ''Simple Search,'' enter the last five digits of the docket number for this notice, and click on ''Search.'' You may also visit the Docket Management Facility in room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington,

DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

Background and Questions for Comment

The National Maritime Security Advisory Council (NMSAC) was created pursuant to the Federal Advisory Committee Act, 5 U.S.C., App. 2 (FACA) in 2003. The membership of NMSAC, which includes 21 voting members, was selected to represent all viewpoints regarding maritime security challenges and to inform the Coast Guard of relevant maritime security issues. At the regular NMSAC meeting of November 14, 2006, the Coast Guard and the Transportation Security Administration (TSA) asked NMSAC to develop a contactless biometric specification for TWIC by February 28, 2007, applying expertise from the biometric credentialing industry and maritime industry TWIC stakeholders. The specification was required to:

a. Be non-proprietary;

b. Incorporate appropriate security and privacy controls;

c. Be consistent with FIPS 201–1 credential specifications;

d. Be capable of serving as a platform for future capabilities;

e. Be capable of supporting maritime operations; and

f. Be easily manufactured.

TSA and Coast Guard recommended that the task be addressed by dividing responsibilities to construct operational maritime requirements and technology specifications. We recommended that operational maritime requirements be developed by members of maritime industry and that they address credential authentication (e.g. authentication time and process, and alternate authentication procedures); durability requirements; and credential management procedures, including key management. We recommended that the technology specifications be developed with the technical expertise of biometric credentialing experts and address smart card, reader, and keying specification. The formal request from the TWIC program to NMSAC is available at the following URL: *http://homeport.uscg.mil* under Missions > Maritime Security > Maritime Transportation Security Act (MTSA) > National Maritime Security Advisory Committee (NMSAC) > TWIC Contactless Specification Development Working Group, and in the docket for this notice.

On March 1, 2007, the Coast Guard received NMSAC's report, entitled ''Recommendations on Developing a Contactless Biometric Specification for the TWIC.'' The report includes two recommended specifications. NMSAC expressed a strong preference for the first recommended specification, which does not require encryption of the cardholder's fingerprint template; this would permit the template to be read by a reader when the card is energized by a contactless reader. The second recommended specification provides for encryption of the fingerprint template, which protects the template from being read contactlessly unless information on the card's magnetic stripe is read by the reader and authorizes the release of the template. Encryption protects the template from being read covertly. However, if a TWIC is stolen or is in the hands of an unauthorized holder, encryption does not prevent the transfer of the template to a TWIC reader.

Both sets of recommended specifications are available at the following URL: *http://homeport.uscg.mil* under Missions > Maritime Security > Maritime Transportation Security Act (MTSA) > National Maritime Security Advisory Committee (NMSAC) > TWIC Contactless Specification Development Working Group. They are also available in the docket for this notice.

We invite comment on all aspects of the NMSAC recommended specifications, and in particular those that address the following questions:

1. Should additional security measures be included in the specifications, such as the use of a PIN, to further minimize the chance that a fingerprint template from a lost or stolen credential could be obtained by an unauthorized individual? If so, would the addition of a PIN or other security measure adversely impact operations? Does the length of the PIN affect adverse impacts in any measurable way?

2. What, if any, privacy concerns exist if the fingerprint template is obtained by an unauthorized individual?

3. How would the recommended specifications impact facility and vessel security and operations?

4. How would the recommended specifications impact existing physical access control systems?

5. Are there alternative designs we should consider, and if so, what are the advantages and disadvantages of the alternative designs?

6. How would the recommended specifications impact product, system, and operational costs?

7. How quickly could the recommended specifications be incorporated into the design and manufacture of access control equipment?

8. Should there be a process for identifying a Qualified Products List (QPL) or other equivalent regime? If so, what is the most efficient and effective way of creating a QPL?

The Coast Guard and TSA will examine all comments received concerning NMSAC's recommended specifications and the questions above. We will issue a Notice in the **Federal Register** to explain and announce the selected technology specification as we proceed with the TWIC program, in particular, the upcoming pilot programs in which we will field test the use of TWIC in biometric readers in the maritime environment.

Dated: March 13, 2007.

J.G. Lantz,

Director of National and International Standards, Assistant Commandant for Prevention.

[FR Doc. 07–1305 Filed 3–13–07; 3:40 pm]

BILLING CODE 4910–15–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5125–N–11]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

EFFECTIVE DATE: March 16, 2007.

FOR FURTHER INFORMATION CONTACT: Kathy Ezzell, Department of Housing and Urban Development, Room 7262, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708-2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration*,

No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: March 8, 2007.

Mark R. Johnston,

Deputy Assistant Secretary for Special Needs.

[FR Doc. 07–1173 Filed 3–15–07; 8:45 am]

BILLING CODE 4210–67–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4878–N–06]

Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons: Update of Web Site Reference

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Notice: Update of Web site reference.

SUMMARY: This notice updates an obsolete Web site reference that was included in HUD's final ''Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient (LEP) Persons,'' as required by Executive Order (EO) 13166, published in the **Federal Register** on January 22, 2007, and which became effective on March 7, 2007.

FOR FURTHER INFORMATION CONTACT: Pamela D. Walsh, Director, Program Standards and Compliance Division, Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 5226, Washington, DC 20410, telephone: (202) 708–2904 (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: On January 22, 2007, HUD published in the **Federal Register** (72 FR 2732) final guidance to help recipients of federal financial assistance take reasonable steps to meet their regulatory and statutory obligations to ensure that LEP persons have meaningful access to HUD programs and activities (LEP Final Guidance). Under Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulations, recipients of federal financial assistance have a responsibility to ensure meaningful access to programs and activities by LEP persons.

In the preamble to the Final Guidance, which provided responses to public comments received on the proposed guidance, HUD provided the Web site to demographic information based on 2000 Census or other data (see page 2736, third column and continuing on page 2737, first column). Since publication of the Final Guidance, HUD has been advised that the Web site provided in the Final Guidance is no longer active. This notice provides the updated Web site. The demographic information based on 2000 Census or other data can be found at the following Web site: *http://www.census.gov/cac/www/007578.html*.

In addition to this correction, on February 14, 2007, the Office of the Federal Register (OFR) published in the **Federal Register** a correction to HUD's Final Guidance that corrected a printing error made by the OFR in publishing HUD's Final Guidance on January 22, 2007 (See 72 FR 7134.) On February 16, 2007, HUD published a notice that moved the effective of the Final Guidance from February 21, 2007, to March 7, 2007.

HUD's Final Guidance, which incorporates these corrections, can be found at: *http://www.hud.gov/offices/fheo/promotingfh/lep.cfm*.

Dated: March 7, 2007.

Kim Kendrick,

Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. E7–4794 Filed 3–15–07; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Proposed Information Collection; OMB Control Number 1018-0015; Migratory Bird Surveys

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: We (Fish and Wildlife Service) will ask the Office of Management and Budget (OMB) to approve the information collection (IC) described below. As required by the Paperwork Reduction Act of 1995 and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this IC. We 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.

DATES: You must submit comments on or before May 15, 2007.

ADDRESSES: Send your comments on the IC to Hope Grey, Information Collection Clearance Officer, Fish and Wildlife Service, MS 222–ARLSQ, 4401 North Fairfax Drive, Arlington, VA 22203 (mail); *hope_grey@fws.gov* (e-mail); or (703) 358–2269 (fax).

FOR FURTHER INFORMATION CONTACT: To request additional information about this IC, contact Hope Grey by mail, fax, or e-mail (see ADDRESSES) or by telephone at (703) 358–2482.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Migratory Bird Treaty Act (16 U.S.C. 703-711) and the Fish and Wildlife Act of 1956 (16 U.S.C. 742d) designate the Department of the Interior as the key agency responsible for (1) the wise management of migratory bird populations frequenting the United States, and (2) setting hunting regulations that allow appropriate harvests that are within the guidelines that will allow for those populations' well-being. These responsibilities dictate that we gather accurate data on various characteristics of migratory bird harvest. We use the knowledge attained by determining harvests and harvest rates of migratory game birds to regulate populations (by promulgating hunting regulations) and to encourage hunting opportunity, especially where crop depredations are chronic and/or lightly-harvested populations occur. Based on information from harvest surveys, we can adjust hunting regulations as needed to optimize harvests at levels that provide a maximum of hunting recreation while keeping populations at desired levels.

Under the Migratory Bird Harvest Program, State licensing authorities collect the name and address information needed to provide a sample frame of all licensed migratory bird hunters. Since Federal regulations require that the States collect this information, we are including the associated burden in our approval request to OMB. We propose to combine three surveys in this IC because the surveys are interrelated and/or dependent upon each other:

(1) Migratory Bird Hunter Surveys, currently approved under OMB Control

No. 1018-0015, which expires February 28, 2008.

(2) Parts Collection Survey, also approved under OMB Control No. 1018-0015.

(3) Sandhill Crane Harvest Survey, currently approved under OMB Control No. 1018-0023, which expires November 30, 2007.

The Migratory Bird Hunter Survey is based on the Migratory Bird Harvest Information Program, under which each State annually provides a list of all migratory bird hunters in the State. We randomly select migratory bird hunters; send them either a waterfowl questionnaire, a dove and band-tailed pigeon questionnaire, a woodcock questionnaire, or a snipe, rail, gallinule and coot questionnaire; and ask them to report their harvest of those species. The resulting estimates of harvest per hunter are combined with the complete list of migratory bird hunters to provide estimates of the total harvest of those species.

The Parts Collection Survey estimates the species, sex, and age composition of the harvest, and the geographic and temporal distribution of the harvest. Randomly selected successful hunters who responded to the Migratory Bird Hunter Survey the previous year are asked to complete and return a postcard if they are willing to participate in the Parts Collection Survey. We provide postage-paid envelopes to respondents before the hunting season and ask them to send in a wing or the tail feathers from each duck, goose, or coot they harvest, or a wing from each woodcock, band-tailed pigeon, snipe, rail, or gallinule they harvest. We use the wings and tail feathers to identify the species, sex, and age of the harvested sample. We also ask respondents to report on the envelope the date and location of harvest for each bird. Results of this survey are combined with the harvest estimates obtained from the Migratory Bird Hunter Survey to provide species-specific national harvest estimates.

The combined results of these surveys enable us to evaluate the effects of season length, season dates, and bag limits on the harvest of each species, and thus help us determine appropriate hunting regulations.

We are proposing to include the Sandhill Crane Harvest Survey (current OMB Control Number 1018-0023) with the others in this approval request, all under OMB Control Number 1018-0015. The Sandhill Crane Harvest Survey is an annual questionnaire survey of people who obtained a sandhill crane hunting permit. At the end of the hunting season, we randomly select a sample of permit holders and ask them to report the date, location, and number of birds harvested for each of their sandhill crane hunts. Their responses provide estimates of the temporal and geographic distribution of the harvest as well as the average harvest per hunter, which, combined with the total number of permits issued, enables us to estimate the total harvest of sandhill cranes. Based on information from this survey, we adjust hunting regulations as needed to optimize harvest at levels that provide a maximum of hunting recreation while keeping the population at the desired level.

We are also seeking approval to add a mourning dove wing collection to the Parts Collection Survey on an experimental basis. We will use the wings to identify the age of each sample, thereby providing estimates of annual mourning dove productivity at the management unit level. Those estimates of annual productivity are needed to improve the mourning dove population models that we have developed for each management unit. We will compare the results and costs of our experimental mail survey with results and costs of mourning dove wing collection methods that are currently employed by some, but not all, States that have dove hunting seasons. If mourning dove productivity estimates are similar for the two methods, we would propose to adopt the more cost-effective method on a national scale.

II. Data

OMB Control Number: 1018-0015.

Title: Migratory Bird Surveys.

Service Form Number(s): 3-165, 3-165A, 3-165B, 3-165C, and 3-2056J-N.

Type of Request: Revision of currently approved collection.

Affected Public: Migratory game bird hunters.

Respondent's Obligation: Voluntary.

Frequency of Collection: Annually.

Activity	Number of annual respondents	Number of annual responses	Completion time per response	Annual burden hours
Migratory Bird Harvest Information Program	3,800,000	3,800,000	0.033 hours	125,400
Migratory Bird Hunter Survey	85,000	85,000	0.067 hours	5,695
Parts Collection Survey	10,000	110,000	0.033 hours	3,630
Sandhill Cane Harvest Survey	7,500	7,500	0.067 hours	503
Totals	3,902,500	4,002,500		135,228

III. Request for Comments

We invite comments concerning this IC on:

(1) whether or not the collection of information is necessary, including whether or not the information will have practical utility;

(2) the accuracy of our estimate of the burden for this collection of information;

(3) ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) ways to minimize the burden of the collection of information on respondents.

Comments submitted in response to this notice are a matter of public record. We will include and/or summarize each comment in our request to OMB to approve this IC.

Dated: March 1, 2007

Hope Grey,

Information Collection Clearance Officer, Fish and Wildlife Service.

FR Doc. E7–4842 Filed 3–15–07; 8:45 am

BILLING CODE 4310–55–S

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Proposed Information Collection; OMB Control Number 1018-0094; Federal Fish and Wildlife License/Permit Applications, Native Endangered and Threatened Species, 50 CFR 13 and 17

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: We (Fish and Wildlife Service) will ask the Office of Management and Budget (OMB) to approve the information collection (IC) described below. As required by the

Paperwork Reduction Act of 1995 and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this IC, which is scheduled to expire on September 30, 2007. We 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.

DATES: You must submit comments on or before May 15, 2007.

ADDRESSES: Send your comments on the IC to Hope Grey, Information Collection Clearance Officer, Fish and Wildlife Service, MS 222–ARLSQ, 4401 North Fairfax Drive, Arlington, VA 22203 (mail); *hope_grey@fws.gov* (e-mail); or (703) 358–2269 (fax).

FOR FURTHER INFORMATION CONTACT: To request additional information about this IC, contact Hope Grey by mail, fax, or e-mail (see ADDRESSES) or by telephone at (703) 358–2482.

SUPPLEMENTARY INFORMATION:

I. Abstract

Our Endangered Species Program uses information that we collect on permit applications to determine the eligibility of applicants for permits requested in accordance with the criteria in various Federal wildlife conservation laws, including:

(1) Endangered Species Act (16 U.S.C. 1531 et seq.).

(2) Migratory Bird Treaty Act (16 U.S.C. 703 et seq.).

(3) Lacey Act (16 U.S.C. 3371 et seq.).

(4) Bald and Golden Eagle Protection Act (16 U.S.C. 668).

(5) Marine Mammal Protection Act (16 U.S.C. 1374).

Service regulations implementing these statutes and treaties are in Chapter I, Subchapter B of Title 50 of the Code of Federal Regulations (CFR). These regulations stipulate general and specific requirements that when met allow us to issue permits to authorize activities that are otherwise prohibited. This IC includes the following permit application forms and the reporting requirements for each permit:

(1) FWS Form 3-200-54 - Enhancement of Survival Permits Associated with Safe Harbor Agreements and Candidate Conservation Agreements with Assurances.

(2) FWS Form 3-200-55 - Permits for Scientific Purposes, Enhancement of Propagation or Survival (i.e, Recovery) and Interstate Commerce.

(3) FWS Form 3-200-56 - Incidental Take Permits Associated with a Habitat Conservation Plan.

II. Data

OMB Control Number: 1018-0094.

Title: Federal Fish and Wildlife License/Permit Applications, Native Endangered and Threatened Species, 50 CFR 13 and 17.

Service Form Number(s): 3-200-54, 3-200-55, and 3-200-56.

Type of Request: Revision of currently approved collection.

Affected Public: Individuals/households, businesses, State and local agencies, private organizations, and scientific and research institutions.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion for application forms and notifications; annually for reports..

Estimated Annual Nonhour Burden: $64,450 for fees associated with permit applications.

Activity	Number of annual respondents	Number of annual responses	Completion time per response	Annual burden hours
3-200-54 – permit application	11	11	3 hours	33
3-200-54 – annual report	64	64	8 hours	512
3-200-54 – notification of change in landowner	1	1	1 hour	1
2-200-55 – permit application	579	579	4 hours	2,316
3-200-55 – annual report	1,034	1,034	8 hours	8,272
3-200-55 – notification of escape of living wildlife	1	1	1 hour	1
3-200-56 – permit application	60	60	3 hours	180
3-200-56 – annual report	748	748	10 hours	7,480
Totals	2,498	2,498		18,795

III. Request for Comments

We invite comments concerning this IC on:

(1) whether or not the collection of information is necessary, including whether or not the information will have practical utility;

(2) the accuracy of our estimate of the burden for this collection of information;

(3) ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) ways to minimize the burden of the collection of information on respondents.

Comments submitted in response to this notice are a matter of public record. We will include and/or summarize each comment in our request to OMB to approve this IC.

Dated: March 1, 2007

Hope Grey,

Information Collection Clearance Officer, Fish and Wildlife Service.

FR Doc. E7–4843 Filed 3–15–07; 8:45 am

BILLING CODE 4310–55–S

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Proposed Information Collection; OMB Control Number 1018-0123; International Conservation Grant Programs

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: We (Fish and Wildlife Service) will ask the Office of Management and Budget (OMB) to approve the information collection (IC) described below. As required by the Paperwork Reduction Act of 1995 and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this IC, which is scheduled to expire on June 30, 2007. We 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.

DATES: You must submit comments on or before May 15, 2007.

ADDRESSES: Send your comments on the IC to Hope Grey, Information Collection Clearance Officer, Fish and Wildlife Service, MS 222–ARLSQ, 4401 North Fairfax Drive, Arlington, VA 22203 (mail); *hope_grey@fws.gov* (e-mail); or (703) 358–2269 (fax).

FOR FURTHER INFORMATION CONTACT: To request additional information about this IC, contact Hope Grey by mail, fax, or e-mail (see ADDRESSES) or by telephone at (703) 358–2482.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Division of International Conservation awards grants funded under the:

(1) African Elephant Conservation Act (16 U.S.C. 4201-4245).

(2) Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261).

(3) Great Apes Conservation Act of 2000 (Pub. L. 106-411).

(4) Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306).

(5) Marine Turtle Conservation Act (Pub. L. 108-266).

(6) Wildlife Without Borders Programs - Mexico, Latin America and the Caribbean, and Russia.

The information that we collect for grants awarded under the Marine Turtle Conservation Act is approved under OMB Control No. 1018-0128, which expires March 31, 2009. We are proposing to include that information collection with the others in this approval request, all under OMB Control Number 1018-0123.

Applicants submit proposals for funding in response to Notices of Funding Availability that we publish on Grants.gov. We collect the following information under each Notice of Funding Availability:

(1) Cover page with basic project details (FWS Form 3-2338). This is a new form that we propose to replace the six forms currently approved under OMB Control No. 1018-0123.

(2) Project summary and narrative.

(3) Letter of appropriate government endorsement.

(4) Brief curricula vitae for key project personnel.

(5) Complete Standard Forms 424, 424a and 424b (nondomestic applicants do not submit the standard forms).

Proposals may also include, as appropriate, a copy of the organization's Negotiated Indirect Cost Rate Agreement (NIRCA) and any additional documentation supporting the proposed project.

The project summary and narrative is the basis for this information collection request for approval. A panel of technical experts reviews each proposal to assess how well the project addresses the priorities identified by each program's authorizing legislation. As all of the on-the-ground projects funded by these programs are conducted outside the United States, the letter of appropriate government endorsement ensures that the proposed activities will not meet with local resistance or work in opposition to locally identified priorities and needs. Brief curricula vitae for key project personnel allow the review panel to assess the qualifications of project staff to effectively carry out the project goals and objectives. As all Federal entities must honor the indirect cost rates an organization has negotiated with its cognizant agency, we require all organizations with a NICRA to submit the agreement paperwork with their proposals to verify how their rate is applied in their proposed budget. Applicants may provide any additional documentation that they believe best supports their proposal.

II. Data

OMB Control Number: 1018-0123.

Title: International Conservation Grant Programs.

Service Form Number(s): 3-2338.

Type of Request: Revision of currently approved collection.

Affected Public: Domestic and nondomestic Federal, State, and local governments; nonprofit, nongovernmental organizations; public and private institutions of higher education; and any other organization or individual with demonstrated perience deemed necessary to carry out the proposed project..

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: Annually.

Activity	Number of annual respondents	Number of annual responses	Completion time per response	Annual burden hours
Cover page (FWS Form 3-2338)	489	489	1 hour	489
Narratives	489	489	11 hours	5,379
Reports (mid-term and final)	231	231	30 hours	6,930
Totals	1,209	1,209		12,798

III. Request for Comments

We invite comments concerning this IC on:

(1) whether or not the collection of information is necessary, including whether or not the information will have practical utility;

(2) the accuracy of our estimate of the burden for this collection of information;

(3) ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) ways to minimize the burden of the collection of information on respondents.

Comments submitted in response to this notice are a matter of public record. We will include and/or summarize each comment in our request to OMB to approve this IC.

Dated: March 1, 2007

Hope Grey,

Information Collection Clearance Officer, Fish and Wildlife Service.

FR Doc. E7–4844 Filed 3–15–07; 8:45 am

BILLING CODE 4310–55–S

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of an Application for an Incidental Take Permit for Construction of a Combination of Commercial Buildings and Residential Units in Palm Beach County, FL

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: We, the Fish and Wildlife Service (Service), announce the availability of an incidental take permit (ITP) and Habitat Conservation Plan (HCP). Royal Tequesta LLC (Applicant) requests an ITP pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The Applicant anticipates taking about 2.24 acres of Florida scrub-jay (*Aphelocoma coerulescens*) (scrub-jay) foraging and sheltering habitat incidental to partial land clearing of their 6-acre lot and subsequent commercial and residential construction and supporting infrastructure in Palm Beach County, Florida (Project). The destruction of 2.24 acre of foraging and sheltering habitat is expected to result in the take of one family of scrub-jays. The Applicant's Habitat Conservation Plan (HCP) describes the mitigation and minimization measures proposed to address the effects of the Project to the Florida scrub-jay.

DATES: Written comments on the ITP applications and HCPs should be sent to the South Florida Ecological Services Office (see **ADDRESSES**) and should be received on or before April 16, 2007.

ADDRESSES: Persons wishing to review the application and HCP may obtain a copy by writing the Service's South Florida Ecological Services Office. Please reference permit number TE 136147–0 in such requests. Documents will also be available for public inspection by appointment during normal business hours at the South Florida Ecological Services Office, 1339 20th Street, Vero Beach, Florida 32960–3559.

FOR FURTHER INFORMATION CONTACT: Ms. Trish Adams, Fish and Wildlife Biologist, South Florida Ecological Services Office, Vero Beach, Florida (see **ADDRESSES**), telephone: 772/562–3909, ext. 232.

SUPPLEMENTARY INFORMATION: If you wish to comment, you may submit comments by any one of several methods. Please reference permit number TE 136147–0 in such requests. You may mail comments to the Service's South Florida Ecological Services Office (see **ADDRESSES**). You may also comment via the Internet to *trish_adams@fws.gov*. Please also include your name and return address in your Internet message. If you do not receive a confirmation from us that we have received your internet message, contact us directly at the telephone number listed under **FOR FURTHER INFORMATION CONTACT**. Finally, you may hand deliver comments to the Service office listed under **ADDRESSES**. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the administrative record. We will honor such requests to the extent allowable by law. There may also be other circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and address, you must state this prominently at the beginning of your comments. We will not, however, 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.

Construction of the Project will take place within Section 30, Township 40 South, Range 43 East, Tequesta, Palm Beach County, Florida. The Project site is bounded by the Casa del Sol development project on the north, County Line Plaza on the south, U.S. Highway 1 on the east, and by the Village of Tequesta water treatment plant on the west. Scrub-jays occupy 3.58 acres of the 6-acre site.

The Applicant proposes to minimize take of scrub-jays by avoiding land clearing activities during the breeding or nesting season (March through June) and by preserving, restoring, and maintaining 1.34 acres of scrub-jay habitat on their 6-acre lot in perpetuity. The Applicants propose to mitigate for the loss of 2.24 acres of occupied scrub-jay habitat by contributing a total of $384,017.78 to the Florida Scrub-jay Conservation Program Fund administered by The Nature Conservancy. Funds in this account are ear-marked for use in the conservation and recovery of scrub-jays and may include habitat acquisition, restoration, and management.

The Service has determined that the Applicant's proposal, including the proposed mitigation and minimization measures, will have a minor or negligible effect on the species covered in the HCP. Therefore, the ITP is for a ''low-effect'' project and qualifies as a categorical exclusion under the National Environmental Policy Act (NEPA), as provided by the Department of the Interior Manual (516 DM 2, Appendix 1 and 516 DM 6, Appendix 1). This preliminary information may be revised based on our review of public comments that we receive in response to this notice. Low-effect HCPs are those involving (1) minor or negligible effects on federally listed or candidate species and their habitats, and (2) minor or negligible effects on other environmental values or resources.

The Service will evaluate the HCP and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Act (16 U.S.C. 1531 et. seq.). If it is determined that those requirements are met, the ITP will be issued for the incidental take of the Florida scrub-jay. The Service will also evaluate whether issuance of the section 10(a)(1)(B) ITP complies with section 7 of the Act by conducting an intra-Service section 7 consultation. The results of this consultation, in combination with the above findings, will be used in the final analysis to determine whether or not to issue the ITP.

Authority: This notice is provided pursuant to Section 10 of the Endangered Species Act and NEPA regulations (40 CFR 1506.6).

Dated: March 9, 2007.

Paul Souza,

Field Supervisor, South Florida Ecological Services Office.

[FR Doc. E7–4853 Filed 3–15–07; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Draft Comprehensive Conservation Plan and Environmental Assessment for Missisquoi National Wildlife Refuge

AGENCY: Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability of the Missisquoi National Wildlife Refuge (NWR) Draft Comprehensive Conservation Plan (CCP) and Environmental Assessment (EA). It describes how we intend to manage Missisquoi NWR during the next 15 years. We prepared this Draft CCP/EA in conformance with the National Environmental Policy Act (NEPA) and the National Wildlife Refuge System Administration Act, as amended.

DATES: The Draft CCP/EA will be available for public review and comment for a 30-day period starting with the publication of this notice.

ADDRESSES: You may obtain copies of the draft CCP/EA on compact diskette or in print by writing to Carl Melberg, U.S. Fish and Wildlife Service, Northeast Regional Office, 300 Westgate Center Drive, Hadley, Massachusetts 01035–9589, or by electronic mail at *northeastplanning@fws.gov*, noting in the subject line ''Missisquoi National Wildlife Refuge.'' You may also view the draft on the Web at *http://library.fws.gov/ccps.htm*. During the 30-day comment period, we plan to host public meetings in the local area. We will post the details of each meeting at least 2 weeks in advance to our project mailing list in local papers, at the refuge and at our Web site, *http://www.fws.gov/northeast/missisquoirefuge/*.

FOR FURTHER INFORMATION CONTACT: Carl Melberg, 413–253–8521.

SUPPLEMENTARY INFORMATION: The National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997, requires the Service to develop a CCP for each refuge. The purpose of developing a CCP is to provide refuge managers with

a 15-year strategy for achieving refuge purposes and contributing to the mission of the National Wildlife Refuge System (NWRS), in conformance with the sound principles of fish and wildlife science, natural resources conservation, legal mandates, and Service policies. In addition to outlining broad management direction on conserving wildlife and habitats, CCPs identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, and environmental interpretation and education. The Service will review and update each CCP at least once every 15 years, in accordance with the National Wildlife Refuge System Improvement Act of 1997 and the National Environmental Policy Act of 1969 (NEPA).

This Draft CCP/EA identifies goals, long-range objectives, and strategies for achieving the purposes for which this refuge was established. The document poses two management alternatives:

Alternative A (Current Management): This alternative is the ''No Action'' alternative required by NEPA. Alternative A defines our current management activities, including those planned, funded, or underway, and serves as the baseline for comparing Alternative B, our preferred alternative. It would maintain our present levels of approved refuge staffing and the biological and visitor programs now in place. The refuge would continue to pursue acquisition of the eight parcels composing 253 acres that remain within the original approved acquisition boundary of the refuge, and the occasional parcel that becomes available adjacent to the refuge.

Alternative B (the Service-preferred alternative): This alternative represents the combination of actions that we believe will most effectively achieve the purposes and goals of the refuge and address the major issues. It builds on the programs identified under Alternative A. Funding and staffing would need to increase to adequately support the program expansions we propose. Key strategies in this alternative include greater inventory, monitoring, and management of the Missisquoi River Delta wetlands to maintain their ecological integrity and diversity of plants and animals on the refuge; increased management of high-quality grasslands, shrublands, and other early successional habitats for a range of wildlife species of conservation concern; enhanced, expanded programs of outreach, and environmental education and interpretation; expanded wildlife-dependent recreational opportunities, including hunting, fishing, wildlife observation and photography; greater inventory, protection, and interpretation of the rich cultural history of the Missisquoi River Delta and enhanced partnerships with the local Abenaki Tribe; a new $1.00 Refuge Activity Fee that will raise additional funds for trail maintenance, informational kiosks, educational programs, and other actions to benefit all visitors to the refuge; a critical new law enforcement position to enhance staff and visitor safety; other new critical positions, including a park ranger, maintenance worker, and biological technician. Alternative B also proposes that, within 1 year of CCP completion, upon Director's approval, we will conduct a study with our partners to determine if undeveloped lands within 5 miles of the refuge warrant additional Service protection to conserve Federal trust resources and aid in fulfilling the mission of the NWRS and the purposes of the refuge.

A wilderness review of the refuge was completed in 1974. This review, based on refuge management needs and public input at the time, proposed that Shad Island be designated wilderness under the Wilderness Act of 1964. As part of the CCP process, we completed a wilderness review, evaluating all refuge land for its current wilderness potential. The review concluded no lands at the refuge are suitable for inclusion into the National Wilderness Preservation System, and we propose to withdraw Shad Island as a proposed wilderness to the U.S. Congress.

After the 30-day review and comment period ends, we will analyze, address, and consider all comments received and prepare a final CCP. Availability of the final CCP will be published in the **Federal Register**. All comments, including names and addresses, become part of the official public record. Requests for the public record of this plan will be handled in accordance with the Freedom of Information Act, the Council on Environmental Quality's NEPA regulations, and other Service and Departmental policies and procedures.

Dated: August 2, 2006.

Marvin E. Moriarty,

Regional Director, U.S. Fish and Wildlife Service, Hadley, MA 01035–9589.

This document was received at the Office of the Federal Register on March 13, 2007.

[FR Doc. E7–4854 Filed 3–15–07; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–110]

Meeting of the Central California Resource Advisory Council

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Central California Resource Advisory Council will meet as indicated below.

DATES: The meeting will be held Friday and Saturday, April 20 and 21, 2007, in the University of California Lindcove Research and Extension Center meeting room, 22963 Carson Ave., Exeter, California. On April 20, the members will convene at 8 a.m. for a business meeting, followed by a field trip to Atwell Island beginning at noon. Members of the public are welcome to attend the tour and meeting. Field tour participants must provide their own transportation and lunch. The Advisory Council will resume its meeting at 8 a.m. on April 21 in the Lindcove Research and Extension Center meeting room. Time for public comment is reserved from 9:30 a.m. to 11:30 a.m. on April 21.

FOR FURTHER INFORMATION CONTACT: BLM Bakersfield Field Office Acting Manager Patty Gradek, (661) 391–6006; or BLM Central California Public Affairs Officer David Christy, (916) 985–4474.

SUPPLEMENTARY INFORMATION: The twelve-member Central California Resource Advisory Council advises the Secretary of the Interior, through the Bureau of Land Management, on a variety of public land issues associated with public land management in the Central California. At this meeting, agenda items include discussion of the Caliente Resource Management Plan update by the Bakersfield Field Office and preparation of an Environmental Impact Statement for the Carrizo Plain National Monument. The RAC members will also hear status reports from managers for the Folsom, Hollister, Bakersfield and Bishop field offices. The meeting is open to the public. The public may present written comments to the Council, and time will be allocated for hearing public comments. Depending on the number of persons wishing to comment and the time available, the time for individual oral comments may be limited. Individuals who plan to attend and need special

assistance such as sign language interpretation or other reasonable accommodations should contact the BLM as indicated above.

Dated: March 6, 2007.

David Christy,

Public Affairs Officer.

[FR Doc. 07–1233 Filed 3–15–07; 8:45 am]

BILLING CODE 4310–40–M

DEPARTMENT OF JUSTICE

[OMB Notice 1122–NEW]

Office on Violence Against Women; Agency Information Collection Activities: New Collection

ACTION: 60-Day notice of information collection under review: Semi-annual progress report for the Technical Assistance Program.

The Department of Justice, Office on Violence Against Women (OVW) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. Comments are encouraged and will be accepted for ''sixty days'' until May 15, 2007. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to The Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395–5806.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, 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:* New collection.

(2) *Title of the Form/Collection:* Semi-annual Progress Report for the Technical Assistance Program.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form Number:* None yet. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the 100 programs providing technical assistance as recipients under the Technical Assistance Program.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the 100 respondents (Technical Assistance providers) approximately one hour to complete a semi-annual progress report twice a year. The semi-annual progress report for the Technical Assistance Program is divided into sections that pertain to the different types of activities in which Technical Assistance Providers are engaged.

The primary purpose of the OVW Technical Assistance Program is to provide direct assistance to grantees and their subgrantees to enhance the success of local projects they are implementing with VAWA grant funds. In addition, OVW is focused on building the capacity of criminal justice and victim services organizations to respond effectively to sexual assault, domestic violence, dating violence, and stalking and to foster partnerships between organizations that have not traditionally worked together to address violence against women, such as faith- and community-based organizations.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the semi-annual progress report form is 200 hours. It will take approximately one hour for the grantees to complete the form twice a year.

If additional information is required contact: Lynn Bryant, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Suite 1600, Patrick Henry Building, 601 D Street NW., Washington, DC 20530.

Dated: March 12, 2007.

Lynn Bryant,

Department Clearance Officer, PRA, United States Department of Justice.

[FR Doc. E7–4821 Filed 3–15–07; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

Office on Violence Against Women; Notice of Meeting

AGENCY: Office on Violence Against Women, Justice.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of the forthcoming public meeting of the National Advisory Committee on Violence Against Women (hereinafter ''the Committee'').

DATES: The meeting will take place on April 3, 2007, from 8:30 a.m. to 5 p.m. and on April 4, 2007, from 8:30 a.m. to 12 noon.

ADDRESSES: The meeting will take place at the Eldorado, 309 West San Francisco Street, Sante Fe, NM 87501. Signs will be posted in the lobby of the hotel to direct attendees to the meeting location.

FOR FURTHER INFORMATION CONTACT: Sandy Lonick, The National Advisory Committee on Violence Against Women, 800 K Street, NW., Ste. 920, Washington, DC 20530; *by telephone at:* (202) 307–6026; *e-mail: Saundra.Lonick@usdoj.gov*; or fax: (202) 307–3911. You may also view the Committee's Web site at: *http://www.usdoj.gov/ovw/nac/welcome.html.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. The Committee is chartered by the Attorney General, and co-chaired by the Attorney General and the Secretary of Health and Human Services (the Secretary), to provide the Attorney General and the Secretary with practical and general policy advice concerning implementation of the Violence Against Women Act of 1994, the Violence Against Women Act of 2000, the Violence Against Women Act of 2005 and related laws. The Committee also assists in the efforts of the Department of Justice and the Department of Health and Human Services to combat violence against women, especially domestic violence, sexual assault, and stalking. Because violence against women is increasingly recognized as a public health problem of staggering human cost, the Committee

brings national attention to the problem to increase public awareness of the need for prevention and enhanced victim services.

This meeting will primarily focus on the Committee's work and the federal government's response to violence against women; there will, however, be an opportunity for public comment on the Committee's role in providing general policy guidance on implementation of the Violence Against Women Act of 1994, the Violence Against Women Act of 2000, the Violence Against Women Act of 2005 and related laws. April 3, 2007, from 8:30 a.m. until 5 p.m. and on April 4, 2007 from 8:30 a.m. until 12 noon, and will include breaks and a working lunch. Time will be reserved for public comment on April 3 beginning at 9 a.m. and ending at 9:30 a.m. See the section below for information on reserving time for public comment.

Access: This meeting will be open to the public but registration on a space-available basis is required. Persons who wish to attend must register at least six (6) days in advance of the meeting by contacting Sandy Lonick by *e-mail at: Saundra.Lonick@usdoj.gov;* or *fax:* (202) 307–3911. All attendees will be required to sign in at the meeting registration desk. Please bring photo identification and allow extra time prior to the meeting. The meeting site is accessible to individuals with disabilities. Individuals who require special accommodations in order to attend the meeting should notify Sandy Lonick by *e-mail at: Saundra.Lonick@usdoj.gov; or fax at:* (202) 307–3911, no later than March 23, 2007. After this date, we will attempt to satisfy accommodation requests, but cannot guarantee the availability of any requests.

Written Comments: Interested parties are invited to submit written comments by March 23, 2007 to Sandy Lonick at The National Advisory Committee on Violence Against Women, 800 K Street, NW., Ste. 920, Washington, DC 20530. Comments may also be submitted by e-mail at *Saundra.Lonick@usdoj.gov;* or fax at (202) 307–3911.

Public Comment: Persons interested in participating during the public comment period of the meeting, which will discuss the implementation of the Violence Against Women Act of 1994 and the Violence Against Women Act of 2000, the Violence Against Women Act of 2005 and related legislation, are requested to reserve time on the agenda by contacting Sandy Lonick by e-mail at *Saundra.Lonick@usdoj.gov;* or fax at (202) 307–3911. Requests must include the participant's name, organization represented, if appropriate, and a brief description of the issue. Each participant will be permitted approximately 3 to 5 minutes to present comments, depending on the number of individuals reserving time on the agenda. Participants are also encouraged to submit two written copies of their comments at the meeting.

Given the expected number of individuals interested in presenting comments at the meeting, reservations should be made as soon as possible. Persons unable to obtain reservations to speak during the meetings are encouraged to submit written comments, which will be accepted at the meeting site or may be mailed to the Committee at 800 K Street, NW., Ste. 920, Washington, DC 20530.

Mary Beth Buchanan,

Acting Director, Office on Violence Against Women.

[FR Doc. E7–4820 Filed 3–15–07; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated July 26, 2006, and published in the **Federal Register** on August 2, 2006, (71 FR 43814–43815), Siegfried (USA), Inc., Industrial Park Road, Pennsville, New Jersey 08070, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed in schedule II:

Drug	Schedule
Amphetamine (1100)	II
Methylphenidate (1724)	II
Amobarbital (2125)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
Glutethimide (2550)	II
Codeine (9050)	II
Oxycodone (9143)	II
Hydrocodone (9193)	II
Methadone (9250)	II
Methadone intermediate (9254)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273).	II
Morphine (9300)	II

The company plans to manufacture the listed controlled substances in bulk for distribution to its customers.

Siegfried (USA) Inc.'s application for renewal requested that DEA add Hydromorphone (9150) to its registration. DEA is reviewing this request. DEA's granting of Siegfried (USA) Inc.'s application for renewal does not include the authority to handle Hydromorphone (9150). When DEA has completed its review of the firm's request to add Hydromorphone (9150) to its registration, DEA will publish its decision in the **Federal Register**.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Siegfried (USA), Inc. to manufacture the listed basic classes of controlled substances is consistent with the public interest at this time. DEA has investigated Siegfried (USA), Inc. to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823, and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic classes of controlled substances listed.

Dated: March 9, 2007.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E7–4825 Filed 3–15–07; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Foreign Claims Settlement Commission

[F.C.S.C. Meeting Notice No. 3–07]

Sunshine Act Meeting

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of meetings for the transaction of Commission business and other matters specified, as follows:

DATE AND TIME: Thursday, March 29, 2007, at 1 p.m.

SUBJECT MATTER: Issuance of Proposed Decisions, Amended Proposed Decisions, and Amended Final Decisions in claims against Albania.

STATUS: Open.

All meetings are held at the Foreign claims Settlement Commission, 600 E Street, NW., Washington, DC. Requests for information, or advance notices of intention to observe an open meeting, may be directed to: Administrative Officer, Foreign Claims Settlement

Commission, 600 E Street, NW., Room 6002, Washington, DC 20579. Telephone: (202) 616–6988.

Mauricio J. Tamargo,

Chairman.

[FR Doc. 07–1325 Filed 3–14–07; 3:32 pm]

BILLING CODE 4410–01–P

DEPARTMENT OF LABOR

Office of the Secretary

Senior Executive Service; Appointment of Members to the Performance Review Board

Title 5 U.S.C. 4314(c)(4) provides that Notice of the Appointment of an individual to serve as a member of the Performance Review Board of the Senior Executive Service shall be published in the **Federal Register**.

The following individuals are hereby appointed to a three-year term on the Department's Performance Review Board: Howard M. Radzely, Catherine Murphy.

FOR FURTHER INFORMATION CONTACT: Ms. Andrea Burckman, Director, Office of Executive Resources and Personnel Security, Room C5508, U.S. Department of Labor, Frances Perkins Building, 200 Constitution Avenue, NW., Washington, DC 20210, telephone: (202) 693–7628.

Signed at Washington, DC, this 9th day of March, 2007.

Elaine L. Chao,

Secretary of Labor.

[FR Doc. E7–4839 Filed 3–15–07; 8:45 am]

BILLING CODE 4510–23–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (07–024)]

U.S. Space-Based Positioning, Navigation, and Timing Advisory Board Charter; Notice of Amendment and Renewal

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of Amendment and Renewal of the Charter for the U.S. Space-Based Positioning, Navigation, and Timing Advisory Board.

SUMMARY: The title of the current U.S. Space-Based Positioning, Navigation and Timing Advisory Board Charter is being amended to be in compliance with Public Law 109–364, Section 911(a)(3), signed into law by the President on October 17, 2006. The only change is to amend ''U.S.'' to ''National'' in the title.

FOR FURTHER INFORMATION CONTACT: Ms. P. Diane Rausch, Advisory Committee Management Officer, Office of External Relations, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–4510.

Dated: March 9, 2007.

P. Diane Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. E7–4801 Filed 3–15–07; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL FOUNDATION FOR THE ARTS AND HUMANITIES

Institute of Museum and Library Services; Submission to OMB for Review, Comment Request, Proposed Collection: User Satisfaction With Access to Government Information and Services at Public Libraries and Public Access Computing Centers

Summary: The Institute of Museum and Library Services announces the following information collection has been submitted to the Office of Management and Budget for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently the Institute of Museum and Library Services is soliciting comments concerning a research study to assess user satisfaction with access to government information and services at public libraries and public access computing centers.

Dates: Comments must be received by April 16, 2007. The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This proposed collection is to collect information via surveys regarding the public's experience with finding government information and the types of programs public libraries and community technology centers provide to help users.

Dates: Comments must be received by April 16, 2007. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Addresses: A copy of the data collection forms and supporting documentation may be obtained by contacting Barbara G. Smith, E-Projects Officer, Institute of Museum and Library Services, 1800 M St., NW., 9th floor, Washington, DC 20036. She can be reached by telephone (202/653–4688) or via e-mail (*bsmith@imls.gov.*)

Background

The Institute of Museum and Library Services is an independent Federal grant-making agency authorized by the Museum and Library Services Act, Public Law 104–208, as amended. The IMLS provides a variety of grant programs to assist the nation's museums and libraries in improving their operations and enhancing their services to the public. Museums and libraries of all sizes and types may receive support from IMLS programs. Public Law 104–208 authorizes the Director of the Institute of Museum and Library Services to carry out and publish analyses that shall identify national needs for, and trends of, museum and library services; report on the impact and effectiveness of programs

conducted with funds made available by the Institute; and identify and disseminate information on the best practices of such programs.

The E-Government Act of 2002 called for the promotion of access to the Internet to provide increased opportunities for citizen participation in government, and an interagency committee issued a report looking at disparities in Internet access across a demographic spectrum. Few studies, however, have looked at the kinds of assistance (training, tutorials, classes, reference services) that users are receiving when looking for federal, state, and local government information and services, whether via the Internet or through traditional means (walk-in, mail, telephone), and whether users are satisfied with the assistance that they are receiving from public libraries and public access computing centers. In order to address this critical information gap and to enhance the quality of library services nationwide, the Institute of Museum and Library Services (IMLS) has undertaken a study to better understand how users are accessing federal, state, and local government information and services and what kinds of assistance public libraries and other public access computing centers are offering to users seeking government information and services. IMLS is conducting a research study on how the part of the population with limited access to Internet resources (individuals who do not have broadband access from home, work, or school; who choose to access government services and information from locations other than home, work, or school; or who do so through traditional means of access) accesses federal, state and local government services and information, and whether such users are satisfied with the information and services they are able to access. Additionally, the study examines the ways that public libraries and public access computing centers provide assistance (e.g., reference services, tutorials, classes, training to users seeking federal, state, and local government information and services.

Agency: Institute of Museum and Library Services.

Title: User Satisfaction with Access to Government Information and Services at Public Libraries and Public Access Computing Centers.

OMB Number: none.

Agency Number: 3137.

Frequency: once.

Affected Public: general public, public libraries, public access computing centers.

Number of Respondents: 5,650.

Estimated Time Per Respondent: 0.29 hour.

Total Burden Hours: 1,621 hours.

Total Annualized capital/startup costs: n/a.

Total Annual Costs: $40,479.

Contact. Comments should be sent to Office of Information and Regulatory Affairs, *Attn.:* OMB Desk Officer for Education, Office of Management and Budget, Room 10235, Washington, DC 20503. (202) 395–7316.

Dated: March 12, 2007.

Barbara G. Smith,

E-Projects Officer.

[FR Doc. E7–4819 Filed 3–15–07; 8:45 am]

BILLING CODE 7036–01–P

NUCLEAR REGULATORY COMMISSION

Request to Amend a License To Export Radioactive Waste

Pursuant to 10 CFR 110.70(C) ''Public notice of receipt of an application,'' please take notice that the Nuclear Regulatory Commission has received the following request to amend an export license. Copies of the request are available electronically through ADAMS and can be accessed through the Public Electronic Reading Room (PERR) link *http://www.nrc.gov/reading-rm/adams.html* at the NRC Homepage.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555; the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555; and the Executive Secretary, U.S. Department of State, Washington, DC 20520.

The information concerning this amendment request follows.

NRC EXPORT LICENSE APPLICATION

Description of material

	Material type	Total quantity	End use	Recipient country
Name of Applicant: AREVA NP Inc. Date of Application: December 1, 2006. Date Received: December 5, 2006. Application No.: XW007/02 Docket No.: 11005292. Licenses originally issued to Framatome ANP, Inc.)	Class A radioactive waste in the form of contaminated metals.	License to be amended to extend expiration date to 12/31/2010 and change licensee name Total quantity of contaminants authorized for export remains 3.0 kilograms of uranium-235 (5.0 w/o maximum) contained in 60 kilograms uranium.	Metals to be decontaminated and uranium to be disposed of at AECL Chalk River Ontario.	Canada

Dated this 7th day of March 2007 at Rockville, Maryland.

For the Nuclear Regulatory Commission.

Margaret M. Doane,

Deputy Director, Office of International Programs.

[FR Doc. E7–4870 Filed 3–15–07; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Application for a License To Export Major Components of a Nuclear Utilization Facility

Pursuant to 10 CFR 110.70(b)(1) ''Public notice of receipt of an application,'' please take notice that the Nuclear Regulatory Commission has received the following request for an export license. Copies of the request are available electronically through ADAMS and can be accessed through the Public Electronic Reading Room (PERR) link *http://www.nrc.gov/reading-rm/adams.html* at the NRC Homepage.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice

in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555; the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555; and the Executive Secretary, U.S. Department of State, Washington, DC 20520.

In its review of the application for a license to export major components of a nuclear utilization facility as defined in 10 CFR Part 110 and noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility to be exported. The information concerning the application follows.

NRC APPLICATION FOR LICENSE TO EXPORT

Major components of a nuclear utilization facility

	Description of facility	End use	Country of destination
Name of Applicant: Westinghouse Electric Company. Date of Application: February 21, 2007. Date Received: February 26, 2007. Application Number: XR171. Docket Number: 11005673.	Reactor Coolant Pumps (RCPs) and RCP Motors and other nuclear power plant equipment for use in the construction of two (2), 1400 MWe pressurized water reactors (PWRs).	For electricity generation at the Shin-Kori Units 3 and 4 nuclear power reactors.	Republic of South Korea.

Dated this 5th day of March 2007 at Rockville, Maryland.

For the Nuclear Regulatory Commission.

Margaret M. Doane,

Deputy Director, Office of International Programs.

[FR Doc. E7–4866 Filed 3–15–07; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Notice

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission.

DATES: Weeks of March 12, 19, 26, April 2, 9, 16, 2007.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of March 12, 2007

There are no meetings scheduled for the Week of March 12, 2007.

Week of March 19, 2007—Tentative

Tuesday, March 20, 2007

1:30 p.m.—Briefing on Office of Information Services (OIS) Programs, Performance, and Plans (Public Meeting) (Contact: Edward Baker, 301 415–8700)

This meeting will be webcast live at the Web address—*http://www.nrc.gov.*

Thursday, March 22, 2007

12:55 p.m.—Affirmation Session (Public Meeting) (Tentative)

a. Consumers Energy Company, *et al.* (Palisades Nuclear Plant); License Transfer Application (Tentative)

b. Motion for Reconsideration of Entergy Nuclear Vermont Yankee, LLC, & Entergy Nuclear Operations, Inc. (Vermont Yankee Nuclear Power Station); Entergy Nuclear Generation Company & Entergy Nuclear Operations, Inc. (Pilgrim Nuclear Power Station), CLI–07–3 (Jan. 22, 2007) (Tentative).

Week of March 26, 2007—Tentative

Thursday, March 29, 2007

9:25 a.m.—Affirmation Session (Public Meeting) (Tentative).

a. CBS Corporation's Petition for Hearing Regarding an NRC Staff Decision not to Docket a CBS Request for an Order that Would Change Decontamination Standards Governing a Westinghouse Materials License at Waltz Mill (Tentative)

9:30 a.m.—Discussion of Management Issues (Closed—Ex. 2)

1:30 p.m.—Discussion of Security Issues (Closed—Ex. 1, 3, & 9)

Week of April 2, 2007—Tentative

There are no meetings scheduled for the Week of April 2, 2007.

Week of April 9, 2007—Tentative

There are no meetings scheduled for the Week of April 9, 2007.

Week of April 16, 2007—Tentative

Monday, April 16, 2007

1:30 p.m.—Discussion of Security Issues (Closed—Ex. 1, 2, & 3)

Tuesday, April 17, 2007

1 p.m.—Briefing on Office of Nuclear Regulatory Research (RES) Programs, Performance, and Plans (Public Meeting) (Contact: Ann Ramey-Smith, 301 415–6877)

This meeting will be webcast live at the Web address— *http://www.nrc.gov.*

* * * * *

* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: Michelle Schroll, (301) 415–1662.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/about-nrc/policy-making/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify the NRC's Disability Program Coordinator, Deborah Chan, at 301–415–7041, TDD: 301–415–2100, or by e-mail at *DLC@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting

schedule electronically, please send an electronic message to *dkw@nrc.gov.*

Dated: March 8, 2007.

R. Michelle Schroll,

Office of the Secretary.

[FR Doc. 07–1320 Filed 3–14–07; 2:22 pm]

BILLING CODE 7590–01–P

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

Summary: In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and purpose of information collection: Employer Service and Compensation Reports; OMB 3220–0070.

Section 2(c) of the Railroad Unemployment Insurance Act (RUIA) specifies the maximum normal unemployment and sickness benefits that may be paid in a benefit year. Section 2(c) further provides for extended benefits for certain employees and for beginning a benefit year early for other employees. The conditions for these actions are prescribed in 20 CFR part 302.

All information about creditable railroad service and compensation needed by the RRB to administer Section 2(c) is not always available from annual reports filed by railroad employers with the RRB (OMB 3220–0008). When this occurs, the RRB must obtain supplemental information about service and compensation.

The RRB utilizes Form UI–41, Supplemental Report of Service and Compensation, and Form UI–41a, Supplemental Report of Compensation, to obtain the additional information about service and compensation from railroad employers. Completion of the forms is mandatory. One response is required of each respondent.

The RRB proposes minor non-burden impacting, editorial, and formatting changes to Form UI–41 and UI–41a. The completion time for Form UI–41 and UI–41a is estimated at 8 minutes per response.

Additional Information or Comments: To request more information or to obtain a copy of the information collection justifications, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751–3363 or send an e-mail request to *Charles.Mierzwa@RRB.GOV.* Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 N. Rush Street, Chicago, Illinois 60611–2092 or send an E-mail to *Ronald.Hodapp@RRB.GOV.* Comments should be received within 60 days of this notice.

Charles Mierzwa,

Clearance Officer

[FR Doc. E7–4864 Filed 3–15–07; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55436; File No. 4–429]

Joint Industry Plan; Notice of Summary Effectiveness on a Temporary Basis of Joint Amendment No. 22 to the Plan for the Purpose of Creating and Operating an Intermarket Option Linkage Relating to Response Time for Certain Orders Sent Through the Linkage, and Notice of Filing of Such Amendment

March 8, 2007.

I. Introduction

On February 2, 2007, February 15, 2007, February 5, 2007, February 7, 2007, January 30, 2007, and February 13, 2007, the American Stock Exchange LLC (''Amex''), the Boston Stock Exchange, Inc. (''BSE''), the Chicago Board Options Exchange, Incorporated (''CBOE''), the International Securities Exchange, LLC (''ISE''), the NYSE Arca, Inc., and the Philadelphia Stock Exchange, Inc. (''Phlx'') (collectively, ''Participants''), respectively, filed with the Securities and Exchange Commission (''Commission'') pursuant to Section 11A of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 608 thereunder [2] an amendment (''Joint Amendment No. 22'') to the Plan for the Purpose of Creating and Operating an Intermarket Option Linkage (''Linkage Plan'').[3] In Joint Amendment No. 22, the Participants propose to reduce (i) The amount of time a member must wait after sending a Linkage Order [4] to a market before the member can trade through that market and (ii) the timeframe within which a Participant must respond to a Linkage Order after receipt of that Order. This order summarily puts into effect Joint Amendment No. 22 on a temporary basis not to exceed 120 days and solicits comment on Joint Amendment No. 22 from interested persons.[5]

II. Description of the Proposed Amendment

First, the purpose of Joint Amendment No. 22 is to reduce the amount of time a member must wait after sending a Linkage Order to a market before the member can trade through that market. The Participants propose to decrease this time period from 20 seconds to 5 seconds.

Second, Joint Amendment No. 22 will also reduce the time frame in which a Participant must respond to a Linkage Order from 15 to 5 seconds after receipt of that Order. Because the Linkage is highly automated and a Participant should receive a response to a Linkage Order within seconds after it is sent, the Participants do not believe it is necessary to wait the current 15 seconds for such a response. In addition, especially in fast-moving markets like the options market, the Participants believe that amending the time period to 5 seconds for the rejection of a P/A

[1] 15 U.S.C. 78k–1.

[2] 17 CFR 242.608.

[3] On July 28, 2000, the Commission approved a national market system plan for the purpose of creating and operating an intermarket options market linkage (''Linkage'') proposed by Amex, CBOE, and ISE. *See* Securities Exchange Act Release No. 43086 (July 28, 2000), 65 FR 48023 (August 4, 2000). Subsequently, Phlx, Pacific Exchange, Inc. (n/k/a NYSE Arca, Inc.), and BSE joined the Linkage Plan. *See* Securities Exchange Act Release Nos. 43573 (November 16, 2000), 65 FR 70851 (November 28, 2000); 43574 (November 16, 2000), 65 FR 70850 (November 28, 2000); and 49198 (February 5, 2004), 69 FR 7029 (February 12, 2004).

[4] *See* Section 2(16) of the Linkage Plan. For the purposes of this Joint Amendment No. 22 only, references to ''Linkage Orders'' herein pertain to P/A Orders and Principal Orders. For definitions of ''P/A Order'' and ''Principal Order,'' *see* note 6 *infra.*

[5] A proposed amendment may be put into effect summarily upon publication of notice of such amendment, on a temporary basis not to exceed 120 days, if the Commission finds that such action is necessary or appropriate in the public interest, for the protection of investors or the maintenance of fair and orderly markets, to remove impediments to, and perfect mechanisms of, a national market system or otherwise in furtherance of the purposes of the Act. *See* 17 CFR 242.608(b)(4).

Order or Principal Order[6] due to an untimely response will provide an opportunity for the transmittal of responses while also allowing a Participant's members to execute orders on their own exchanges in a timely manner.

III. Discussion

After careful consideration, the Commission finds that the proposed amendment to the Linkage Plan is consistent with the requirements of the Act and the rules and regulations thereunder.[7] Specifically, the Commission finds that the proposed amendment to the Linkage Plan is consistent with Section 11A of the Act[8] and Rule 608 thereunder[9] in that it is appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets. Specifically, the Commission believes that reducing the time required by a Participant to respond to a Linkage Order and the amount of time a member sending a Linkage Order must wait before trading through a nonresponsive Participant should facilitate the more timely execution of orders across the options markets. In addition, the Commission finds that it is appropriate to summarily put into effect Joint Amendment No. 22 upon publication of this notice on a temporary basis for 120 days. The Commission believes that such action is appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, because it will facilitate implementation of the Joint Amendment No. 22 in conjunction with the commencement of options penny quoting pilot program.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether proposed Joint Amendment No. 22 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 4–429 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 4–429. 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 proposed Joint Amendment No. 22 that are filed with the Commission, and all written communications relating to proposed Joint Amendment No. 22 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 filings also will be available for inspection and copying at the principal offices of the Amex, BSE, CBOE, ISE, NYSE Arca, and Phlx. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File Number 4–429 and should be submitted on or before April 6, 2007.

V. Conclusion

It is therefore ordered, pursuant to Section 11A of the Act[10] and Rule 608(b)(4) thereunder,[11] that Joint Amendment No. 22 is summarily put into effect until July 16, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–4783 Filed 3–15–07; 8:45 am]

BILLING CODE 8010–01–P

[6] *See* Section 2(16)(a) and (b) of the Linkage Plan, respectively.

[7] In summarily putting into effect this Joint Amendment No. 22, the Commission has considered its impact on efficiency, competition, and capital formation.

[8] 15 U.S.C. 78k–1.

[9] 17 CFR 242.608.

[10] 15 U.S.C. 78k–1.

[11] 17 CFR 242.608(b)(4).

[12] 17 CFR 200.30–3(a)(29).

SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33–8786, 34–55456; File No. 4–515]

Roundtable on Interactive Data: Creating Interactive Data To Serve Investors

AGENCY: Securities and Exchange Commission.

ACTION: Notice of roundtable meeting.

SUMMARY: On Monday, March 19, 2007, the Securities and Exchange Commission will hold a roundtable discussion on creating interactive data to serve investors. The event begins with remarks from SEC Chairman Cox and an address by Vanguard Group Chairman and CEO John J. Brennan on the use of interactive data by public companies and mutual funds to improve disclosure for individual investors. Following Mr. Brennan's remarks, John W. White, Director of the Commission's Division of Corporation Finance, will discuss the use of interactive data to create better disclosure documents. The roundtable will also feature a panel discussion on the benefits, including potential cost savings, of preparing financial reports using interactive data written in a computer language called XBRL. Panelists will include executives at public companies currently providing investors with interactive data on a test basis as part of the SEC's voluntary filing program. The panel will be moderated by Chicago Sun-Times personal finance columnist Terry Savage. Richard Bennett, Chief Executive Officer of The Corporate Library, will provide closing remarks and discuss the significance of interactive data for corporate governance.

The roundtable will take place at the Commission's headquarters at 100 F Street, NE., Auditorium, Room L–002, Washington, DC at 10 a.m. The public is invited to observe the roundtable discussions. Seating is available on a first-come, first-serve basis.

FOR FURTHER INFORMATION CONTACT: Brigitte Lippmann at (202) 551–3713.

Dated: March 13, 2007.

By the Commission.

Nancy M. Morris,

Secretary.

[FR Doc. E7–4892 Filed 3–15–07; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55429; File No. SR–CBOE–2007–24]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 To Increase the Class Quoting Limit in the Option Class Baidu.com, Inc. (BIDU)

March 8, 2007.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 27, 2007, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by the CBOE. The Exchange has designated this proposal as one constituting a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule under Section 19(b)(3)(A)(i) of the Act,[3] and Rule 19b–4(f)(1)[4] thereunder, which renders the proposal effective upon filing with the Commission. The Exchange submitted Amendment No. 1 to the proposed rule change on March 5, 2007. 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

CBOE proposes to increase the class quoting limit in the option class Baidu.com, Inc. (BIDU). The text of the proposed rule change is available on CBOE's Web site (*http://www.cboe.com*), at the CBOE's Office of the Secretary, 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 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

CBOE Rule 8.3A, Maximum Number of Market Participants Quoting Electronically per Product, establishes class quoting limits (''CQLs'') for each class traded on the Hybrid Trading System.[5] A CQL is the maximum number of quoters that may quote electronically in a given product and the current levels are established from 25–40, depending on the trading activity of the particular product.

Rule 8.3A, Interpretation .01(c) provides a procedure by which the President of the Exchange may increase the CQL for a particular product. In this regard, the President of the Exchange may increase the CQL in exceptional circumstances, which are defined in the rule as ''substantial trading volume, whether actual or expected.''[6] The effect of an increase in the CQL is procompetitive in that it increases the number of market participants that may quote electronically in a product. The purpose of this filing is to increase the CQL in the option class BIDU from its current limit of 35 to 40 due to increased trading volume. Increasing the CQL in BIDU options will enable the Exchange to enhance the liquidity offered, thereby offering deeper and more liquid markets.

2. Statutory Basis

Accordingly, CBOE believes 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.[7] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[8] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither received nor solicited written comments on the proposal.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change will take effect upon filing with the Commission pursuant to Section 19(b)(3)(A)(i) of the Act[9] and Rule 19b–4(f)(1) thereunder,[10] because it constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule.

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.[11]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2007–24 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(i).

[4] 17 CFR 240.19b–4(f)(1).

[5] *See* Rule 8.3A.01.

[6] ''Any actions taken by the President of the Exchange pursuant to this paragraph will be submitted to the SEC in a rule filing pursuant to Section 19(b)(3)(A) of the Exchange Act.'' Rule 8.3A.01(c).

[7] 15 U.S.C. 78(f)(b).

[8] 15 U.S.C. 78(f)(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A)(i).

[10] 17 CFR 240.19b–4(f)(1).

[11] The 60 day abrogation period commenced on March 5, 2007, the date on which the Exchange filed Amendment No. 1.

100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2007–24. 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 filing also will be available for inspection and copying at the principal office of the CBOE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–CBOE–2007–24 and should be submitted on or before April 6, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–4785 Filed 3–15–07; 8:45 am]

BILLING CODE 8010–01–P

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55438; File No. SR–CBOE–2007–19]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Extend Two Pilot Programs That Allow RMMs and e-DPMs to Have up to One Affiliated Market-Maker Physically Present in the Trading Crowd

March 9, 2007.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 22, 2007, the Chicago Board Options Exchange, Incorporated (''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

CBOE proposes to extend two pilot programs allowing Remote Market-Makers (''RMMs'') and Electronic DPMs (''e-DPMs'') to have up to one separate affiliated Market-Maker physically present in the trading crowd. The CBOE proposes to extend the pilots until March 14, 2008. The text of the proposed rule change is available on CBOE's Web site (*http://www.cboe.org/Legal*), at the CBOE's Office of the Secretary, and at the Commission.

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 Exchange proposes to amend CBOE Rules 8.4(c)(i) and 8.93(vii) to extend the pilot programs allowing an RMM and e-DPM the option to have up to one separate affiliated Market-Maker physically present in the trading crowds where it operates as an RMM or e-DPM, respectively (such Market-Makers would be required to trade on a separate membership).[5] The pilots would be extended from March 14, 2007 until March 14, 2008.

In July of 2003, the SEC approved the e-DPM program, including the pilot program.[6] The pilot allows e-DPM firms to maintain a physical presence in the trading crowd through an affiliated Market-Maker who would also be able to stream a quote. The pilot, however, limits the number of separate affiliates per trading crowd to one.

In March of 2005, the SEC approved the RMM program, including the pilot program.[7] The pilot allows RMM firms to maintain a physical presence in the trading crowd through an affiliated Market-Maker who would also be able to stream a quote. The pilot limits the number of separate affiliates per trading crowd to one.

CBOE has provided the Commission, under separate cover, data relating to these Pilot Programs, which the SEC staff is reviewing.[8] The Exchange has committed to providing by September 14, 2007, data required by the Pilots.

2. Statutory Basis

The Exchange believes 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.[9] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) of the Act,[10] which requires that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] The SEC previously extended the pilot programs for 6 months, from September 14, 2006 until March 14, 2006. *See* Securities Exchange Act Release No. 54443 (September 14, 2006), 71 FR 55237 (September 21, 2006) (granting immediate effectiveness to SR–CBOE–2006–77).

[6] *See* Securities Exchange Act Release No. 50003 (July 12, 2004), 69 FR 43028 (July 19, 2004) (approving SR–CBOE–2004–24).

[7] *See* Securities Exchange Act Release No. 51366 (March 14, 2005), 70 FR 13217 (March, 18, 2005) (approving SR–CBOE–2004–75).

[8] The Exchange has committed to providing by September 14, 2007, updated data required by the Pilots. Telephone conversation between Patrick Sexton, Associate General Counsel, CBOE and Sonia Trocchio, Special Counsel, Division of Market Regulation, Commission (March 7, 2007).

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [11] and subparagraph (f)(6) of Rule 19b–4 [12] thereunder because it does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate; and the Exchange has given the Commission written notice of its intention to file the proposed rule change at least five business days prior to filing. 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.

Under Rule 19b–4(f)(6) of the Act,[13] the proposal does not become operative for 30 days after the date of its filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative date, so that the pilots may continue without interruption. The Commission believes that the proposed rule change does not raise any new regulatory issues and, consistent with the protection of investors and the public interest, has determined to waive the 30-day operative date.[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–CBOE–2007–19 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–CBOE–2007–19. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of the CBOE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2007–19 and should be submitted on or before April 6, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[15]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–4812 Filed 3–15–07; 8:45 am]

BILLING CODE 8010–01–P

[11] 15 U.S.C. 78s(b)(3)(A)(iii).

[12] 17 CFR 240.19b–4(f)(6).

[13] *Id.*

[14] For purposes only of waiving the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55428; File No. SR–CBOE–2007–23]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 To Increase the Class Quoting Limit in the Option Class InterContinental Exchange, Inc. (ICE)

March 8, 2007.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 27, 2007, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by the CBOE. The Exchange has designated this proposal as one constituting a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule under Section 19(b)(3)(A)(i) of the Act,[3] and Rule 19b–4(f)(1) [4] thereunder, which renders the proposal effective upon filing with the Commission. The Exchange submitted Amendment No. 1 to the proposed rule change on March 5, 2007. 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

CBOE proposes to increase the class quoting limit in the option class InterContinental Exchange, Inc. (ICE). The text of the proposed rule change is available on CBOE's Web site (*http://www.cboe.com*), at the CBOE's Office of the Secretary, 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 and discussed any comments it received on the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(i).

[4] 17 CFR 240.19b–4(f)(1).

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

CBOE Rule 8.3A, Maximum Number of Market Participants Quoting Electronically per Product, establishes class quoting limits (''CQLs'') for each class traded on the Hybrid Trading System.[5] A CQL is the maximum number of quoters that may quote electronically in a given product and the current levels are established from 25–40, depending on the trading activity of the particular product.

Rule 8.3A, Interpretation .01(c) provides a procedure by which the President of the Exchange may increase the CQL for a particular product. In this regard, the President of the Exchange may increase the CQL in exceptional circumstances, which are defined in the rule as ''substantial trading volume, whether actual or expected.'' [6] The effect of an increase in the CQL is procompetitive in that it increases the number of market participants that may quote electronically in a product. The purpose of this filing is to increase the CQL in the option class ICE from its current limit of 35 to 40 due to increased trading volume. Increasing the CQL in ICE options will enable the Exchange to enhance the liquidity offered, thereby offering deeper and more liquid markets.

2. Statutory Basis

Accordingly, CBOE believes 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.[7] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [8] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither received nor solicited written comments on the proposal.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change will take effect upon filing with the Commission pursuant to Section 19(b)(3)(A)(i) of the Act [9] and Rule 19b–4(f)(1) thereunder,[10] because it constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule.

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.[11]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–CBOE–2007–23 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–CBOE–2007–23. 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 filing also will be available for inspection and copying at the principal office of the CBOE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2007–23 and should be submitted on or before April 6, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–4817 Filed 3–15–07; 8:45 am]

BILLING CODE 8010–01–P

[5] *See* Rule 8.3A.01.

[6] ''Any actions taken by the President of the Exchange pursuant to this paragraph will be submitted to the SEC in a rule filing pursuant to Section 19(b)(3)(A) of the Exchange Act.'' Rule 8.3A.01(c).

[7] 15 U.S.C. 78(f)(b).

[8] 15 U.S.C. 78(f)(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A)(i).

[10] 17 CFR 240.19b–4(f)(1).

[11] The 60-day abrogation period commenced on March 5, 2007, the date on which the Exchange filed Amendment No. 1.

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55427; File No. SR–ISE–2007–17]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to an ISE Stock Exchange Fee Waiver

March 8, 2007.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 28, 2007, the International Securities

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Exchange, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been substantially prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The ISE is proposing to amend its Schedule of Fees to extend a fee waiver related to the ISE Stock Exchange (''ISE Stock''). The text of the proposed rule change is available at *http://www.iseoptions.com* and the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, 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 purpose of this proposed rule change is to extend a fee waiver related to the trading of equity securities on the ISE Stock, a facility of the Exchange. The Exchange currently waives all execution fees in an effort to promote trading on ISE Stock.[3] The fee waiver is scheduled to expire on March 1, 2007.[4] In an effort to continue the promotion of ISE Stock, the Exchange proposes to extend the waiver of all execution fees until April 1, 2007.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(4)[5] that the exchange provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[6] and Rule 19b–4(f)(2) thereunder,[7] because it establishes or changes a due, fee, or other charge imposed by the Exchange. Accordingly, the proposal will take effect upon filing with the Commission.

At any time within 60 days of the filing of 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–ISE–2007–17 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–2007–17. 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–2007–17 and should be submitted on or before April 6, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–4784 Filed 3–15–07; 8:45 am]

BILLING CODE 8010–01–P

[3] *See* Securities Exchange Act Release No. 54561 (October 2, 2006), 71 FR 59844 (October 11, 2006).

[4] *See* Securities Exchange Act Release No. 54875 (December 5, 2006), 71 FR 74969 (December 13, 2006).

[5] 15 U.S.C. 78f(b)(4).

[6] 15 U.S.C. 78s(b)(3)(A)(ii).

[7] 17 CFR 240.19b–4(f)(2).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55422; File No. SR–ISE–2007–10]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change as Modified by Amendment Nos. 1 and 2 Thereto Relating to Cancellation Fees

March 8, 2007.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 1, 2007, the International Securities

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Exchange, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by the ISE. On February 13, 2007, the ISE filed Amendment No. 1 to the proposed rule change. The ISE filed Amendment No. 2 to the proposed rule change on March 1, 2007. The ISE has filed the proposed rule change as one establishing or changing a due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act [3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The ISE is proposing to amend its Schedule of Fees regarding its cancellation fee. The text of the proposed rule change is available at ISE, the Commission's Public Reference Room, and *http://www.iseoptions.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the ISE included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The ISE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to amend the ISE's cancellation fee. The Exchange currently has a cancellation fee of $1.25 that applies to Electronic Access Members (''EAMs'') that cancelled at least 500 orders in a month, for each order cancellation in excess of the total number of orders such member executed that month. Further, all orders from the same clearing EAM executed in the same series on the same side of the market at the same price within a 30 second period are aggregated and counted as one executed order for purposes of this fee. The Exchange notes that the level of activity in the cancellation of orders continues to remain quite large. The fee currently charged by the Exchange is insufficient to offset the cost of administering and processing the large number of cancellations on a monthly basis. The Exchange, therefore, proposes to increase its cancellation fee from $1.25 to $1.50. This fee increase will enable the ISE to recoup some of the costs of administering and processing cancelled orders.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(4) that an exchange have an equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change establishes or changes a due, fee, or other charged imposed by the Exchange, it has become effective pursuant to Section 19(b)(3)(A) of the Act [5] and Rule 19b–4(f)(2) [6] thereunder. At any time within 60 days of the filing of the proposed rule change the Commission may summarily abrogate such proposed 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.[7]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File No. SR–ISE–2007–10 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–2007–10. 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 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–2007–10 and should be submitted on or before April 6, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–4818 Filed 3–15–07; 8:45 am]

BILLING CODE 8010–01–P

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] 15 U.S.C. 78s(b)(3)(A).

[6] 17 CFR 19b–4(f)(2).

[7] For purposes of calculating the sixty-day abrogation period, the Commission considers the period to commence on March 1, 2007, the date on which the Exchange filed Amendment No. 2.

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55445; File No. SR–NASDAQ–2006–049]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing of Proposed Rule Change To Incorporate Full Depth of the Nasdaq Quoting of NYSE- and Amex-Listed Stocks into the TotalView Entitlement and Modify the User Fee Schedule for TotalView Data, and To Replace Nasdaq OpenView To Provide the Individual Nasdaq Market Participants' Best Bids and Offers in NYSE- and Amex-Listed Stocks

March 12, 2007.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on November 16, 2006, The NASDAQ Stock Market LLC (''Nasdaq'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared substantially by Nasdaq. 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

Nasdaq proposes to incorporate full depth of the Nasdaq quoting of NYSE- and Amex-listed stocks into the TotalView entitlement and modify the user fee schedule for TotalView data. Nasdaq also proposes to replace Nasdaq OpenView to provide the individual Nasdaq Market Participants' best bids and offers in NYSE- and Amex-listed stocks.

The text of the proposed rule change is available at Nasdaq, *www.nasdaq.com*, and the Commission's Public Reference Room.[3]

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. The text of these statements may be examined at the places specified in Item IV below. Nasdaq 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 currently has Commission approval to offer two data entitlements containing quote and order data—commonly known as ''depth of book'' data—for Nasdaq-listed stocks and for NYSE/Amex-listed stocks trading on Nasdaq systems. The Commission approved both fees in 2002. First, Nasdaq received Commission approval to disseminate a ''depth of book'' product for Nasdaq stocks called TotalView.[4] TotalView originally contained data representing all quotes and orders in Nasdaq stocks trading on Nasdaq's SuperMontage system. The Commission approved an initial TotalView fee of $150 per user per month, and later approved Nasdaq's proposal to reduce the fee to $70 per month for professional users and $14 per month for non-professional users.[5]

Second, also in 2002, the Commission approved Nasdaq's proposal to disseminate a full depth of book product for NYSE/Amex stocks. That product, called ''OpenView,'' contained all quotes and orders for NYSE/Amex-listed stocks in Nasdaq's execution system.[6] The Commission-approved fee for OpenView was $6 per user per month. Thus, market participants seeking to receive all Nasdaq market participant quote and order data for Nasdaq, NYSE, and Amex securities, paid two fees totaling $76 for professional users and $20 for non-professional users.

Nasdaq has augmented the TotalView product many times while holding the Commission-approved fees constant. In 2004 and 2005, Nasdaq added to TotalView all data from Nasdaq's opening and closing crosses. In March of 2005, Nasdaq added to the TotalView entitlement a separate data feed disseminating depth of book data in an unprocessed, order-by-order format. Also in 2005, Nasdaq added a separate data feed containing depth of book data from its Brut Facility.[7] By 2006, Nasdaq was disseminating via TotalView, depth of book data from the Nasdaq Market Center using multiple formats and multiple data feeds.

Nasdaq proposes to integrate the entitlement for full depth from Nasdaq market participants quoting in Nasdaq stocks with the full depth from Nasdaq market participants quoting in NYSE- and Amex-listed stocks, resulting in a single entitlement, to be called TotalView. This single entitlement would cost $75 per user per month for professional users and $14 per user per month for non-professional users, rather than the current total of $76 and $20 for TotalView and OpenView. In the case of non-professionals, there is no fee increase on account of this change, simply an increase in functionality. Users that previously subscribed to the TotalView and OpenView entitlements separately will receive a $1 per user per month fee decrease. Only those users that had one of the companion entitlements without the other would pay more under this proposal.

Nasdaq is also proposing to distribute the best bid and offer from each Nasdaq market participant quoting in NYSE- and Amex-listed stocks in real time. As set forth in proposed Rule 7023(c), Nasdaq proposes a $5 per user per month price for this product. Nasdaq expects that most users currently receiving full depth from Nasdaq in NYSE- and Amex-listed stocks will continue to do so via the TotalView entitlement. However, for any subscriber currently receiving only data for NYSE- and Amex-listed stocks (*i.e.*, OpenView data), and not wishing to receive also data for Nasdaq-listed stocks, this option allows a user to continue paying at the same rate schedule for user-fees that they have in the past.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[8] in general, and with Section 6(b)(4) of the Act,[9] in particular, in that the proposed unified fee for depth data for Nasdaq, NYSE and Amex stocks will result in a fee decrease of $1 from the current Commission-approved fees for that data. Nasdaq will continue to make NYSE and Amex best bid and offer data available separately at a reduced rate from the current fee for depth of book

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Changes are marked to the rule text that appears in the electronic manual of Nasdaq found at *http://www.complinet.com/nasdaq.*

[4] *See* Securities Exchange Act Release No. 46843 (November 18, 2002), 67 FR 70471 (November 22, 2002) (SR–NASD–2002–33).

[5] See Securities Exchange Act Release No. 48581 (October 1, 2003), 68 FR 57945 (October 7, 2003) (SR–NASD–2003–111).

[6] *See* Securities Exchange Act Release No. 46534 (September 23, 2002), 67 FR 61368 (September 30, 2002) (SR–NASD–2002–86).

[7] See Securities Exchange Act Release No. 51862 (June 16, 2005), 70 FR 36426 (June 23, 2005) (SR–NASD–2005–039).

[8] 15 U.S.C. 78f.

[9] 15 U.S.C. 78f(b)(4).

data. Nasdaq believes that this proposed rule change will encourage the broader redistribution of the Nasdaq depth of book information, thus improving transparency and thereby benefiting the investing public.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq 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, as amended. As a general matter, the Commission has long held the view that ''competition and innovation are essential to the health of the securities markets. Indeed, competition is one of the hallmarks of the national market system.'' [10] The Commission has also stated ''that the notion of competition is inextricably tied with the notion of economic efficiency, and the Act seeks to encourage market behavior that promotes such efficiency, lower costs, and better service in the interest of investors and the general public. [11]

The Commission goes on to state its belief ''that the appropriate analysis to determine a proposal's competitive impact is to weigh the proposal's overall benefits and costs to competition based on the particular facts involved, such as examining whether the proposal would promote economically efficient execution of securities and fair competition between and among exchange markets and other market centers, as well as fair competition between the participants of a particular market.[12]

The proposed rule change is designed to increase transparency and the efficiency of executions by enabling vendors to provide additional market data in a cost efficient manner. There is significant competition for the provision of market data to broker-dealers and other market data consumers, as well as competition for the orders that generate the data. Nasdaq fully expects its competitors to quickly respond to this proposal as they have responded to other Nasdaq data products in the past.

Moreover, market forces have shaped the market data fees that Nasdaq has charged for this product in the past and will continue to shape those fees in the future. As noted above, the Commission originally approved a fee of $150 for TotalView. Nasdaq lowered that fee to $70 and $14 in response to the lack of demand by vendors and users. Vendors simply will only utilize the service unless and until they conclude that it is economically beneficial to them and to their users.

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

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File No. SR–NASDAQ–2006–049 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–NASDAQ–2006–049. 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 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–2006–049 and should be submitted on or before April 6, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–4811 Filed 3–15–07; 8:45 am]

BILLING CODE 8010–01–P

[10] Securities Exchange Act Release No. 43863 (January 19, 2001), 66 FR 8020 (January 26, 2001) (SR–NASD–99–53).

[11] Securities Exchange Act Release No. 54155 (July 14, 2006), 71 FR 41291, 41298 (July 20, 2006) (SR–NASDAQ–2006–001).

[12] *Id.*

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55444; File No. SR–NASDAQ–2007–006]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing of Proposed Rule Change To Establish Daily Share Volume Service and Fees for the Service

March 12, 2007.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 7, 2007, The NASDAQ Stock Market LLC (''Nasdaq'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by Nasdaq. 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

Nasdaq proposes to establish fees to make Nasdaq Daily Share Volume

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

information available via a Web-based data product that will provide daily traded share volume by issue for participating market participants on a T+1 basis. The text of the proposed rule change is available at Nasdaq, *http://www.nasdaq.com,* and the Commission's Public Reference Room.[3]

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. The text of these statements may be examined at the places specified in Item IV below. Nasdaq 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 proposes to establish the Nasdaq Daily Share Volume Service (''Service'') and to establish fees for the Service, to make information available via a Web-based data product that will provide daily traded share volume by issue for participating market participants on a T+1 basis. Currently, Nasdaq provides a share volume product on a monthly basis called the NASDAQ Monthly Market Maker Share Volume Report. Nasdaq has received numerous requests for a comparable daily product based on trades executed by, or reported to, Nasdaq systems.

Vendors and other exchanges also currently make daily broker volume reports available. Specifically, the New York Stock Exchange (''NYSE'') provides a daily NYSE Broker Volume Report based on trades reported to the NYSE. Access to the NYSE reports via the web costs $300/month. Access to the full dataset via FTP costs $3,000/month.

In response to this demand, Nasdaq proposes to establish the Service. The Service will provide subscribers with the ability to view volume reports on a T+1 basis. One level of service (''web subscribers'') will enable users to access the product through a web service that will allow a single subscriber to construct a variety of custom queries and view and print the results. Another level of service (''FTP subscribers'') will have FTP access to the full underlying data set to create custom reports and enable redistribution, but a distributor agreement will also be required.

The volume data will include trades from the Nasdaq Execution System and internalized prints from the Nasdaq/NASD Trade Report Facility. Nasdaq proposes to charge:

- Web subscribers $240/month for individual access to view and print the reports; or
- FTP subscribers $2,500/month for FTP access to the underlying data for redistribution.

These prices fairly reflect the value of this data. The Service is responsive to the requests of market participants seeking an alternative to the NYSE product and other commercial products. However, Nasdaq believes that the Service is aggressively priced and that the prices of the Service are designed to respond to customer demand, while recognizing the challenge of establishing a new product in the marketplace.

Nasdaq will provide eligible market participants with the opportunity to choose whether to advertise their trade volume by market participant ID code and issue. Participation by eligible market participants will be completely voluntary.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[4] in general, and with Section 6(b)(4) of the Act,[5] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which Nasdaq operates or controls, and it does not unfairly discriminate between customers, issuers, brokers or dealers. Use of the Service is voluntary and the subscription fees will be imposed on all purchasers equally based on the level of service selected. The proposed fees will cover the costs associated with establishing the Service, responding to customer requests, configuring Nasdaq's systems, programming to user specifications, and administering the Service, among other things.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq 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, as amended.

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

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File No. SR–NASDAQ–2007–006 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–NASDAQ–2007–006. 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

[3] Changes are marked to the rule text that appears in the electronic NASDAQ Manual found at *http://www.nasdaqtrader.com.*

[4] 15 U.S.C. 78f.

[5] 15 U.S.C. 78f(b)(4).

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 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–2007–006 and should be submitted on or before April 6, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–4814 Filed 3–15–07; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55439; File No. SR–NYSE–2007–16]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Eliminate the Individual Investor Express Delivery Service

March 9, 2007.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 14, 2007, the New York Stock Exchange LLC (''Exchange'' or ''NYSE'') 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 Commission is publishing this notice to solicit comment 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 is proposing to amend Exchange Rule 123B, ''Exchange Automated Order Routing Systems,'' by eliminating the functionality of the Individual Investor Express Delivery Service® (''IIEDS''). The text of the proposed rule change is available on the Exchange's Web site (*http://www.nyse.com*), at the Exchange's Office of the Secretary, 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 NYSE 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 NYSE 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

IIEDS is an order processing service that, in certain situations, provides priority delivery to the specialist's post through SuperDOT® for simple round-lot market orders and market GTC (''good 'til canceled'') orders that are for an amount up to 2,099 shares and are for the account of an individual investor[3] as identified by the member organization or its customer, if enabled by the member organization, entering the order. Market orders to buy minus, sell plus, sell short, buy or sell stop, as well as limit orders are not eligible for IIEDS. In addition, a limit order that is cancelled and replaced with a market order when entered as a single cancel/replacement order is not eligible for IIEDS. IIEDS was adopted in the wake of the 1987 market correction to enable retail-sized orders to avoid being negatively impacted by a sudden and significant influx of non-retail orders such as what generally happens when automated program trading benchmarks are reached.

IIEDS provides eligible orders with priority systematized delivery, ahead of other orders, to the specialist's post only when a queue of orders, which is caused by extraordinarily high levels of message traffic, exists in the Common Message Switch (''CMS'').[4] Where no queue exists in CMS, IIEDS-eligible orders received by the Exchange are routed to the specialist's post through SuperDOT, along with all other orders received by CMS, in the normal sequence in which they are received. Once an IIEDS order reaches the specialist's post, whether it received priority delivery or not in arriving there, all normal Exchange market procedures, including rules related to priority and parity, are applied in executing the order.

The NYSE is proposing to eliminate the functionality of IIEDS because it is no longer necessary due to systems capacity upgrades made to CMS that the Exchange has implemented over time. In addition, IIEDS is infrequently used, and orders eligible for the service represent a very small percentage of order flow received on the Exchange. Finally, the service is no longer needed in light of the increased speed and efficiency of order executions that will occur as a result of the NYSE HYBRID MARKET™ initiative.[5]

Due to capacity increases made to CMS on an annual basis over the years, the Exchange rarely experiences order queues, a condition precedent for an IIEDS order to be sent to the specialist's post ahead of another order. Historically, the Exchange has maintained ''message per second'' system capacity for CMS equaling approximately two times the highest Floor-wide five-minute average message per second rate experienced during the year. Thus, for example, during 2005, the Exchange experienced a peak five-minute average message per second rate of 6,043, while the actual CMS system capacity for year end 2005 was increased to handle approximately 13,000 messages per second. Year-to-year evaluation of actual message per second rate coupled with attendant proportional increases in CMS capacity has enabled the Exchange to experience a statistically insignificant number of order queues, thereby obviating the need for IIEDS.

The Exchange is also proposing to eliminate IIEDS because the service is seldom used by its customers; less than two-tenths of 1% (approximately .18%) of order flow received by the Exchange is eligible for IIEDS processing. The average number of IIEDS-eligible orders is approximately 64,000 orders per day, out of approximately 35.36 million

[6] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''individual investor'' is defined to parallel the concept of ''natural person'' contained in Section 11(a)(1)(E) of the Act, 15 U.S.C. 78k(a)(1)(E), including the interpretations made by the Commission pursuant to that section.

[4] CMS is the central communications hub between member organizations and the NYSE. CMS receives, validates, and passes orders and administrative inquiries from member organizations to other NYSE systems, including SuperDOT. In addition, CMS sends execution reports, responses to administrative inquiries, and status messages back to member organizations.

[5] The Hybrid Market initiative was proposed in SR–NYSE–2004–05 and Amendments No. 1, 2, 3, 5, 6, 7, and 8 thereto, approved on March 22, 2006. *See* Securities Exchange Act Release No. 53539 (March 22, 2006), 71 FR 16353 (March 31, 2006).

orders received by the Exchange per day.

In addition, the wider availability and increased speed of NYSE Direct+® (''Direct+''), the Exchange's electronic execution facility, which is being implemented in connection with the Hybrid Market, should prove a beneficial substitute to those Exchange customers seeking processing for individual investor orders similar to that obtained through IIEDS. The enhancements to Direct+ being introduced involve immediate execution at the best bid and best offer without restrictions on order size or frequency to the extent of the displayed volume associated with the bid and offer. The speed and continued operation of electronic executions through Direct+ will also eliminate the queues that developed during the slower, more manual execution process, further obviating the need for IIEDS.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirement under Section 6(b)(5) [6] of the Act that an Exchange have rules that are designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and national market system, and, in general, 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

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act[7] and subparagraph (f)(6) of Rule 19b–4 thereunder.[8] Because the Exchange has designated the foregoing proposed rule change as one that: (i) Does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) does not 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, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File No. SR–NYSE–2007–16 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–NYSE–2007–16. 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 Commissions Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSE–2007–16 and should be submitted on or before April 6, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–4813 Filed 3–15–07; 8:45 am]

BILLING CODE 8010–01–P

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55430; File No. SR–NYSEArca–2007–24]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change To Waive Certain Listing Fees

March 8, 2007.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 28, 2007, NYSE Arca, Inc. (''NYSE Arca'' or ''Exchange''), through its wholly owned subsidiary, NYSE Arca Equities, Inc., 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 Commission is publishing this notice to solicit comment on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its listing fees to provide that there shall be no initial listing fee applicable to (i) Any company listing upon emergence from bankruptcy, or (ii) any company listing its primary class of common stock that is not listed on a national securities exchange but is registered under the Act.

The text of the proposed rule change is available on the Exchange's Web site (*http://www.nysearca.com*), at the Exchange's Office of the Secretary, and

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 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 its listing fee schedule to provide that there shall be no initial listing fee applicable to:

- Any company listing following emergence from bankruptcy;[3] or
- Any company listing its primary class of common stock that is not listed on a national securities exchange but is registered under the Act.

If approved by the Commission, the amendments contained in this proposal will be applied retroactively as of the date of this filing.

The proposed rule change will not affect the Exchange's commitment of resources to its regulatory oversight of the listing process or its regulatory programs. Specifically, companies that benefit from the waivers will be reviewed for compliance with Exchange listing standards in the same manner as any other company that applies to be listed on the Exchange. The Exchange will conduct a full and independent review of each issuer's compliance with the Exchange's listing standards.

In the case of companies listing upon emergence from bankruptcy, the Exchange believes that the initial listing fee waiver is justified by such companies' unique circumstances. Companies emerging from bankruptcy are typically not raising any new capital at the time of listing, so the payment of initial listing fees is more burdensome than for companies that are listing upon an initial public offering. Also, because of the desire in bankruptcy proceedings to ensure that creditors are paid as much as possible, such companies are much more sensitive to the costs associated with listing. It is frequently difficult for such companies to assess what those costs are going to be until quite close to their emergence from bankruptcy, as the number of shares that will be issued (and therefore the related listing fees) are a significant variable in the negotiation of the bankruptcy settlement. As bankrupt companies face unique challenges in the listing process and the number of companies that will benefit from the fee waiver will be very limited, the Exchange does not believe that the treatment this proposal would afford to bankrupt companies constitutes an inequitable or unfairly discriminatory allocation of fees.

The Exchange anticipates that a significant percentage of potential listings of companies that have a registered class of common stock but that are not currently listed on a national securities exchange will be formerly listed companies that were delisted as a result of a failure to timely file annual reports with the Commission. These are companies that were otherwise in good standing with a national securities exchange, but fell behind on their reporting obligations under the Act because their auditors or the Commission required restatements of their financial statements. These companies will re-list on the Exchange as soon as their filings are up to date. The Exchange believes that waiving initial listing fees for these companies is appropriate and does not constitute an inequitable or unfairly discriminatory allocation of fees, as such companies had previously paid initial listing fees to the Exchange or to another national securities exchange, and to make them pay these fees again would further penalize them unnecessarily.

The Exchange does not expect the financial impact of this proposed rule change to be material, either in terms of increased levels of annual fees from transferring issuers or in terms of diminished initial listing fee revenues. A very limited number of companies are qualified and seek to list on the Exchange that are either emerging from bankruptcy or have a registered class of common stock but are not currently listed on another market. Accordingly, the proposed rule change will not impact the Exchange's resource commitment to its regulatory oversight of the listing process or its regulatory programs.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirement under Section 6(b)(4)[4] of the Act that an exchange have rules that provide for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities and the requirement under Section 6(b)(5)[5] of Act that an exchange have rules that are designed to remove impediments to and perfect the mechanism of a free and open market and a national market system and that are not designed to permit unfair discrimination between issuers. In light of the unique circumstances of companies emerging from bankruptcy and the likelihood that many companies listing that have a registered class of common stock but are not listed on another market will be previously listed companies delisted as late filers, the Exchange believes that the proposed fee waiver does not render the allocation of its listing fees inequitable or unfairly discriminatory.

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

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the Exchange consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing,

[3] The Exchange interprets ''listing following emergence from bankruptcy'' to mean that the company lists at the same time it emerges from bankruptcy. Telephone conversation between John Carey, Assistant General Counsel, NYSE, and Nathan Saunders, Special Counsel, Division of Market Regulation, Commission, March 6, 2007.

[4] 15 U.S.C. 78f(b)(4).

[5] 15 U.S.C. 78f(b)(5).

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–NYSEArca–2007–24 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–2007–24. 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 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–2007–24 and should be submitted on or before April 6, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–4786 Filed 3–15–07; 8:45 am]

BILLING CODE 8010–01–P

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55435; File No. SR–NYSEArca–2007–23]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Fees for Round-Lot Transactions in NYSE-Listed Securities (Other Than ETFs) Routed Outside the Book

March 9, 2007.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 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, II, and III below, which Items have been substantially prepared by NYSE Arca. NYSE Arca has filed the proposal pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the section of its Schedule of Fees and Charges for Exchange Services (''Fee Schedule'') that applies to round-lot transactions by ETP Holders[5] in securities (other than exchange-traded funds, or ''ETFs'') listed on the New York Stock Exchange LLC (''NYSE''). While changes to the Fee Schedule pursuant to this proposal will be effective upon filing, the changes will become operative on March 1, 2007. The text of the proposed rule change is available at NYSE Arca, the Commission's Public Reference Room, and *http://www.nysearca.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, NYSE Arca 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. NYSE Arca 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 the section of its Fee Schedule that applies to round-lot transactions by ETP Holders in NYSE-listed securities (other than ETFs). While changes to the Fee Schedule pursuant to this proposal will be effective upon filing, the changes will become operative on March 1, 2007.

The Fee Schedule currently provides that ETP Holders are charged $0.001 per share for round-lot transactions in NYSE-listed securities that are routed outside the NYSE Arca Book. The Exchange proposes to amend its Fee Schedule to increase this fee to $0.003 per share for such routed orders executed at any away market center other than the NYSE. ETP Holders will continue to be charged $0.001 per share for round-lot transactions in NYSE-listed securities that are routed to, and executed on, the NYSE. The Exchange proposes to increase this fee in direct response to the recent fee announced by The NASDAQ Stock Market LLC (''Nasdaq'') of $0.003 per share for orders that remove liquidity from the Nasdaq Market Center for NYSE-, Amex- and regional-listed securities (excluding ETFs), effective January 1, 2007.[6] Specifically, the Exchange proposes this increase so that it may pass through to its ETP Holders the increased fee that Nasdaq is charging the Exchange for such ETP Holders' transactions.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the provisions of Section 6(b) of the Act,[7] in general, and with Section 6(b)(4) of the Act,[8] in particular, in that the proposal

[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] *See* NYSE Arca Equities Rule 1.1(n).

[6] *See* Securities Exchange Act Release No. 54742 (November 13, 2006), 71 FR 67179 (November 20, 2006) (SR–NASD–2006–122). *See also* Securities Exchange Act Release Nos. 54932 (December 13, 2006), 71 FR 76406 (December 20, 2006) (SR–NASD–2006–132); 55137 (January 19, 2007), 72 FR 3452 (January 25, 2007) (SR–NASDAQ–2006–068); and 55284 (February 13, 2007), 72 FR 8231 (February 23, 2007) (SR–NASDAQ–2007–003).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(4).

provides for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The 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

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change is subject to Section 19(b)(3)(A)(ii) of the Act[9] and subparagraph (f)(2) of Rule 19b–4 thereunder[10] because it establishes or changes a due, fee, or other charge applicable only to a member imposed by the self-regulatory organization. Accordingly, the proposal is effective upon Commission receipt of the filing. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–NYSEArca–2007–23 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–2007–23. 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 NYSE Arca. 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–2007–23 and should be submitted on or before April 6, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–4787 Filed 3–15–07; 8:45 am]

BILLING CODE 8010–01–P

[9] 15 U.S.C. 78s(b)(3)(A)(ii).

[10] 17 CFR 240.19b–4(f)(2).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55442; File No. SR–NYSEArca–2007–09]

Self-Regulatory Organizations; NYSE Arca, Inc.; Order Granting Approval of Proposed Rule Change Relating to the Expansion of Business Activities of Archipelago Securities, L.L.C.

March 12, 2007.

I. Introduction

On January 25, 2007, the NYSE Arca, Inc. (''NYSE Arca'' or the ''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 proposal to allow Archipelago Securities, L.L.C. (''Archipelago Securities'') to act as a marketing agent on behalf of the NYSE Arca Tech 100 Index (the ''Index'') and the NYSE Arca Tech 100 ETF (the ''ETF'') and provide reasonable services attendant thereto. The proposed rule change was published for comment in the **Federal Register** on February 9, 2007.[3] The Commission received no comments regarding the proposal. This order approves the proposed rule change.

II. Description of the Proposal

Archipelago Securities[4] succeeded Wave Securities, L.L.C. (''Wave''), which was approved by the Commission to operate as a facility of the Exchange,[5] and assumed some of Wave's duties, including Wave's function as the outbound router for the Exchange. Pursuant to the order approving rule changes proposed by the Exchange in connection with the acquisition of the Exchange (formerly Pacific Exchange, Inc.) by Archipelago Holdings, Inc., now the parent company of the Exchange, any expansion of the business activities of Archipelago Securities must be approved by the Commission.[6]

NYSE Arca is now proposing to expand the business activities of Archipelago Securities to allow Archipelago Securities to act as a marketing agent on behalf of the Index and the ETF and provide reasonable services attendant thereto.[7] In the proposal, the Exchange represents that as marketing agent for the Index and the ETF, Archipelago Securities will develop a marketing plan designed to advertise, promote, and increase public awareness of the Index and the ETF within the financial services industry and investing public (''Marketing Plan''), including: branding; promotional activities; development and design of marketing materials, collateral

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 55232 (February 2, 2007), 72 FR 6308.

[4] Archipelago Securities is a registered broker-dealer, a member of several self-regulatory organizations including the NASD, and a facility of the Exchange.

[5] *See* Securities Exchange Act Release No. 44983 (October 25, 2001), 66 FR 55225 (November 1, 2001) (SR–PCX–00–25).

[6] *See* Securities Exchange Act Release No. 52497 (September 22, 2005), 70 FR 56949 (September 29, 2005) (SR–PCX–2005–90) (''Archipelago/PCX Acquisition Release'').

[7] Recently, the Commission approved the expansion of the business activities of Archipelago Securities to include, as a facility of the Exchange, the function of routing option orders for members of the Exchange. *See* Securities Exchange Act Release No. 54238 (July 28, 2006), 71 FR 44758 (August 7, 2006) (SR–NYSEArca–2006–13).

and media campaigns (*i.e.*, electronic media, print media, Internet, etc.); and hosting a Web site for the ETF. The Exchange also represents that this proposed marketing activity has no connection to Archipelago Securities' facility functions.

III. Discussion

After careful consideration, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange[8] and, in particular, the requirements of Section 6 of the Act.[9] Specifically, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[10] which requires, among other things, that the rules of a national securities exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Commission finds that the proposed rule change also furthers the objectives of Section 6(b)(8)[11] of the Act in that it does not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Based on the Exchange's representation that this proposed marketing activity has no connection to Archipelago Securities' facility functions, the Commission believes that the proposal is consistent with the Act and the Archipelago/PCX Acquisition Release.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[12] that the proposed rule change (SR–NYSEArca–2007–09) is hereby approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–4815 Filed 3–15–07; 8:45 am]

BILLING CODE 8010–01–P

[8] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[9] 15 U.S.C. 78f.

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78f(b)(8).

[12] 15 U.S.C. 78s(b)(2).

[13] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #10827 and #10828]

Arkansas Disaster #AR–00011

AGENCY: Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Arkansas dated 03/12/2007.

Incident: Heavy Rainfall, High Winds and Tornadoes.

Incident Period: 02/24/2007.

Effective Date: 03/12/2007.

Physical Loan Application Deadline Date: 05/11/2007.

Economic Injury (EIDL) Loan Application Deadline Date: 12/12/2007.

ADDRESSES: Submit completed loan applications to: Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Desha

Contiguous Counties:

Arkansas: Arkansas, Chicot, Drew, Lincoln, Phillips

Mississippi: Bolivar

The Interest Rates are:

	Percent
Homeowners With Credit Available Elsewhere	5.750
Homeowners Without Credit Available Elsewhere	2.875
Businesses With Credit Available Elsewhere	8.000
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000
Other (Including Non-Profit Organizations) With Credit Available Elsewhere	5.250
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 10827 C and for economic injury is 10828 0.

The States which received an EIDL Declaration # are Arkansas and Mississippi.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: March 12, 2007.

Steven C. Preston,

Administrator.

[FR Doc. E7–4871 Filed 3–15–07; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #10826]

Washington Disaster #WA–00010 Declaration of Economic Injury

AGENCY: Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Economic Injury Disaster Loan (EIDL) declaration for the State of Washington, dated 03/12/2007.

Incident: Winter Storm.

Incident Period: 11/26/2006 through 12/04/2006.

Effective Date: 03/12/2007.

EIDL Loan Application Deadline Date: 12/12/2007.

ADDRESSES: Submit completed loan applications to : Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's EIDL declaration, applications for economic injury disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary County: San Juan.

Contiguous Counties: No Eligible Contiguous Counties.

The Interest Rate is: 4.000.

The number assigned to this disaster for economic injury is 108260.

The State which received an EIDL Declaration # is Washington.

(Catalog of Federal Domestic Assistance Number 59002)

Dated: March 12, 2007.

Steven C. Preston,

Administrator.

[FR Doc. E7–4872 Filed 3–15–07; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 5724]

Federal Advisory Committee on Transformational Diplomacy Notice of Meeting

The Secretary of State's Advisory Committee on Transformational Diplomacy will meet on Wednesday, April 4, 2007, Room 7516 HST, U.S. Department of State, 2201 C Street, NW., Washington, DC. The Committee is composed of prominent Americans from the private sector and academia who provide the Department with advice on its worldwide management operations, including structuring, leading, and managing large global enterprises, communicating governmental missions and policies to relevant publics, and better use of information technology.

The meeting will focus on draft reports to the Secretary that include recommendations relating to Human Resources matters and Workforce and Training issues and there will be a presentation on Public Diplomacy.

This meeting is open to the public from 8 a.m. until 10 a.m. as seating capacity allows. The Committee will meet in closed session from 10:15 a.m. until 11:30 a.m. to receive a briefing that includes classified information and information related solely to the Department's internal personnel rules and practices. It has been determined that this portion of the meeting will be closed to the public pursuant to Section 10 (d) of the Federal Advisory Committee Act and 5 U.S.C. 552b[c][1] and 5 U.S.C. 552b[c][2].

Entry to the building is controlled; to obtain pre-clearance for entry, members of the public (including government employees and Department of State employees) planning to attend should provide by no later than March 30, 2007, their name; place of birth and date of birth; citizenship (country); ID number, *i.e.*, U.S. government ID (agency), U.S. military ID (branch), passport (country), or drivers license number (state); professional affiliation, address, and telephone number to Carlene Roy by fax (202) 647–2524, e-mail (*royc@state.gov*), or telephone (202) 647–0093. Members of the public also may file a written statement with the committee.

One of the following valid photo IDs will be required for admittance to the State Department building: U.S. driver's license, passport, or U.S. Government agency ID. Members of the public must use the ''C'' Street entrance, after going through the exterior screening facilities. Due to escorting requirements, attendees should arrive 15 minutes before the meeting begins.

For additional information, contact Madelyn Marchessault, Office of Management Policy, at (202) 647–0093 or at *Marchessaultms@state.gov.*

Dates: March 9, 2007.

Marguerite Coffey,

Managing Director, Office of Management Policy, Department of State.

[FR Doc. E7–4849 Filed 3–15–07; 8:45 am]

BILLING CODE 4710–01–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2006–26601]

Qualification of Drivers; Exemption Applications; Diabetes

AGENCY: Federal Motor Carrier Safety Administration (FMCSA).

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 74 individuals for exemptions from the prohibition against persons with insulin-treated diabetes mellitus (ITDM) operating commercial motor vehicles (CMVs) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: Comments must be received on or before April 16, 2007.

ADDRESSES: You may submit comments identified by Department of Transportation (DOT) Docket Management System (DMS) Docket Number FMCSA–2006–26601 using any of the following methods:

- *Web Site: http://dmses.dot.gov.* Follow the instructions for submitting comments on the DOT electronic docket site.
- *Fax:* 1–202–493–2251.
- *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:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

All submissions must include the Agency name and docket number for this Notice. Note that all comments received will be posted without change to *http://dms.dot.gov,* including any personal information provided. Please see the Privacy Act heading under Regulatory Notices. To read background documents or comments received, go to *http://dms.dot.gov* or to 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.

Docket: For access to the docket to read background documents or comments received, go to *http://dms.dot.gov* at any time or Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The DMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477; Apr. 11, 2000). This information is also available at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Chief, Physical Qualifications Division, (202) 366–4001, *maggi.gunnels@dot.gov,* FMCSA, Department of Transportation, 400 Seventh Street, SW., Room 8301, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period. The 74 individuals listed in this notice have recently requested an exemption from the diabetes prohibition in 49 CFR 391.41(b)(3), which applies to drivers of CMVs in interstate commerce.

Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by the statute.

Qualifications of Applicants

Jonathon L. Apuan

Mr. Apuan, age 48, has had ITDM since 2001. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Apuan meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class A Commercial Driver's License (CDL) from California.

Olufemi A. Aruwajoye

Mr. Aruwajoye, 38, has had ITDM since 2005. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Aruwajoye meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class E operator's license from Missouri, which allows him to drive any non-commercial combination of motor vehicles with a gross vehicle weight less than 26,001 pounds.

Scott D. Baroch

Mr. Baroch, 38, has had ITDM since 1981. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Baroch meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A Commercial Driver's License (CDL) from Montana.

David M. Beard

Mr. Beard, 35, has had ITDM since 1996. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Beard meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Colorado.

Andrew F. Behr

Mr. Behr, 32, has had ITDM since 2002. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Behr meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Oregon.

Brian C. Brainard

Mr. Brainard, 32, has had ITDM since 2004. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Brainard meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Connecticut.

David A. Broughton

Mr. Broughton, 39, has had ITDM since 1991. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Broughton meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class D operator's license from Ohio.

Kelly G. Burke

Mr. Burke, 50, has had ITDM since 2005. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Burke meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Washington.

David R. Burton

Mr. Burton, 33, has had ITDM since 1985. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Burton meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he has stable proliferative diabetic retinopathy. He holds a Class A CDL from Wyoming.

Michael G. Cary

Mr. Cary, 49, has had ITDM since 1995. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss

of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Cary meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Esko G. Cate

Mr. Cate, 48, has had ITDM since 2005. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Cate meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Washington.

Richard I. Chandler

Mr. Chandler, 51, has had ITDM since 2001. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Chandler meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from South Carolina.

Stephen R. Clemens

Mr. Clemens, 46, has had ITDM since 1999. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Clemens meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Michigan.

Johnny W. Corbin

Mr. Corbin, 41, has had ITDM since 2002. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Corbin meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Kentucky.

Mark T. Cousins

Mr. Cousins, 44, has had ITDM since 1969. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Cousins meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2007 and certified that he has stable proliferate diabetic retinopathy. He holds a Class E operator's license from South Carolina, which allows him to drive single unit vehicles exceeding 26,000 pounds in gross weight, except motorcycles.

Emory B. Duke

Mr. Duke, 26, has had ITDM since 1991. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Duke meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class C operator's license from Georgia.

Mark K. Eaton

Mr. Eaton, 34, has had ITDM since 2003. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Eaton meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Chad L. Erickson

Mr. Erickson, 31, has had ITDM since 2006. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Erickson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Washington.

David E. Farvour

Mr. Farvour, 30, has had ITDM since 1989. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Farvour meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he does not have

diabetic retinopathy. He holds a Class A CDL from Washington.

Brian A. Foss

Mr. Foss, 30, has had ITDM since 1982. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Foss meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2007 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class C operator's license from Wyoming.

Manuel A. Garcia

Mr. Garcia, 51, has had ITDM since 2004. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Garcia meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class B CDL from Illinois.

Marcus B. Garris

Mr. Garris, 42, has had ITDM since 1976. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Garris meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class D operator's license from Connecticut.

John M. Gladu, Sr.

Mr. Gladu, 54, has had ITDM since 2002. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gladu meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Maine.

William H. Grambusch

Mr. Grambusch, 46, has had ITDM since 2002. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Grambusch meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class 3 license from Hawaii, which allows him to drive passenger vehicles of any gross vehicle weight, buses designed to transport 15 or fewer occupants, and trucks/vans weighing 15,000 lbs gross vehicle weight or less.

Michael J. Guido

Mr. Guido, 19, has had ITDM since 2002. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Guido meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class D operator's license from Ohio.

Kenneth M. Harrelson

Mr. Harrelson, 44, has had ITDM since 2001. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Harrelson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from North Carolina.

Allan R. Harrison

Mr. Harrison, 58, has had ITDM since 2001. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Harrison meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Washington.

Kendal B. Heath

Mr. Heath, 49, has had ITDM since 2004. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Heath meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from North Carolina.

Randy A. Hicks

Mr. Hicks, 42, has had ITDM since 1973. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the

past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hicks meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Kentucky.

Cameron D. Hubbard

Mr. Hubbard, 18, has had ITDM since 2005. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hubbard meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds an operator's license from Virginia.

Jon D. Huntsinger

Mr. Huntsinger, 44, has had ITDM since 1975. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Huntsinger meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class 1 operator's license from South Dakota, which allows him to drive cars and light weight trucks.

Kirk J. Janczak

Mr. Janczak, 57, has had ITDM since 2005. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Janczak meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Washington.

Thomas E. Jannicelli

Mr. Jannicelli, 26, has had ITDM since 2006. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Jannicelli meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from New York.

Curtis L. Jewett

Mr. Jewett, 50, has had ITDM since 1974. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Jewett meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Maine.

Mark W. Johnson

Mr. Johnson, 42, has had ITDM since 1992. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Johnson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2007 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from West Virginia.

Robbie L. Jones

Mr. Jones, 58, has had ITDM since 2006. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Jones meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Indiana.

Lucas J. Jordon

Mr. Jordon, 26, has had ITDM since 1998. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Jordon meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class D operator's license from Florida.

Murl R. Kimmel

Mr. Kimmel, 40, has had ITDM since 1999. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Kimmel meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Illinois.

Michael D. Landon, II

Mr. Landon, 22, has had ITDM since 1990. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss

of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Landon meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class C operator's license from California.

Patrick B. Lavespere

Mr. Lavespere, 45, has had ITDM since 2006. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lavespere meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class C operator's license from California.

Aaron W. Lawrence

Mr. Lawrence, 27, has had ITDM since 2000. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lawrence meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class C operator's license from California.

Scott W. Loucks

Mr. Loucks, 47, has had ITDM since 2005. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Loucks meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Florida.

Jesse J. Louris

Mr. Louris, 23, has had ITDM since 1997. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Louris meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class D operator's license from Minnesota.

Michael G. McIntosh

Mr. McIntosh, 48, has had ITDM since 1992. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. McIntosh meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Washington.

Gordon L. Mattocks

Mr. Mattocks, 60, has had ITDM since 2006. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Mattocks meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

Kenneth C. Michael

Mr. Michael, 51, has had ITDM since 1997. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Michael meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class C operator's license from Texas.

David W. Mills

Mr. Mills, 28, has had ITDM since 2004. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Mills meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Idaho.

Ellis E. Murdock

Mr. Murdock, 43, has had ITDM since 1985. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Murdock meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he has stable proliferative diabetic retinopathy. He holds a Class A CDL from Montana.

Mark E. Murphy

Mr. Murphy, 42, has had ITDM since 1980. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Murphy meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he has stable proliferative diabetic retinopathy. He holds a Class E driver's license from West Virginia.

Daniel D. Neale

Mr. Neale, 30, has had ITDM since 1978. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Neale meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class C operator's license from California.

Judith A. Neel

Ms. Neel, 65, has had ITDM since 2005. Her endocrinologist examined her in 2006 and certified that she has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Neel meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her ophthalmologist examined her in 2006 and certified that she has stable nonproliferative diabetic retinopathy. She holds a Class B CDL from Indiana.

Richard J. Neeman

Mr. Neeman, 57, has had ITDM since 2001. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Neeman meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Minnesota.

Danny E. Norment

Mr. Norment, 41, has had ITDM since 2006. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Norment meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Tennessee.

Marvin H. Patterson

Mr. Patterson, 33, has had ITDM since 2003. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Patterson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from South Carolina.

John H. Pitts

Mr. Pitts, 50, has had ITDM since 1985. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Pitts meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Kurt L. Podjaski

Mr. Podjaski, 43, has had ITDM since 2001. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Podjaski meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Wisconsin.

Lee M. Powell

Mr. Powell, 33, has had ITDM since 1988. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Powell meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Virginia.

Samuel N. Prindle

Mr. Prindle, 39, has had ITDM since 1994. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Prindle meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2006 and certified that he does not have diabetic retinopathy.

He holds a Class D operator's license from Illinois.

Ronald R. Reineke

Mr. Reineke, 67, has had ITDM since 1997. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Reineke meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Wisconsin.

Marks W. Sadowski

Mr. Sadowski, 45, has had ITDM since 1991. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Sadowski meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds an operator's license from Indiana, which allows him to drive any vehicle with a gross vehicle weight rating of 16,000 pounds or more.

Thomas M. Sandahl

Mr. Sandahl, 36, has had ITDM since 2006. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Sandahl meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class D operator's license from Wisconsin.

Bruce G. Scheffert

Mr. Scheffert, 44, has had ITDM since 1989. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Scheffert meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Iowa.

Carl W. Smith

Mr. Smith, 40, has had ITDM since 1978. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Smith meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Virginia.

Theodore M. Smith

Mr. Smith, 46, has had ITDM since 1983. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Smith meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Illinois.

Gilbert E. Strickland

Mr. Strickland, 43, has had ITDM since 2006. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Strickland meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2007 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from New York.

John R. Thomas

Mr. Thomas, 40, has had ITDM since 1990. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Thomas meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he has stable nonproliferative diabetic retinopathy.

Everett Tolbert

Mr. Tolbert, 61, has had ITDM since 2004. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Tolbert meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Texas.

Kenneth R. Walker

Mr. Walker, 38, has had ITDM since 1996. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Walker meets the requirements of the vision standard at

49 CFR 391.41(b)(10). His optometrist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Tennessee.

John L. Waite, Jr.

Mr. Waite, 56, has had ITDM since 2005. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Williams meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Missouri.

Donald S. Welch

Mr. Welch, 64, has had ITDM since 1999. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Welch meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class D operator's license from Ohio.

James W. Williams

Mr. Williams, 49, has had ITDM since 2003. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Williams meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class D operator's license from Oklahoma.

Milton L. Worsley

Mr. Worsley, 60, has had ITDM since 2006. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Worsley meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from South Carolina.

John A. Yarde

Mr. Yarde, 64, has had ITDM since 2004. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Yarde meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Illinois.

Anthony Ybarra

Mr. Ybarra, 52, has had ITDM since 1994. His endocrinologist examined him in 2006 and certified that he has had no hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 5 years; understands diabetes management and monitoring; and has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Ybarra meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2006 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Minnesota.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in the notice.

FMCSA notes that Section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441).[1] The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305).

Section 4129 requires: (1) The elimination of the requirement for three years of experience operating CMVs while being treated with insulin; and (2) the establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 Notice. FMCSA discontinued use of the 3-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 U.S.C. 31136(e).

Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary. FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003 Notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003 Notice, except as modified in the notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

Issued on: March 12, 2007.

Pamela M. Pelcovits,

Office Director, Policy Plans and Regulations.

[FR Doc. E7–4835 Filed 3–15–07; 8:45 am]

BILLING CODE 4910–EX–P

[1] Section 4129(a) refers to the 2003 Notice as a ''final rule.'' However, the 2003 Notice did not issue a ''final rule,'' but did establish the procedures and standards for issuing exemptions for drivers with ITDM.

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–98–4334, FMCSA–00–7006, FMCSA–00–7918, FMCSA–00–8398, FMCSA–01–8398, FMCSA–02–12844, FMCSA–02–13411, FMCSA–05–20027]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 12 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemptions will provide a level of safety that will be equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective April 5, 2007. Comments must be received on or before April 16, 2007.

ADDRESSES: You may submit comments identified by DOT Docket Management System (DMS) Docket Numbers FMCSA–98–4334, FMCSA–00–7006, FMCSA–00–7918, FMCSA–00–8398, FMCSA–01–8398, FMCSA–02–12844, FMCSA–02–13411, FMCSA–05–20027, using any of the following methods.

- *Web Site: http://dmses.dot.gov.* Follow the instructions for submitting comments on the DOT electronic docket site.
- *Fax:* 1–202–493–2251.
- *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:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Instructions: All submissions must include the Agency name and docket numbers for this Notice. Note that all comments received will be posted without change to *http://dms.dot.gov*, including any personal information provided. Please see the Privacy Act heading for further information.

Docket: For access to the docket to read background documents or comments received, go to *http://dms.dot.gov* at any time or Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The DMS is available 24 hours each day, 365 days each year. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the Department of Transportation's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477; Apr. 11, 2000). This information is also available at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Chief, Physical Qualifications Division, (202) 366–4001, *maggi.gunnels@dot.gov* FMCSA, Department of Transportation, 400 Seventh Street, SW., Room 8301, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., E.T., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Exemption Decision

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.'' The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381. This notice addresses 12 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures.

FMCSA has evaluated these 12 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Richard D. Carlson
David J. Collier
Robert P. Conrad, Sr.
Donald P. Dodson, Jr.
Stephanie D. Klang
Mark J. Koscinski
Dexter L. Myhre
Henry C. Patton
George D. Schell
David A. Stafford
James A. Stoudt
Ralph A. Thompson

These exemptions are extended subject to the following conditions: (1) That each individual have a physical examination every year (a) By an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retain a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 12 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (63 FR 66226; 64 FR 16517; 66 FR 17994; 68 FR 15037; 70 FR 14747; 65 FR 20245; 65 FR 57230; 67 FR 57266; 69 FR 52741; 65 FR 66286; 66 FR 13825; 68 FR 10300; 68 FR 13360; 70 FR 12265; 65 FR 78256; 66 FR 16311; 67 FR 68719; 68 FR 2626; 70 FR 2701; 70 FR 16887; 67 FR 40439; 68 FR 10298; 70 FR 7545). Each of these 12 applicants has requested timely renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the standard specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition,

a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption standards. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

Request for Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31136(e) and 31315. However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by April 16, 2007.

FMCSA believes that the requirements for a renewal of an exemption under 49 U.S.C. 31136(e) and 31315 can be satisfied by initially granting the renewal and then requesting and evaluating, if needed, subsequent comments submitted by interested parties. As indicated above, the Agency previously published notices of final disposition announcing its decision to exempt these 12 individuals from the vision requirement in 49 CFR 391.41(b)(10). The final decision to grant an exemption to each of these individuals was based on the merits of each case and only after careful consideration of the comments received to its notices of applications. The notices of applications stated in detail the qualifications, experience, and medical condition of each applicant for an exemption from the vision requirements. That information is available by consulting the above cited **Federal Register** publications.

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

Issued on: March 12, 2007.

Pamela M. Pelcovits,

Office Director, Policy Plans and Regulations.

[FR Doc. E7–4840 Filed 3–15–07; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2007–27333]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 21 individuals for exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations. If granted, the exemptions would enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce without meeting the Federal vision standard.

DATES: Comments must be received on or before April 16, 2007.

ADDRESSES: You may submit comments identified by Department of Transportation (DOT) Docket Management System (DMS) Docket Number FMCSA–2006–27333 using any of the following methods:

- *Web Site: http://dmses.dot.gov/submit.* Follow the instructions for submitting comments on the DOT electronic docket site.
- *Fax:* 1–202–493–2251.
- *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:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Instructions: All submissions must include the Agency name and docket number for this notice. Note that all comments received will be posted without change to *http://dms.dot.gov* including any personal information provided. Please see the Privacy Act heading for further information.

Docket: For access to the docket to read background documents or comments received, go to *http://dms.dot.gov* at any time or Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The DMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477; Apr. 11, 2000). This information is also available at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Chief, Physical Qualifications Division, (202) 366–4001, *maggi.gunnels@dot.gov,* FMCSA, Department of Transportation, 400 Seventh Street, SW., Room 8301, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.'' FMCSA can renew exemptions at the end of each 2-year period. The 21 individuals listed in this notice each have requested an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

Qualifications of Applicants

Rex A. Botsford

Mr. Botsford, age 60, has had amblyopia in his right eye since childhood. The best corrected visual acuity in his right eye is 20/100 and in the left, 20/25. Following an examination in 2006, his optometrist noted, ''In my medical opinion, Mr.

Botsford has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Botsford reported that he has driven straight trucks for 2 years, accumulating 20,000 miles, and tractor-trailer combinations for 35 years, accumulating 4.2 million miles. He holds a Class A Commercial Driver's License (CDL) from Michigan. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Robert A. Casson

Mr. Casson, 30, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/200 and in the left, 20/20. Following an examination in 2007, his optometrist noted, ''In my opinion, Mr. Casson does have sufficient vision to perform the task of driving a commercial vehicle.'' Mr. Casson reported that he has driven straight trucks for 6 months, accumulating 12,000 miles, tractor-trailer combinations for 2 months, accumulating 5,000 miles, and buses for 5½ years, accumulating 110,000 miles. He holds a Class A CDL from Kentucky. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Gregory L. Cooper

Mr. Cooper, 46, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/400 and in the left, 20/20. Following an examination in 2007, his ophthalmologist noted, ''He has excellent vision to perform his driving tasks required to operate a commercial vehicle.'' Mr. Cooper reported that he has driven straight trucks for 7 years, accumulating 227,500 miles. He holds a Class A CDL from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Kenneth D. Craig

Mr. Craig, 46, has a prosthetic left eye due to a traumatic injury sustained in 2001. The visual acuity in his right eye is 20/20. Following an examination in 2006, his optometrist noted, ''Mr. Craig has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Craig reported that he has driven tractor-trailer combinations for 20 years, accumulating 2.5 million miles. He holds a Class A CDL from Virginia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Thomas H. Davenport, Sr.

Mr. Davenport, 48, has had macular scarring in his right eye since birth due to histoplasmosis syndrome. The best corrected visual acuity in his right eye is count-finger vision and in the left, 20/25. Following an examination in 2007, his ophthalmologist noted, ''It is my medical opinion that Mr. Davenport has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Davenport reported that he has driven straight trucks for 11 years, accumulating 572,000 miles, and tractor-trailer combinations for 2 years, accumulating 120,000 miles. He holds a Class A CDL from Maryland. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Christopher A. Deadman

Mr. Deadman, 34, has had amblyopia in his right eye since childhood. The best corrected visual acuity in his right eye is 20/400 and in the left, 20/20. Following an examination in 2006, his optometrist noted, ''In my medical opinion, Mr. Deadman has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Deadman reported that he has driven tractor-trailer combinations for 12 years, accumulating 588,000 miles. He holds a Class A CDL from Michigan. His driving record for the last 3 years shows one crash and no convictions for moving violations in a CMV.

Heather M.B. Gordon

Ms. Gordon, 35, has reduced peripheral vision in her right eye due to an optic nerve injury sustained as a child. The best corrected visual acuity in her right eye is 20/30 and in the left, 20/20. The horizontal field of vision in her right eye is 55 degrees and in the left, 110 degrees. Following an examination in 2006, her ophthalmologist noted, ''In my medical opinion, Ms. Heather Gordon has sufficient field of vision to operate a commercial vehicle.'' Ms. Gordon reported that she has driven straight trucks for 3 years, accumulating 60,000 miles. She holds a Class A CDL from New Hampshire. Her driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

William K. Gullett

Mr. Gullett, 44, has had amblyopia in his left eye since birth. The best corrected visual acuity in his right eye is 20/20 and in the left, 20/60. Following an examination in 2006, his optometrist noted, ''In my medical opinion, Mr. Gullett has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Gullett reported that he has driven straight trucks for 3 years, accumulating 156,000 miles. He holds a Class B CDL from Kentucky. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

George Harris

Mr. Harris, 63, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20 and in the left, 20/400. Following an examination in 2006, his optometrist noted, ''Mr. Harris has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle.'' Mr. Gullett reported that he has driven straight trucks for 18 years, accumulating 270,000 miles. He holds a Class A CDL from Kansas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Kenneth C. Keil

Mr. Keil, 50, has severe iris and retinal damage in his right eye due to a traumatic injury sustained in 1982. The best corrected visual acuity in his right eye is hand-motion vision and in the left, 20/20. Following an examination in 2006, his optometrist noted, ''I would like to state clearly that in my medical opinion, Ken Keil has sufficient vision to operate a commercial vehicle and I would recommend that he be allowed to do so without limits.'' Mr. Keil reported that he has driven straight trucks for 27 years, accumulating 129,600 miles. He holds a Class C operator's license from California. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Robert K. Kimbel

Mr. Kimbel, 53, has complete loss of vision in his right eye due to a retinal detachment sustained as a child. The visual acuity in his left eye is 20/20. Following an examination in 2006, his optometrist noted, ''He has a full vision field in the left eye which should give him the vision necessary to drive a commercial vehicle.'' Mr. Kimbel reported that he has driven straight trucks for 35 years, accumulating 1.8 million miles. He holds a chauffeur license from Michigan. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Melvin A. Kleman

Mr. Kleman, 52, has had amblyopia in his right eye since childhood. The best corrected visual acuity in his right eye is 20/60 and in the left, 20/20. Following an examination in 2007, his optometrist noted, ''In my opinion, Mel has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Kleman reported that he has driven straight trucks for 17 years, accumulating 510,000 miles, and tractor-trailer combinations for 34 years, accumulating 3.7 million miles. He holds a Class A CDL from Ohio. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Roosevelt Lawson, Jr.

Mr. Lawson, 43, has complete loss of vision in his right eye due to a traumatic injury sustained as a child. The visual acuity in his left eye is 20/20. Following an examination in 2006, his optometrist noted, ''In my medical opinion, Mr. Lawson has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Lawson reported that he has driven straight trucks for 15 years, accumulating 585,000 miles. He holds a Class D operator's license from Alabama. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

David H. Luckadoo

Mr. Luckadoo, 58, has loss of vision in his left eye due to a traumatic injury sustained as a child. The visual acuity in his right eye is 20/25 and in the left, light perception. Following an examination in 2006, his optometrist noted, ''He has adapted well to his condition and in my opinion has sufficient vision to perform the driving task required to operate a commercial vehicle.'' Mr. Luckadoo reported that he has driven straight trucks for 10 years, accumulating 500,000 miles. He holds an operator's license from Indiana, which allows him to operate a vehicle with a gross weight of 16,000 pounds or less. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Emanuel N. Malone

Mr. Malone, 47, has loss of vision in his left eye due to a traumatic injury sustained as a child. The best corrected visual acuity in his right eye is 20/25 and in the left, 20/400. Following an examination in 2006, his optometrist noted, ''I believe that Mr. Malone has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Malone reported that he has driven straight trucks for 14 years, accumulating 1.4 million miles, and tractor-trailer combinations for 14 years, accumulating 1.2 million miles. He holds a Class A CDL from Virginia. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Roberto E. Martinez

Mr. Martinez, 28, has a prosthetic left eye due to a traumatic injury sustained at age 22. The best corrected visual acuity in his right eye is 20/20. Following an examination in 2006, his optometrist noted, ''In my medical opinion, Robert E. Martinez has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Martinez reported that he has driven tractor-trailer combinations for 8½ years, accumulating 680,000 miles. He holds a Class A CDL from Washington. His driving record for the last 3 years shows no crashes and one conviction for a moving violation, speeding in a CMV. He exceeded the speed limit by 13 mph.

Richard W. Mullenix

Mr. Mullenix, 52, has complete loss of vision in his right eye due to a traumatic injury sustained as a child. The best corrected visual acuity in his left eye is 20/20. Following an examination in 2006, his optometrist noted, ''I do feel he has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Mullenix reported that he has driven straight trucks for 9 years, accumulating 225,000 miles, and tractor-trailer combinations for 3 years, accumulating 288,000 miles. He holds a Class A CDL from Missouri. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Steven A. Proctor

Mr. Proctor, 36, has had amblyopia in his right eye since childhood. The best corrected visual acuity in his right eye is 20/70 and in the left, 20/20. Following an examination in 2006, his optometrist noted, ''In my medical opinion, Mr. Proctor has sufficient vision to perform the driving tasks to operate a commercial vehicle.'' Mr. Proctor reported that he has driven tractor-trailer combinations for 7 years, accumulating 472,500 miles. He holds a Class A CDL from Nevada. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

George K. Sizemore

Mr. Sizemore, 26, has a choroidal rupture in his right eye due to a traumatic injury sustained in 1995. The best corrected visual acuity in his right eye is 20/400 and in the left, 20/20. Following an examination in 2006, his optometrist noted, ''In my medical opinion, with the excellent visual acuity of the left eye and the satisfactory field of vision with both eyes, Mr. Sizemore has sufficient vision to perform the driving tasks to operate a commercial vehicle.'' Mr. Sizemore reported that he has driven tractor-trailer combinations for 5 years, accumulating 300,000 miles. He holds a Class A CDL from North Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Robert N. Taylor

Mr. Taylor, 61, has complete loss of vision in his right eye due to a traumatic injury sustained in 1969, which resulted in an opacified cornea. The best corrected visual acuity in his left eye is 20/25. Following an examination in 2006, his optometrist noted, ''I feel this patient has adequate visual acuity and visual field to operate a commercial vehicle.'' Mr. Taylor reported that he has driven straight trucks for 2 years, accumulating 30,000 miles, and tractor-trailer combinations for 30 years, accumulating 3 million miles. He holds a Class A CDL from Oregon. His driving record for the last 3 years shows no crashes and one conviction for a moving violation, speeding in a CMV. He exceeded the speed limit by 15 mph.

Manuel A. Vargas

Mr. Vargas, 39, has loss of vision in his left eye due to a retinal detachment sustained as a child. The best corrected visual acuity in his right eye is 20/20 and in the left, 20/200. Following an examination in 2006, his optometrist noted, ''In my professional opinion, Manuel has sufficient vision to perform driving tasks required to operate a commercial vehicle.'' Mr. Vargas reported that he has driven straight trucks for 12 years, accumulating 30,000 miles, and tractor-trailer combinations for 12 years, accumulating 60,000 miles. He holds a Class A CDL from Arizona. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. The Agency will consider all

comments received before the close of business April 16, 2007. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The Agency will file comments received after the comment closing date in the public docket, and will consider them to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should monitor the public docket for new material.

Issued on: March 12, 2007.

Pamela M. Pelcovits,

Office Director, Policy Plans and Regulations.

[FR Doc. E7–4841 Filed 3–15–07; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2007–27586]

Information Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Maritime Administration's (MARAD's) intention to request extension of approval for three years of a currently approved information collection.

DATES: Comments should be submitted on or before May 15, 2007.

FOR FURTHER INFORMATION CONTACT: Patricia Ann Thomas, Maritime Administration, MAR–630, 400 Seventh St., SW., Washington, DC 20590. Telephone: 202–366–2646; FAX: 202–493–2180; or e-mail: *patricia.thomas@dot.gov.* Copies of this collection also can be obtained from that office.

SUPPLEMENTARY INFORMATION:

Title of Collection: Merchant Marine Medals and Awards.

Type of Request: Extension of currently approved information collection.

OMB Control Number: 2133–0506.

Form Numbers: None.

Expiration Date of Approval: Three years from date of approval by the Office of Management and Budget.

Summary of Collection of Information: This information collection provides a method of awarding merchant marine medals and decorations to masters, officers, and crew members of U.S. ships in recognition of their service in areas of danger during the operations by the Armed Forces of the United States in World War II, Korea, Vietnam, and Operation Desert Storm.

Need and Use of the Information: This information is used by MARAD personnel to process and verify requests for service awards.

Description of Respondents: Masters, officers and crew members of U.S. ships.

Annual Responses: 900 responses.

Annual Burden: 900 hours.

Comments: Comments should refer to the docket number that appears at the top of this document. Written comments may be submitted to the Docket Clerk, U.S. DOT Dockets, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. Comments also may be submitted by electronic means via the Internet at *http://dms.dot.gov/submit.* Specifically address whether this information collection is necessary for proper performance of the functions of the agency and will have practical utility, accuracy of the burden estimates, ways to minimize this burden, and ways to enhance the quality, utility, and clarity of the information to be collected. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m. EDT (or EST), Monday through Friday, except Federal Holidays. An electronic version of this document is available on the World Wide Web at *http://dms.dot.gov.*

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://www.dms.dot.gov.*

(Authority: 49 CFR 1.66)

Dated: March 12, 2007.

By order of the Maritime Administrator.

Daron T. Threet,

Secretary, Maritime Administration.

[FR Doc. E7–4829 Filed 3–15–07; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2007–27551]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel CATNAP.

SUMMARY: As authorized by Public Law 105–383 and Public Law 107–295, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket MARAD–2007–27551 at *http://dms.dot.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with Public Law 105–383 and MARAD's regulations at 46 CFR Part 388 (68 FR 23084; April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

DATES: Submit comments on or before April 16, 2007.

ADDRESSES: Comments should refer to docket number MARAD–2007–27551. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket

is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Joann Spittle, U.S. Department of Transportation, Maritime Administration, MAR–830 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–5979.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel CATNAP is:

Intended Use: ''Captained charter services on inland waters. Sailing lessons, sunset cruises, overnight cruises, eco tours, etc.''

Geographic Region: Chesapeake Bay and tributaries including the waters of Delaware, Pennsylvania, Maryland and Virginia. Inland and intracoastal waters of North Carolina.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://dms.dot.gov.*

Dated: March 9, 2007.

By order of the Maritime Administrator.

Daron T. Threet,

Secretary, Maritime Administration.

[FR Doc. E7–4834 Filed 3–15–07; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2007–27550]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel KUWANLELENTA.

SUMMARY: As authorized by Public Law 105–383 and Public Law 107–295, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket MARAD–2007–27550 at *http://dms.dot.gov*. Interested parties may comment on the effect this action may have on U.S.-vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with Public Law 105–383 and MARAD's regulations at 46 CFR Part 388 (68 FR 23084; April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

DATES: Submit comments on or before April 16, 2007.

ADDRESSES: Comments should refer to docket number MARAD–2007–27550. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/*. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except Federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov*.

FOR FURTHER INFORMATION CONTACT: Joann Spittle, U.S. Department of Transportation, Maritime Administration, MAR–830 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–5979.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel KUWANLELENTA is:

Intended Use: ''Weekly and day charters.''

Geographic Region: Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, New York, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://dms.dot.gov*.

Dated: March 9, 2007.

By order of the Maritime Administrator.

Daron T. Threet,

Secretary, Maritime Administration.

[FR Doc. E7–4831 Filed 3–15–07; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Office of Hazardous Materials Safety; Notice of Application for Special Permits

AGENCY: Pipeline and Hazardous Materials Safety Administration, DOT.

ACTION: List of Applications for Special Permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR part 207, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before April 16, 2007.

Address Comments to: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Copies of the application are available for inspection in the Records Center, Nassif Building, 400 7th Street, SW., Washington, DC or at *http://dms.dot.gov.*

This notice of receipt of applications for special permits is published in accordance with Part 107 of the Federal

hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on March 12, 2007.

Delmer F. Billings,

Director, Office of Hazardous Materials, Special Permits & Approvals.

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permit thereof
14479–N		Medical Waste Institute Washington, DC.	49 CFR 172.301(a); 172.301(c); 172.312(a)(2).	To authorize the use of containers marked with an alternative shipping name. (mode 1).
14480–N		REC Advanced Silicon Materials LLC Silver Bow, MT.	49 CFR 173.301(1)(iii)(2)	To authorize the transportation in commerce of certain DOT specification cylinders and cylinders manufactured to a foreign specification without perssure relief devices. (modes 1, 3).
14481–N		Transload of North America Middlesex, NJ.	49 CFR 178.518.2; 173.24; 173,240(c).	To authorize the transportation in commerce of Class 9 solid hazardous waste in non-DOT Specification in FIBCs. (mode 1).
14482–N		Classic Helicopters	49 CFR 172.204(c)(3); 173.27(b)(2)(3); 175.30(a)(1).	To authorize the transportation of certain Division 1.2 explosives by cargo aircraft (helicopter). (mode 4).
14483–N		WEW Westerwaelder Eisenwerk Weitefeld.	49 CFR 178.276(b)(1)	To authorize the manufacture marking, sale, and use of UN T50 tanks designed and constructed in accordance with Section VIII, Division 2 of the ASME code. (modes 1, 2, 3).
14484–N		E Ink Corporation Cambridge, MA.	49 CFR 173.202(a), 173.202(c), 173.28(b)(2).	To authorize the manufacture, marking, sale and use of reusable stainless steel vessels for the transportation in commerce of certain Class 3 hazardous materials. (mode 1).
14485–N		Constellation Technology Corporation.	49 CFR Part 172 Subpart E and F; Part 174 except 174.24, Part 176 except 176.24 and Part 177 except 177.817; Sections 173.302a, 173.306(b)(4) and 175.3.	To authorize the manufacture, marking, sale and use of non-DOT specification cylinders for the transportation in commerce of certain Division 2.1 and 2.2 gases. (modes 1, 2, 3, 4, 5).

[FR Doc. 07–1271 Filed 3–15–07; 8:45 am]

BILLING CODE 4909–60–M

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Office of Hazardous Materials Safety; Notice of Applications for Modification of Special Permit

AGENCY: Pipeline and Hazardous Materials Safety Administration, DOT

ACTION: List of Applications for Modification of Special Permit.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR part 107, subpart B) notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Request of modifications of special permits (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix ''M'' denote a modification request. These applications have been separated from the new applications for special permits to facilitate processing.

DATES: Comments must be received on or before April 2, 2007.

Address Comments To: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Records Center, Nassif Building, 400 7th Street, SW., Washington, DC or at *http://dms.dot.gov*.

This notice of receipt of applications for modification of special permits is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on March 12, 2007.

Delmer F. Billings,

Director, Office of Hazardous Materials, Special Permits & Approvals.

MODIFICATION SPECIAL PERMITS

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permit thereof
7835–M		Air Products & Chemicals, Inc. Allentown, PA.	49 CFR 177.848(d)	To modify the special permit to authorize the use of an E track system as an approved method for securing cylinders transporting various hazardous materials.
7946–M		Imaging & Sensing Technology Horseheads, NY.	49 CFR 173.306(6)(4); 175.3; 173.302.	To modify the special permit to authorize the transportation in commerce of additional Division 2.2 materials in non-DOT specification steel or aluminum pressure vessels contained in a radiation detector.
8627–M		Nalco Energy Services, L.P. Naperville, IL.	49 CFR 173.201; 173.202; 173.203.	To modify the special permit to authorize the transportation of Division 6.1, PG III materials in non-DOT specification portable tanks manifolded together within a frame and securely mounted on a truck chassis.
10442–M		Pratt & Whitney Rocketdyne (PWR) (Former Grantee: United Technologies Corporation) San Jose, CA.	49 CFR 172.101; 173.65; 173.95; 173.154.	To modify the special permit to authorize the transportation in commerce of certain Division 1.1D and 1.3C waste materials in UN11G fiberboard boxes and UN11D plywood crates.
10631–M		Dept of the Army—Surface Deployment and Distr. Command Fort Eustis, VA.	49 CFR 173.243; 173.244	To modify the special permit to authorize the additional shipping description and to update various paragraphs to coincide with the Hazardous Materials Regulations as currently written.
11156–M		Dyno Nobel, Inc. Salt Lake City, UT.	49 CFR 173.62; 173.212(b)	To modify the special permit to authorize cargo vessel as an authorized mode of transport.
11911–M	RSPA–97–2735	Transfer Flow, Inc. Chico, CA.	49 CFR 178.700 thru 178.819	To modify the special permit to allow an increase in the size of refueling tanks from 100 gallons to 300 gallons and to allow hoses to be attached to discharge outlets during transportation.
11993–M	RSPA–97–3100	Key Safety Systems, Inc. (formerly BREED Tech.) Lakeland, FL.	49 CFR 173.301(a)(1); 173.302a.	To modify the special permit to authorize a new design pressure vessel.
12005–M	RSPA–97–3233	Pratt & Whitney Rocketdyne, Inc. Canoga Park, CA.	49 CFR 173.302	To modify the special permit to authorize the transportation in commerce of a specially designed unit equipped with an unvented cylinder charged with xenon gas, Division 2.2, as part of a space station project.
12122–M	RSPA–98–4313	ARC Automotive, Inc. Knoxville, TN.	49 CFR 173.301(h); 173.302; 173.306(d)(3).	To modify the special permit to allow machine welding as certified per CGA pamphlet C–3 requirements, and to grant relief from the marking requirements of CFR 178.65(i)(2)(viii) due to the limited size of the cylinders.
13548–M	RSPA–04–1745	Wiley Rein & Fielding LLP Washington, DC.	49 CFR 172.301(c), 173.159	To modify the special permit to authorize the transportation in commerce of dry lead acid batteries without marking each package with the special permit number.
14155–M	PHMSA–05–20606	American Promotional Events, Inc. Florence, AL.	49 CFR 173.60; 178.516(b)(1)	To modify the special permit to authorize the transportation in commerce of certain fireworks in DOT specification single wall fiberboard boxes.
14382–M	PHMSA–06–25482	BOC Gases Murray Hill, NJ.	49 CFR 173.163, 180.209	To modify the special permit to specifically define the filling capacity of certain DOT Specification 3BN nickle cylinders containing either tungsten bexafluoride and hydrogen fluoride.
14396–M	PHMSA–06–25783	Matheson Tri-Gas Parsippany, NJ.	49 CFR 173.192(a)	To reissue the special permit originally issued on an emergency basis for the transportation in commerce of certain Division 2.3 gases in certain DOT specification and non-DOT specification cylinders not normally authorized for cargo vessel transportation, for export only.
14415–M		Prometheus International, Inc. Commerce, CA.	49 CFR 173.21, 173.24, 173.27, 173.308, 175.5, 175.10, 175.30, 17.33.	To reissue the special permit originally issued on an emergency basis for the transportation in commerce of gas and liquid fueled Prometheus lighters in special travel containers in checked luggage in commercial passenger aircraft.

[FR Doc. 07–1272 Filed 3–15–07; 8:45 am]

BILLING CODE 4909–60–M

DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

Advisory Board; Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I), notice is hereby given of a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation (SLSDC), to be held from 1 p.m.–3 p.m. on Wednesday, April 4, 2007, at the Great Lakes Room of the Coast Restaurant, 931 E. Wisconsin Avenue, Milwaukee, WI 53202. The agenda for this meeting will be as follows: Opening Remarks; Consideration of Minutes of Past Meeting; Quarterly Report; Old and New Business; Closing Discussion; Adjournment.

Attendance at the meeting is open to the interested public but limited to the space available. With the approval of the Administrator, members of the public may present oral statements at the meeting. Persons wishing further information should contact, not later than March 30, 2007, Anita K. Blackman, Chief of Staff, Saint Lawrence Seaway Development Corporation, 400 Seventh Street, SW., Washington, DC 20590; 202–366–0091.

Any member of the public may present a written statement to the Advisory Board at any time.

Issued at Washington, DC, on March 13, 2007.

Collister Johnson, Jr.,

Administrator.

[FR Doc. E7–4863 Filed 3–15–07; 8:45 am]

BILLING CODE 4910–61–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35004]

The Kansas City Southern Railway Company—Temporary Trackage Rights Exemption—Union Pacific Railroad Company

Pursuant to a written trackage rights agreement dated February 28, 2007, Union Pacific Railroad Company (UP) has agreed to grant temporary overhead trackage rights to The Kansas City Southern Railway Company (KCSR): (1) On UP's Little Rock Subdivision, extending between milepost 51.0 at Jefferson, TX, and milepost 344.3 at North Little Rock, AR; and (2) on UP's Van Buren and Wagoner Subdivisions, extending between milepost 344.3 at North Little Rock, AR, and milepost 526.7 at Sallisaw, OK, a distance of approximately 379.3 miles.

The transaction is scheduled to be consummated on April 5, 2007, the effective date of the exemption (30 days after the exemption was filed). The temporary trackage rights are scheduled to expire on July 1, 2007.

The sole purpose of the temporary trackage rights is to facilitate the bridging of KCSR's train service while KCSR's lines on its Shreveport and Heavener Subdivisions are out of service due to maintenance operations over those Subdivisions.

As a condition to this exemption, any employees affected by the acquisition of the temporary trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980), and any employees affected by the discontinuance of those trackage rights will be protected by the conditions set out in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

This notice is filed under 49 CFR 1180.2(d)(8). If it contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Stay petitions must be filed by March 29, 2007 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35004, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–1001. In addition, a copy of each pleading must be served on William A. Mullins, 2401 Pennsylvania Ave., NW., Suite 300, Washington, DC 20037.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov*.

Decided: March 9, 2007.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. E7–4770 Filed 3–15–07; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–6 (Sub-No. 448X)]

BNSF Railway Company—Abandonment Exemption—in Thurston County, WA

BNSF Railway Company (BNSF) has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* to abandon a 0.86-mile line of railroad that extends between Engineering Station 476+09 and Engineering Station 521+42 near Olympia, in Thurston County, WA. The line traverses United States Postal Service Zip Code 98502.

BNSF has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic handled on the line can be rerouted over other lines; (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 Surface Transportation 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 at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 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 17, 2007, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an

[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.

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 26, 2007. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 5, 2007, with: Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to BNSF's representative: Sidney L. Strickland, Jr., Sidney Strickland and Associates, PLLC, 3050 K Street, NW., Suite 101, Washington, DC 20007.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

BNSF has 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 23, 2007. Interested persons may obtain a copy of the EA by writing to SEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or by calling SEA, at (202) 245–0305. [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.

[2] Each OFA must be accompanied by the filing fee, which currently is set at $1,300. *See* 49 CFR 1002.2(f)(25).

Pursuant to the provisions of 49 CFR 1152.29(e)(2), BNSF 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 BNSF's filing of a notice of consummation by March 16, 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: March 8, 2007.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. E7–4768 Filed 3–15–07; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF VETERANS AFFAIRS

Enhanced-Use Lease Development of Property at the Department of Veterans Affairs (VA) Sepulveda Ambulatory Care Center in Sepulveda, CA

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 two enhanced-use leases with a joint venture consisting of two not-for-profit organizations. Each enhanced-use lease will include a building with an underlying parcel of land. Both parcels are located on approximately 5 acres of the VA Sepulveda Ambulatory Care Center campus in Sepulveda, California. The lessee would develop, finance, renovate, construct, manage, maintain and operate the buildings to provide permanent supportive housing and ancillary services for the homeless, with priority placement for homeless veterans within the community. In addition to such property enhancements and veteran services, VA would receive consideration for the lease, in the form of in-kind services such as training, use of space, and professional counseling services to veteran tenants, and cash in the form of a percentage of revenues from certain filmmaking activities on the property.

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 8 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: March 8, 2007.

R. James Nicholson,

Secretary of Veterans Affairs.

[FR Doc. E7–4827 Filed 3–15–07; 8:45 am]

BILLING CODE 8320–01–P

Federal Register

Friday,
March 16, 2007

Part II

Department of Agriculture

Forest Service

36 CFR Part 242

Department of the Interior

Fish and Wildlife Service

50 CFR Part 100

Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D—2007–08 Subsistence Taking of Fish and Shellfish Regulations; Final Rule

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 242

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 100

RIN 1018–AU57

Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D—2007–08 Subsistence Taking of Fish and Shellfish Regulations

AGENCIES: Forest Service, Agriculture; Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This final rule establishes regulations for seasons, harvest limits, methods, and means related to taking of fish and shellfish for subsistence uses during the 2007–08 regulatory year. The rulemaking is necessary because Subpart D is subject to an annual public review cycle. This rulemaking replaces the fish and shellfish taking regulations included in the ''Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D—2006–07 Subsistence Taking of Fish and Wildlife Regulations,'' which expire on March 31, 2007. This rule also amends the Customary and Traditional Use Determinations of the Federal Subsistence Board (§ ____.24 of subpart C).

DATES: Sections ____.24(a)(2) and (3) are effective April 1, 2007. Sections ____.27 and ____.28 are effective April 1, 2007, through March 31, 2008.

FOR FURTHER INFORMATION CONTACT: Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Peter J. Probasco, Office of Subsistence Management; (907) 786–3888. For questions specific to National Forest System lands, contact Steve Kessler, Regional Subsistence Program Leader, USDA, Forest Service, Alaska Region, (907) 786–3592.

SUPPLEMENTARY INFORMATION:

Background

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111–3126) requires that the Secretary of the Interior and the Secretary of Agriculture (Secretaries) implement a joint program to grant a preference for subsistence uses of fish and wildlife resources on public lands, unless the State of Alaska enacts and implements laws of general applicability that are consistent with ANILCA and that provide for the subsistence definition, preference, and participation specified in Sections 803, 804, and 805 of ANILCA. In 1978, the State implemented a program that the Department of the Interior found to be consistent with ANILCA. However, in December 1989, the Alaska Supreme Court ruled in *McDowell* v. *State of Alaska* that the rural preference in the State subsistence statute violated the Alaska Constitution. The Court's ruling in *McDowell* required the State to delete the rural preference from the subsistence statute and, therefore, negated State compliance with ANILCA. The Court stayed the effect of the decision until July 1, 1990.

As a result of the *McDowell* decision, the Department of the Interior and the Department of Agriculture (Departments) assumed, on July 1, 1990, responsibility for implementation of Title VIII of ANILCA on public lands. On June 29, 1990, the Temporary Subsistence Management Regulations for Public Lands in Alaska were published in the **Federal Register** (55 FR 27114). On January 8, 1999 (64 FR 1276), the Departments extended jurisdiction to include waters in which there exists a Federal reserved water right. This amended rule conformed the Federal Subsistence Management Program to the Ninth Circuit's ruling in *Alaska* v. *Babbitt*. Consistent with Subparts A, B, and C of these regulations, as revised May 7, 2002 (67 FR 30559), the Departments established a Federal Subsistence Board to administer the Federal Subsistence Management Program. The Board's composition includes a Chair appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture; the Alaska Regional Director, U.S. Fish and Wildlife Service; the Alaska Regional Director, U.S. National Park Service; the Alaska State Director, U.S. Bureau of Land Management; the Alaska Regional Director, U.S. Bureau of Indian Affairs; and the Alaska Regional Forester, USDA Forest Service. Through the Board, these agencies participated in the development of regulations for subparts A, B, and C, and the annual subpart D regulations.

All Board members have reviewed this rule and agree with its substance. Because this rule relates to public lands managed by agencies in both the Departments of Agriculture and the Interior, identical text will be incorporated into 36 CFR part 242 and 50 CFR part 100.

Applicability of Subparts A, B, and C

Subparts A, B, and C (unless otherwise amended) of the Subsistence Management Regulations for Public Lands in Alaska, 50 CFR 100.1 to 100.23 and 36 CFR 242.1 to 242.23, remain effective and apply to this rule. Therefore, all definitions located at 50 CFR 100.4 and 36 CFR 242.4 apply to regulations found in this subpart.

Federal Subsistence Regional Advisory Councils

Pursuant to the Record of Decision, Subsistence Management Regulations for Federal Public Lands in Alaska, April 6, 1992, and the Subsistence Management Regulations for Federal Public Lands in Alaska, 36 CFR 242.11 and 242.22 (2002) and 50 CFR 100.11 and 100.22 (2002), and for the purposes identified therein, we divide Alaska into 10 subsistence resource regions, each of which is represented by a Federal Subsistence Regional Advisory Council (Regional Council). The Regional Councils provide a forum for rural residents with personal knowledge of local conditions and resource requirements to exercise a meaningful role in the subsistence management of fish and wildlife on Alaska public lands. The Regional Council members represent varied geographical, cultural, and user diversity within each region.

The Regional Councils had a substantial role in reviewing the proposed rule (70 FR 76010, December 22, 2005) and making recommendations for this final rule. Moreover, the Council Chairs, or their designated representatives, presented their Council's recommendations at the Board meeting of January 9–11, 2007. Transcripts from this series of meetings are available at *http://alaska.fws.gov/asm/index.cfm.*

Summary of Changes

Section ____.24 (Customary and traditional use determinations) was originally published in the **Federal Register** (57 FR 22940) on May 29, 1992. Since that time, the Board has made a number of Customary and Traditional Use Determinations at the request of impacted subsistence users. Those modifications, along with some administrative corrections, were last published in the **Federal Register** on March 29, 2006 (71 FR 15569). During its January 9–11, 2007, meeting, the Board made new determinations in addition to various annual season and harvest limit changes. The public has had extensive opportunity to review and comment on all changes. Additional details on the recent Board

modifications are contained below in Analysis of Proposals Adopted by the Board.

Subpart D regulations are subject to an annual cycle and require development of an entire new rule each year. Customary and traditional use determinations are also subject to an annual review process providing for modification each year. We published proposed Subpart D regulations for the 2007–08 seasons, harvest limits, and methods and means on December 22, 2005, in the **Federal Register** (70 FR 76010). A 45-day comment period providing for public review of the proposed rule and calling for proposals was advertised by mail, radio, and newspaper. During that period, the Regional Councils met and, in addition to other Regional Council business, received suggestions for proposals from the public. The Board received a total of 26 proposals for changes to Customary and Traditional Use Determinations or to Subpart D. Subsequent to the review period, the Board prepared a booklet describing the proposals and distributed it to the public. The public had an additional 30 days in which to comment on the proposals for changes to the regulations. The 10 Regional Councils then met again, received public comments, and formulated their recommendations to the Board on proposals for their respective regions. Nine of the proposals were not considered, being deferred for Board consideration in a future cycle. One proposal was withdrawn by the originator. These final regulations reflect Board review and consideration of Regional Council recommendations and public comments on the remaining proposals.

Analysis of Proposals Rejected by the Board

The Board rejected, tabled, or took no action on 11 proposals. All of the actions to reject or take no action were based on recommendations from at least one Regional Council.

The Board rejected one proposal requesting opening the Lower Copper River to a dip net and rod and reel subsistence salmon fishery. The Board rejected this proposal at the request of the Southcentral Regional Advisory Council because although there is not a biological concern, all public testimony from rural subsistence users opposes this proposal as unnecessary to the satisfaction of subsistence needs.

The Board rejected one proposal that requested storage restrictions for fish wheels on the Copper River. The Board rejected this proposal as unnecessarily restrictive for subsistence users.

The Board rejected one proposal that requested placement restrictions for fish wheels on the Copper River. The Board rejected this proposal as unnecessarily restrictive for subsistence users because it would cause them unnecessary hardship.

The Board deferred for 1 year a proposal that would have closed the herring fishery in the Makhnati Island area in order to allow the formation of a working group to further review the implications and issues related to this very complex fishery.

The Board rejected one proposal that requested more stringent reporting requirements for steelhead in the Sitka area. The Board rejected this proposal as unnecessarily restrictive for subsistence users.

The Board rejected four other proposals that would have placed additional harvest restrictions on steelhead in the Sitka area. These proposals were rejected because the Board believes that proper safeguards are already in place to protect steelhead populations, and the proposals would have placed unnecessary restrictions on subsistence users.

Analysis of Proposals Adopted by the Board

The Board adopted five proposals. A number of proposals dealing with the same issue were dealt with as a package. Some proposals were adopted as submitted and others were adopted with modifications suggested by the respective Regional Council or developed during the Board's public deliberations.

All of the adopted proposals were recommended for adoption by at least one of the Regional Councils and were based on meeting customary and traditional uses, conforming with harvest practices, or protecting fish populations. Detailed information relating to justification for the action on each proposal may be found in the Board meeting transcripts, available for review at the Office of Subsistence Management, 3601 C Street, Suite 1030, Anchorage, Alaska, or on the Office of Subsistence Management Web site *http://alaska.fws.gov/asm/index.cfm*. Additional technical clarifications and removal of excess or duplicative text have been made, which result in a more readable document.

When questions of jurisdiction are brought to our attention, we immediately review the issue and make any appropriate modifications to our regulations. In addition, we revised the regulations pertaining to specific management areas as follows:

Bristol Bay Fishery Management Area

The Board adopted three proposals affecting residents of the Bristol Bay Alaska Fishery Management Area, resulting in the following changes to the regulations found in § ____.27.

- Provided for the take of salmon by drift gillnet in the lower 2 miles of the Togiak River. Marking of salmon taken by drift gillnet is required.
- Allowed the take of salmon without a permit in Lake Clark and its tributaries by snagging (by handline or rod and reel), spear, bow and arrow, or capturing by bare hand.
- Allowed the take of salmon by beach seines not exceeding 25 fathoms in Lake Clark, excluding its tributaries.

Cook Inlet Fishery Management Area

During a public work session on November 17, 2006, the Board made changes to the customary and traditional use determination for the community of Ninilchik, recognizing its historical use of the Kenai River drainage and northern portion of the Kenai Peninsula. This action resulted from a request for reconsideration of a Board action on a proposal acted on during the Board's January 10–13, 2006, meeting and was effective November 17, 2006.

Southeastern Alaska Fishery Management Area

The Board adopted two proposals affecting residents of the Southeastern Alaska Fishery Management Area, resulting in the following changes to the regulations found in §§ ____ .24 and ____.27.

- Revised the customary and traditional use determination for Districts 12, 13, and 14 in the Southeast Alaska Fishery Management Area.
- Aligned Federal harvest limits for sockeye salmon in most of southeast Alaska with the existing State subsistence or personal use fishery.

During a public work session on November 17, 2006, the Board made changes to the customary and traditional use determination for the community of Gustavus, recognizing its historical use of District 14, Sections 14B and 14C. This action resulted from a request for reconsideration of a Board action on a proposal acted on during the Board's January 10–13, 2006, meeting. Board action on another proposal at its January 9–10, 2007, meeting has since superseded the November 17, 2006 action.

Administrative Procedure Act Compliance

The Board finds that additional public notice under the Administrative

Procedure Act (APA) for this final rule is unnecessary and contrary to the public interest. The Board has provided extensive opportunity for public input and involvement in excess of standard APA requirements, including participation in multiple Regional Council meetings, additional public review and comment on all proposals for regulatory change, and opportunity for additional public comment during the Board meeting prior to deliberation. Additionally, an administrative mechanism exists (and has been used by the public) to request reconsideration of the Board's decision on any particular proposal for regulatory change. Over the 15 years the Program has been operating, no benefit to the public has been demonstrated by delaying the effective date of regulations. A lapse in regulatory control could seriously affect the continued viability of fish and shellfish populations, adversely impact future subsistence opportunities for rural Alaskans, and would generally fail to serve the overall public interest. Therefore, the Board finds good cause pursuant to 5 U.S.C. 553(d) to make this rule effective less than 30 days after publication.

Conformance With Statutory and Regulatory Authorities

National Environmental Policy Act Compliance

A Draft Environmental Impact Statement (DEIS) for developing a Federal Subsistence Management Program was distributed for public comment on October 7, 1991. That document described the major issues associated with Federal subsistence management as identified through public meetings, written comments, and staff analysis and examined the environmental consequences of four alternatives. Proposed regulations (Subparts A, B, and C) that would implement the preferred alternative were included in the DEIS as an appendix. The DEIS and the proposed administrative regulations presented a framework for an annual regulatory cycle regarding subsistence hunting and fishing regulations (Subpart D). The Final Environmental Impact Statement (FEIS) was published on February 28, 1992.

Based on the public comment received, the analysis contained in the FEIS, and the recommendations of the Federal Subsistence Board and the Department of the Interior's Subsistence Policy Group, the Secretary of the Interior, with the concurrence of the Secretary of Agriculture, through the U.S. Department of Agriculture-Forest Service, implemented Alternative IV as identified in the DEIS and FEIS (Record of Decision on Subsistence Management for Federal Public Lands in Alaska (ROD), signed April 6, 1992). The DEIS and the selected alternative in the FEIS defined the administrative framework of an annual regulatory cycle for subsistence hunting and fishing regulations. The final rule for Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, and C (57 FR 22940, published May 29, 1992; amended January 8, 1999, 64 FR 1276; June 12, 2001, 66 FR 31533; May 7, 2002, 67 FR 30559; April 30, 2003, 68 FR 23035; October 14, 2004, 68 FR 60957; and December 27, 2005, 70 FR 76400) implemented the Federal Subsistence Management Program and included a framework for an annual cycle for subsistence hunting and fishing regulations.

An environmental assessment was prepared in 1997 on the expansion of Federal jurisdiction over fisheries and is available from the office listed under **FOR FURTHER INFORMATION CONTACT**. The Secretary of the Interior, with the concurrence of the Secretary of Agriculture, determined that the expansion of Federal jurisdiction did not constitute a major Federal action significantly affecting the human environment and has therefore signed a Finding of No Significant Impact.

Compliance With Section 810 of ANILCA

The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. A Section 810 analysis was completed as part of the FEIS process. The final Section 810 analysis determination appeared in the April 6, 1992, ROD, which concluded that the Federal Subsistence Management Program may have some local impacts on subsistence uses, but the program is not likely to significantly restrict subsistence uses.

Paperwork Reduction Act

The information collection requirements contained in this rule have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and assigned OMB control number 1018–0075, which expires October 31, 2009. We may not conduct or sponsor, and you are not required to respond to, a collection of information request unless it displays a currently valid OMB control number.

Other Requirements

Regulatory Planning and Review (Executive Order 12866)—In accordance with the criteria in Executive Order 12866, this rule is not a significant regulatory action subject to OMB review. OMB makes this determination. This action will not have an annual economic effect of $100 million or adversely affect any economic sector, productivity, competition, jobs, the environment, or other units of government. Therefore, a cost-benefit and economic analysis is not required. This action will not create inconsistencies with other agencies' actions or otherwise interfere with an action taken or planned by another agency. This action will not materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients. This action will not raise novel legal or policy issues.

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant economic effect on a substantial number of small entities, which include small businesses, organizations, or governmental jurisdictions. The Departments have determined that this rulemaking will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

This rulemaking will impose no significant costs on small entities; the exact number of businesses and the amount of trade that will result from this Federal land-related activity is unknown. The aggregate effect is an insignificant positive economic effect on a number of small entities, such as tackle, boat, and gasoline dealers. The number of small entities affected is unknown; however, the fact that the positive effects will be seasonal in nature and will, in most cases, merely continue preexisting uses of public lands indicates that the effects will not be significant.

In general, the resources harvested under this rule will be consumed by the local harvester and do not result in a dollar benefit to the economy. However, we estimate that about 26.2 million pounds of fish (including about 9 million pounds of salmon) are harvested by the local subsistence users annually and, if based on a replacement value of $3.00 per pound, would equate to $78.6 million in food value Statewide.

Title VIII of ANILCA requires the Secretaries to administer a subsistence

preference on public lands. The scope of this program is limited by definition to certain public lands. Likewise, these regulations have no potential takings of private property implications as defined by Executive Order 12630.

The Service has determined and certifies pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of $100 million or more in any given year on local or State governments or private entities. The implementation of this rule is by Federal agencies, and no cost is involved to any State or local entities or Tribal governments.

The Service has determined that these final regulations meet the applicable standards provided in Sections 3(a) and 3(b)(2) of Executive Order 12988 (Civil Justice Reform).

In accordance with Executive Order 13132, the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. Title VIII of ANILCA precludes the State from exercising management authority over wildlife resources on Federal lands.

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951), 512 DM 2, and E.O. 13175, we have evaluated possible effects on Federally recognized Indian tribes and have determined that there are no significant direct effects. The Bureau of Indian Affairs is a participating agency in this rulemaking.

On May 18, 2001, the President issued Executive Order 13211 on regulations that significantly affect energy supply, distribution, or use. This Executive Order requires agencies to prepare Statements of Energy Effects when undertaking certain actions. As this rule is not a significant regulatory action under Executive Order 13211, affecting energy supply, distribution, or use, this action is not a significant action and no Statement of Energy Effects is required.

Drafting Information

William Knauer drafted these regulations under the guidance of Peter J. Probasco, of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Chuck Ardizzone, Alaska State Office, Bureau of Land Management; Jerry Berg, Alaska Regional Office, U.S. Fish and Wildlife Service; Nancy Swanton, Alaska Regional Office, National Park Service; Dr. Glenn Chen, Alaska Regional Office, Bureau of Indian Affairs; and Steve Kessler, USDA—Forest Service, provided additional guidance.

List of Subjects

36 CFR Part 242

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 100

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

■ For the reasons set out in the preamble, the Federal Subsistence Board amends Title 36, part 242, and Title 50, part 100, of the Code of Federal Regulations, as set forth below.

PART — SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

■ 1. The authority citation for both 36 CFR Part 242 and 50 CFR Part 100 continues to read as follows:

Authority: 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

Subpart C—Board Determinations

■ 2. In Subpart C of 36 CFR part 242 and 50 CFR part 100, §§ ____.24(a)(2) and (3) are revised to read as follows:

§ ____.24 Customary and traditional use determinations.

(a) * * *

(2) *Fish determinations.* The following communities and areas have been found to have a positive customary and traditional use determination in the listed area for the indicated species:

Area	Species	Determination
Kotzebue Area	All fish	Residents of the Kotzebue Area.
Norton Sound—Port Clarence Area:		
Norton Sound—Port Clarence Area, waters draining into Norton Sound between Point Romanof and Canal Point.	All fish	Residents of Stebbins, St. Michael, and Kotlik.
Norton Sound—Port Clarence Area, remainder	All fish	Residents of the Norton Sound—Port Clarence Area.
Yukon—Northern Area:		
Yukon River drainage	Salmon, other than fall chum salmon	Residents of the Yukon River drainage and the community of Stebbins.
Yukon River drainage	Fall chum salmon	Residents of the Yukon River drainage and the communities of Stebbins, Scammon Bay, Hooper Bay, and Chevak.
Yukon River drainage	Freshwater fish (other than salmon)	Residents of the Yukon—Northern Area.
Remainder of the Yukon—Northern Area	All fish	Residents of the Yukon—Northern Area, excluding the residents of the Yukon River drainage and excluding those domiciled in Unit 26B.
Tanana River drainage contained within the Tetlin NWR and the Wrangell-St. Elias NPP.	Freshwater fish (other than salmon)	Residents of the Yukon—Northern Area and residents of Mentasta Lake, Chistochina, Slana, and all residents living between Mentasta Lake and Chistochina.
Kuskokwim Area	Salmon	Residents of the Kuskokwim Area, except those persons residing on the United States military installations located on Cape Newenham, Sparrevohn USAFB, and Tatalina USAFB.

Area	Species	Determination
	Rainbow trout	Residents of the communities of Akiachak, Akiak, Aniak, Atmautluak, Bethel, Chuathbaluk, Crooked Creek, Eek, Goodnews Bay, Kasigluk, Kwethluk, Lower Kalskag, Napakiak, Napaskiak, Nunapitchuk, Oscarville, Platinum, Quinhagak, Tuluksak, Tuntutuliak, and Upper Kalskag.
	Pacific cod	Residents of the communities of Chevak, Newtok, Tununak, Toksook Bay, Nightmute, Chefornak, Kipnuk, Mekoryuk, Kwigillingok, Kongiganak, Eek, and Tuntutuliak.
	All other fish other than herring	Residents of the Kuskokwim Area, except those persons residing on the United States military installation located on Cape Newenham, Sparrevohn USAFB, and Tatalina USAFB.
Waters around Nunivak Island	Herring and herring roe	Residents within 20 miles of the coast between the westernmost tip of the Naskonat Peninsula and the terminus of the Ishowik River and on Nunivak Island.
Bristol Bay Area:		
Nushagak District, including drainages flowing into the district.	Salmon and freshwater fish	Residents of the Nushagak District and freshwater drainages flowing into the district.
Naknek-Kvichak District—Naknek River drainage.	Salmon and freshwater fish	Residents of the Naknek and Kvichak River drainages.
Naknek-Kvichak District—Kvichak/Iliamna-Lake Clark drainage.	Salmon and freshwater fish	Residents of the Kvichak/Iliamna-Lake Clark drainage.
Togiak District, including drainages flowing into the district.	Salmon and freshwater fish	Residents of the Togiak District, freshwater drainages flowing into the district, and the community of Manokotak.
Egegik District, including drainages flowing into the district.	Salmon and freshwater fish	Residents of South Naknek, the Egegik District and freshwater drainages flowing into the district.
Ugashik District, including drainages flowing into the district.	Salmon and freshwater fish	Residents of the Ugashik District and freshwater drainages flowing into the district.
Togiak District	Herring spawn on kelp	Residents of the Togiak District and freshwater drainages flowing into the district.
Aleutian Islands Area	All fish	Residents of the Aleutian Islands Area and the Pribilof Islands.
Alaska Peninsula Area	Halibut	Residents of the Alaska Peninsula Area and the communities of Ivanof Bay and Perryville.
	All other fish in the Alaska Peninsula Area.	Residents of the Alaska Peninsula Area.
Chignik Area	Halibut, salmon and fish other than rainbow/steelhead trout.	Residents of the Chignik Area.
Kodiak Area—except the Mainland District, all waters along the south side of the Alaska Peninsula bounded by the latitude of Cape Douglas (58°51.10′ North latitude) mid-stream Shelikof Strait, north and east of the longitude of the southern entrance of Imuya Bay near Kilokak Rocks (57°10.34′ North latitude, 156°20.22′ West longitude).	Salmon	Residents of the Kodiak Island Borough, except those residing on the Kodiak Coast Guard Base.
Kodiak Area	Fish other than rainbow/steelhead trout and salmon.	Residents of the Kodiak Area.
Cook Inlet Area:		
Kenai Peninsula District—Waters north of and includng the Kenai River drainage within the Kenai National Wildlife Refuge an the Chugach National Forest.	All fish	Residents of the communities of Hope, Cooper Landing, and Ninilchik.
Waters within the Kasilof River drainage within the Kenai NWR.	All fish	Residents of the community of Ninilchik.
Waters within Lake Clark National Park draining into and including that portion of Tuxedni Bay within the park.	Salmon	Residents of the Tuxedni Bay area.
Cook Inlet Area—Remainder	Fish other than salmon, Dolly Varden, trout, char, grayling, and burbot.	Residents of the Cook Inlet Area.
Prince William Sound Area:		
Southwestern District and Green Island	Salmon	Residents of the Southwestern District, which is mainland waters from the outer point on the north shore of Granite Bay to Cape Fairfield, and Knight Island, Chenega Island, Bainbridge Island, Evans Island, Elrington Island, Latouche Island and adjacent islands.

Area	Species	Determination
North of a line from Porcupine Point to Granite Point, and south of a line from Point Lowe to Tongue Point.	Salmon	Residents of the villages of Tatitlek and Ellamar.
Copper River drainage upstream from Haley Creek.	Freshwater fish	Residents of Cantwell, Chisana, Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Gakona Junction, Glennallen, Gulkana, Healy Lake, Kenny Lake, Lower Tonsina, McCarthy, Mentasta Lake, Nabesna, Northway, Slana, Tanacross, Tazlina, Tetlin, Tok, Tonsina, and those individuals that live along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road.
Gulkana National Wild and Scenic River	Freshwater fish	Residents of Cantwell, Chisana, Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Gakona Junction, Glennallen, Gulkana, Healy Lake, Kenny Lake, Lower Tonsina, McCarthy, Mentasta Lake, Nabesna, Northway, Paxson-Sourdough, Slana, Tanacross, Tazlina, Tetlin, Tok, Tonsina, and those individuals that live along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road.
Waters of the Prince William Sound Area, except for the Copper River drainage upstream of Haley Creek.	Freshwater fish (trout, char, whitefish, suckers, grayling, and burbot).	Residents of the Prince William Sound Area, except those living in the Copper River drainage upstream of Haley Creek.
Chitina Subdistrict of the Upper Copper River District.	Salmon	Residents of Cantwell, Chickaloon, Chisana, Christochina, Chitina, Copper Center, Dot Lake, Gakona, Gakona Junction, Glennallen, Gulkana, Healy Lake, Kenny Lake, Lower Tonsina, McCarthy, Mentasta Lake, Nabesna, Northway, Paxson-Sourdough, Slana, Tanacross, Tazlina, Tetlin, Tok, Tonsina, and those individuals that live along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road.
Glennallen Subdistrict of the Upper Copper River District.	Salmon	Residents of the Prince William Sound Area and residents of Cantwell, Chickaloon, Chisana, Dot Lake, Healy Lake, Northway, Tanacross, Tetlin, Tok, and those individuals living along the Alaska Highway from the Alaskan/Canadian border to Dot Lake, along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road.
Waters of the Copper River between National Park Service regulatory markers located near the mouth of Tanada Creek, and in Tanada Creek between National Park Service regulatory markers identifying the open waters of the creek.	Salmon	Residents of Mentasta Lake and Dot Lake.
Remainder of the Prince William Sound Area	Salmon	Residents of the Prince William Sound Area.
Waters of the Bering River area from Point Martin to Cape Suckling.	Eulachon	Residents of Cordova.
Waters of the Copper River Delta from the Eyak River to Point Martin.	Eulachon	Residents of Cordova, Chenega Bay, and Tatitlek.
Yakutat Area:		
Fresh water upstream from the terminus of streams and rivers of the Yakutat Area from the Doame River to the Tsiu River.	Salmon	Residents of the area east of Yakutat Bay, including the islands within Yakutat Bay, west of the Situk River drainage, and south of and including Knight Island.
Fresh water upstream from the terminus of streams and rivers of the Yakutat Area from the Doame River to Point Manby.	Dolly Varden, steelhead trout, and smelt.	Residents of the area east of Yakutat Bay, including the islands within Yakutat Bay, west of the Situk River drainage, and south of and including Knight Island.
Remainder of the Yakutat Area	Dolly Varden, trout, smelt, and eulachon.	Residents of Southeastern Alaska and Yakutat Areas.
Southeastern Alaska Area:		
District 1—Section 1E in waters of the Naha River and Roosevelt Lagoon.	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents of the City of Saxman.
District 1—Section 1F in Boca de Quadra in waters of Sockeye Creek and Hugh Smith Lake within 500 yards of the terminus of Sockeye Creek.	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents of the City of Saxman.
Districts 2, 3, and 5 and waters draining into those Districts.	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents living south of Sumner Strait and west of Clarence Strait and Kashevaroff Passage.

Area	Species	Determination
District 5—North of a line from Point Barrie to Boulder Point.	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents of the City of Kake and in Kupreanof Island drainages emptying into Keku Strait south of Point White and north of the Portage Bay boat harbor.
District 6 and waters draining into that District	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents of the living south of Sumner Strait and west of Clarence Strait and Kashevaroff Passage; residents of drainages flowing into District 6 north of the latitude of Point Alexander (Mitkof Island); residents of drainages flowing into Districts 7 & 8, including the communities of Petersburg & Wrangell; and residents of the communities of Meyers Chuck and Kake.
District 7 and waters draining into that District	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents of drainages flowing into District 6 north of the latitude of Point Alexander (Mitkof Island); residents of drainages flowing into Districts 7 & 8, including the communities of Petersburg & Wrangell; and residents of the communities of Meyers Chuck and Kake.
District 8 and waters draining into that District	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents of drainages flowing into Districts 7 & 8, residents of drainages flowing into District 6 north of the latitude of Point Alexander (Mitkof Island), and residents of Meyers Chuck.
District 9—Section 9A	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents of the City of Kake and in Kupreanof Island drainages emptying into Keku Strait south of Point White and north of Portage Bay boat harbor.
District 9—Section 9B north of the latitude of Swain Point.	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents of the City of Kake and in Kupreanof Island drainages emptying into Keku Strait south of Point White and north of the Portage Bay boat harbor.
District 10—West of a line from Pinta Point to False Point Pybus.	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents of the City of Kake and in Kupreanof Island drainages emptying into Keku Strait south of Point White and north of the Portage Bay boat harbor.
District 12—South of a line from Fishery Point to south Passage Point and north of the latitude of Point Caution.	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents of the City of Angoon and along the western shore of Admiralty Island north of the latitude of Sand Island, south of the latitude of Thayer Creek, and west of 134°30′ West longitude, including Killisnoo Island.
District 12—Section 12A, excluding the area south of a line from Fishery Point to South Passage Point Section 12B.	All fish	Residents of drainages flowing into Districts 12 and 14.
District 13—Section 13A, south of the latitude of Cape Edward.	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents of the City and Borough of Sitka in drainages that empty into Section 13B north of the latitude of Dorothy Narrows.
District 13—Section 13A, excluding the area south of the latitude of Cape Edward.	All fish	Residents of drainages flowing into Sections 13A, 13B, and District 14.
District 13—Section 13B north of the latitude of Redfish Cape.	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents of the City and Borough of Sitka in drainages that empty into Section 13B north of the latitude of Dorothy Narrows.
District 13—Section 13C	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents of the City and Borough of Sitka in drainages that empty into Section 13B north of the latitude of Dorothy Narrows.
District 13—Section 13C east of the longitude of Point Elizabeth.	Salmon, Dolly Varden, trout, smelt, and eulachon.	Residents of the City of Angoon and along the western shore of Admiralty Island north of the latitude of Sand Island, south of the latitude of Thayer Creek, and west of 134°30′ West longitude, including Killisnoo Island.
District 14	All fish	Residents of drainages flowing into Sections 12A, 13A, and District 14.
Remainder of the Southeastern Alaska Area	Dolly Varden, trout, smelt, and eulachon.	Residents of Southeastern Alaska and Yakutat Areas.

(3) *Shellfish determinations.* The following communities and areas have been found to have a positive customary and traditional use determination in the listed area for the indicated species:

Area	Species	Determination
Bering Sea Area	All shellfish	Residents of the Bering Sea Area.

Area	Species	Determination
Alaska Peninsula-Aleutian Islands Area	Shrimp Dungeness, and Tanner crab	Residents of the Alaska Peninsula-Aleutian Islands Area.
Kodiak Area	Shrimp, Dungeness, and Tanner crab	Residents of the Kodiak Area.
Kodiak Area, except for the Semidi Island, the North Mainland, and the South Mainland Sections.	King crab	Residents of the Kodiak Island Borough, except those residents on the Kodiak Coast Guard base.
Cook Inlet Area:		
Federal waters in the Tuxedni Bay Area within the boundaries of Lake Clark National Park.	Shellfish	Residents of Tuxedni Bay, Chisik Island, and Tyonek.
Prince William Sound Area	Shrimp, clams, Dungeness, king, and Tanner crab.	Residents of the Prince William Sound Area.
Southeastern Alaska—Yakutat Area:		
Section 1E south of the latitude of Grant Island light.	Shellfish, except shrimp, king crab, and Tanner crab..	Residents of the Southeast Area.
Section 1F north of the latitude of the northernmost tip of Mary Island, except waters of Boca de Quadra.	Shellfish, except shrimp, king crab, and Tanner crab.	Residents of the Southeast Area.
Section 3A and 3B	Shellfish, except shrimp, king crab, and Tanner crab.	Residents of the Southeast Area.
District 13	Dungeness crab, shrimp, abalone, sea cucumbers, gum boots, cockles, and clams, except geoducks.	Residents of the Southeast Area.

* * * * *

Subpart D—Subsistance Taking of Fish and Wildlife

■ 3. In Subpart D of 36 CFR part 242 and 50 CFR part 100, §§ ____.27 and ____.28 are added effective April 1, 2007, through March 31, 2008, to read as follows:

§ ____.27 Subsistence taking of fish.

(a) *Applicability.* (1) Regulations in this section apply to the taking of fish or their parts for subsistence uses.

(2) You may take fish for subsistence uses at any time by any method unless you are restricted by the subsistence fishing regulations found in this section. The harvest limit specified in this section for a subsistence season for a species and the State harvest limit set for a State season for the same species are not cumulative, except as modified by regulations in § ____.27(i). This means that if you have taken the harvest limit for a particular species under a subsistence season specified in this section, you may not, after that, take any additional fish of that species under any other harvest limit specified for a State season.

(b) *[Reserved].*

(c) *Methods, means, and general restrictions.* (1) Unless otherwise specified in this section or under terms of a required subsistence fishing permit (as may be modified by this section), you may use the following legal types of gear for subsistence fishing:

(i) A set gillnet;
(ii) A drift gillnet;
(iii) A purse seine;
(iv) A hand purse seine;
(v) A beach seine;
(vi) Troll gear;
(vii) A fish wheel;
(viii) A trawl;
(ix) A pot;
(x) A longline;
(xi) A fyke net;
(xii) A lead;
(xiii) A herring pound;
(xiv) A dip net;
(xv) Jigging gear;
(xvi) A mechanical jigging machine;
(xvii) A handline;
(xviii) A cast net;
(xix) A rod and reel; and
(xx) A spear.

(2) You must include an escape mechanism on all pots used to take fish or shellfish. The escape mechanisms are as follows:

(i) A sidewall, which may include the tunnel, of all shellfish and bottomfish pots must contain an opening equal to or exceeding 18 inches in length, except that in shrimp pots the opening must be a minimum of 6 inches in length. The opening must be laced, sewn, or secured together by a single length of untreated, 100 percent cotton twine, no larger than 30 thread. The cotton twine may be knotted at each end only. The opening must be within 6 inches of the bottom of the pot and must be parallel with it. The cotton twine may not be tied or looped around the web bars. Dungeness crab pots may have the pot lid tie-down straps secured to the pot at one end by a single loop of untreated, 100 percent cotton twine no larger than 60 thread, or the pot lid must be secured so that, when the twine degrades, the lid will no longer be securely closed;

(ii) All king crab, Tanner crab, shrimp, miscellaneous shellfish and bottomfish pots may, instead of complying with paragraph (c)(2)(i) of this section, satisfy the following: a sidewall, which may include the tunnel, must contain an opening at least 18 inches in length, except that shrimp pots must contain an opening at least 6 inches in length. The opening must be laced, sewn, or secured together by a single length of treated or untreated twine, no larger than 36 thread. A galvanic timed-release device, designed to release in no more than 30 days in saltwater, must be integral to the length of twine so that, when the device releases, the twine will no longer secure or obstruct the opening of the pot. The twine may be knotted only at each end and at the attachment points on the galvanic timed-release device. The opening must be within 6 inches of the bottom of the pot and must be parallel with it. The twine may not be tied or looped around the web bars.

(3) For subsistence fishing for salmon, you may not use a gillnet exceeding 50 fathoms in length, unless otherwise specified in this section. The gillnet web must contain at least 30 filaments of equal diameter or at least 6 filaments, each of which must be at least 0.20 millimeter in diameter.

(4) Except as otherwise provided for in this section, you may not obstruct more than one-half the width of any stream with any gear used to take fish for subsistence uses.

(5) You may not use live nonindigenous fish as bait.

(6) You must have your first initial, last name, and address plainly and legibly inscribed on the side of your fish wheel facing midstream of the river.

(7) You may use kegs or buoys of any color but red on any permitted gear, except in the following areas where kegs

or buoys of any color, including red, may be used:

(i) Yukon-Northern Area; and

(ii) Kuskokwim Area.

(8) You must have your first initial, last name, and address plainly and legibly inscribed on each keg, buoy, stakes attached to gillnets, stakes identifying gear fished under the ice, and any other unattended fishing gear which you use to take fish for subsistence uses.

(9) You may not use explosives or chemicals to take fish for subsistence uses.

(10) You may not take fish for subsistence uses within 300 feet of any dam, fish ladder, weir, culvert or other artificial obstruction, unless otherwise indicated.

(11) *Transactions between rural residents*. Rural residents may exchange in customary trade subsistence-harvested fish, their parts, or their eggs, legally taken under the regulations in this part, for cash from other rural residents. The Board may recognize regional differences and define customary trade differently for separate regions of the State.

(i) Bristol Bay Fishery Management Area—The total cash value per household of salmon taken within Federal jurisdiction in the Bristol Bay Fishery Management Area and exchanged in customary trade to rural residents may not exceed $500.00 annually.

(ii) Upper Copper River District—The total number of salmon per household taken within the Upper Copper River District and exchanged in customary trade to rural residents may not exceed 50% of the annual harvest of salmon by the household. No more than 50% of the annual household limit may be sold under paragraphs ____.27(c)(11) and (12) when taken together. These customary trade sales must be immediately recorded on a customary trade recordkeeping form. The recording requirement and the responsibility to ensure the household limit is not exceeded rests with the seller.

(12) *Transactions between a rural resident and others*. In customary trade, a rural resident may trade fish, their parts, or their eggs, legally taken under the regulations in this part, for cash from individuals other than rural residents if the individual who purchases the fish, their parts, or their eggs uses them for personal or family consumption. If you are not a rural resident, you may not sell fish, their parts, or their eggs taken under the regulations in this part. The Board may recognize regional differences and define customary trade differently for separate regions of the State.

(i) Bristol Bay Fishery Management Area—The total cash value per household of salmon taken within Federal jurisdiction in the Bristol Bay Fishery Management Area and exchanged in customary trade between rural residents and individuals other than rural residents may not exceed $400.00 annually. These customary trade sales must be immediately recorded on a customary trade recordkeeping form. The recording requirement and the responsibility to ensure the household limit is not exceeded rest with the seller.

(ii) Upper Copper River District—The total cash value of salmon per household taken within the Upper Copper River District and exchanged in customary trade between rural residents and individuals other than rural residents may not exceed $500.00 annually. No more than 50% of the annual household limit may be sold under paragraphs ____.27(c)(11) and (12) when taken together. These customary trade sales must be immediately recorded on a customary trade recordkeeping form. The recording requirement and the responsibility to ensure the household limit is not exceeded rest with the seller.

(13) *No sale to, nor purchase by, fisheries businesses*.

(i) You may not sell fish, their parts, or their eggs taken under the regulations in this part to any individual, business, or organization required to be licensed as a fisheries business under Alaska Statute AS 43.75.011 (commercial limited-entry permit or crew license holders excluded) or to any other business as defined under Alaska Statute 43.70.110(1) as part of its business transactions.

(ii) If you are required to be licensed as a fisheries business under Alaska Statute AS 43.75.011 (commercial limited-entry permit or crew license holders excluded) or are a business as defined under Alaska Statute 43.70.110(1), you may not purchase, receive, or sell fish, their parts, or their eggs taken under the regulations in this part as part of your business transactions.

(14) Except as provided elsewhere in this section, you may not take rainbow/steelhead trout.

(15) You may not use fish taken for subsistence use or under subsistence regulations in this part as bait for commercial or sport fishing purposes.

(16) [Reserved].

(17) Unless specified otherwise in this section, you may use a rod and reel to take fish without a subsistence fishing permit. Harvest limits applicable to the use of a rod and reel to take fish for subsistence uses shall be as follows:

(i) If you are required to obtain a subsistence fishing permit for an area, that permit is required to take fish for subsistence uses with rod and reel in that area. The harvest and possession limits for taking fish with a rod and reel in those areas are the same as indicated on the permit issued for subsistence fishing with other gear types;

(ii) Except as otherwise provided for in this section, if you are not required to obtain a subsistence fishing permit for an area, the harvest and possession limits for taking fish for subsistence uses with a rod and reel are the same as for taking fish under State of Alaska subsistence fishing regulations in those same areas. If the State does not have a specific subsistence season and/or harvest limit for that particular species, the limit shall be the same as for taking fish under State of Alaska sport fishing regulations.

(18) Unless restricted in this section, or unless restricted under the terms of a subsistence fishing permit, you may take fish for subsistence uses at any time.

(19) Provisions on ADF&G subsistence fishing permits that are more restrictive or in conflict with the provisions contained in this section do not apply to Federal subsistence users.

(20) You may not intentionally waste or destroy any subsistence-caught fish or shellfish; however, you may use for bait or other purposes, whitefish, herring, and species for which harvest limits, seasons, or other regulatory methods and means are not provided in this section, as well as the head, tail, fins, and viscera of legally taken subsistence fish.

(21) The taking of fish from waters within Federal jurisdiction is authorized outside of published open seasons or harvest limits if the harvested fish will be used for food in traditional or religious ceremonies that are part of funerary or mortuary cycles, including memorial potlatches, provided that:

(i) Prior to attempting to take fish, the person (or designee) or Tribal Government organizing the ceremony contacts the appropriate Federal fisheries manager to provide the nature of the ceremony, the parties and/or clans involved, the species and the number of fish to be taken, and the Federal waters from which the harvest will occur;

(ii) The taking does not violate recognized principles of fisheries conservation, and uses the methods and means allowable for the particular species published in the applicable

Federal regulations (the Federal fisheries manager will establish the number, species, or place of taking if necessary for conservation purposes);

(iii) Each person who takes fish under this section must, as soon as practical, and not more than 15 days after the harvest, submit a written report to the appropriate Federal fisheries manager, specifying the harvester's name and address, the number and species of fish taken, and the date and locations of the taking; and

(iv) No permit is required for taking under this section; however, the harvester must be eligible to harvest the resource under Federal regulations.

(d) [*Reserved*].

(e) *Fishing permits and reports.* (1) You may take salmon only under the authority of a subsistence fishing permit, unless a permit is specifically not required in a particular area by the subsistence regulations in this part, or unless you are retaining salmon from your commercial catch consistent with paragraph (f) of this section.

(2) The U.S. Fish and Wildlife Service Office of Subsistence Management may issue a permit to harvest fish for a qualifying cultural/educational program to an organization that has been granted a Federal subsistence permit for a similar event within the previous 5 years. A qualifying program must have instructors, enrolled students, minimum attendance requirements, and standards for successful completion of the course. Applications must be submitted to the Office of Subsistence Management 60 days prior to the earliest desired date of harvest. Permits will be issued for no more than 25 fish per culture/education camp. Appeal of a rejected request can be made to the Federal Subsistence Board. Application for an initial permit for a qualifying cultural/educational program, for a permit when the circumstances have changed significantly, when no permit has been issued within the previous 5 years, or when there is a request for harvest in excess of that provided in this paragraph (e)(2), will be considered by the Federal Subsistence Board.

(3) If a subsistence fishing permit is required by this section, the following permit conditions apply unless otherwise specified in this section:

(i) You may not take more fish for subsistence use than the limits set out in the permit;

(ii) You must obtain the permit prior to fishing;

(iii) You must have the permit in your possession and readily available for inspection while fishing or transporting subsistence-taken fish;

(iv) If specified on the permit, you must record, prior to leaving the harvest site, daily records of the catch, showing the number of fish taken by species, location and date of catch, and other such information as may be required for management or conservation purposes; and

(v) If the return of catch information necessary for management and conservation purposes is required by a fishing permit and you fail to comply with such reporting requirements, you are ineligible to receive a subsistence permit for that activity during the following calendar year, unless you demonstrate that failure to report was due to loss in the mail, accident, sickness, or other unavoidable circumstances. You must also return any tags or transmitters that have been attached to fish for management and conservation purposes.

(f) *Relation to commercial fishing activities.* (1) If you are a Federally-qualified subsistence user who also commercial fishes, you may retain fish for subsistence purposes from your lawfully-taken commercial catch.

(2) When participating in a commercial and subsistence fishery at the same time, you may not use an amount of combined fishing gear in excess of that allowed under the appropriate commercial fishing regulations.

(g) You may not possess, transport, give, receive, or barter subsistence-taken fish or their parts which have been taken contrary to Federal law or regulation or State law or regulation (unless superseded by regulations in this part).

(h) [*Reserved*]

(i) *Fishery management area restrictions.* (1) *Kotzebue Area.* The Kotzebue Area includes all waters of Alaska between the latitude of the westernmost tip of Point Hope and the latitude of the westernmost tip of Cape Prince of Wales, including those waters draining into the Chukchi Sea.

(i) You may take fish for subsistence purposes without a permit.

(ii) You may take salmon only by gillnets, beach seines, or a rod and reel.

(iii) In the Kotzebue District, you may take sheefish with gillnets that are not more than 50 fathoms in length, nor more than 12 meshes in depth, nor have a stretched-mesh size larger than 7 inches.

(iv) You may not obstruct more than one-half the width of a stream, creek, or slough with any gear used to take fish for subsistence uses, except from May 15 to July 15 and August 15 to October 31 when taking whitefish or pike in streams, creeks, or sloughs within the Kobuk River drainage and from May 15 to October 31 in the Selawik River drainage. Only one gillnet 100 feet or less in length with a stretched-mesh size from 2½ to 4½ inches may be used per site. You must check your net at least once in every 24-hour period.

(2) *Norton Sound-Port Clarence Area.* The Norton Sound-Port Clarence Area includes all waters of Alaska between the latitude of the westernmost tip of Cape Prince of Wales and the latitude of Point Romanof, including those waters of Alaska surrounding St. Lawrence Island and those waters draining into the Bering Sea.

(i) Unless otherwise restricted in this section, you may take fish at any time in the Port Clarence District.

(ii) In the Norton Sound District, you may take fish at any time except as follows:

(A) In Subdistricts 2 through 6, if you are a commercial fishermen, you may not fish for subsistence purposes during the weekly closures of the State commercial salmon fishing season, except that from July 15 through August 1, you may take salmon for subsistence purposes 7 days per week in the Unalakleet and Shaktoolik River drainages with gillnets which have a stretched-mesh size that does not exceed 4½ inches, and with beach seines;

(B) In the Unalakleet River from June 1 through July 15, you may take salmon only from 8 a.m. Monday until 8 p.m. Saturday.

(iii) You may take salmon only by gillnets, beach seines, fish wheel, or a rod and reel.

(iv) You may take fish other than salmon by set gillnet, drift gillnet, beach seine, fish wheel, pot, long line, fyke net, jigging gear, spear, lead, or a rod and reel.

(v) In the Unalakleet River from June 1 through July 15, you may not operate more than 25 fathoms of gillnet in the aggregate nor may you operate an unanchored gillnet.

(vi) Only one subsistence fishing permit will be issued to each household per year.

(3) *Yukon-Northern Area.* The Yukon-Northern Area includes all waters of Alaska between the latitude of Point Romanof and the latitude of the westernmost point of the Naskonat Peninsula, including those waters draining into the Bering Sea, and all waters of Alaska north of the latitude of the westernmost tip of Point Hope and west of 141° West longitude, including those waters draining into the Arctic Ocean and the Chukchi Sea.

(i) Unless otherwise restricted in this section, you may take fish in the Yukon-

Northern Area at any time. You may subsistence fish for salmon with rod and reel in the Yukon River drainage 24 hours per day, 7 days per week, unless rod and reel are specifically otherwise restricted in § ____.27(i)(3).

(ii) For the Yukon River drainage, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action.

(iii) In the following locations, you may take salmon during the open weekly fishing periods of the State commercial salmon fishing season and may not take them for 24 hours before the opening of the State commercial salmon fishing season:

(A) In District 4, excluding the Koyukuk River drainage;

(B) In Subdistricts 4B and 4C from June 15 through September 30, salmon may be taken from 6 p.m. Sunday until 6 p.m. Tuesday and from 6 p.m. Wednesday until 6 p.m. Friday;

(C) In District 6, excluding the Kantishna River drainage, salmon may be taken from 6 p.m. Friday until 6 p.m. Wednesday.

(iv) During any State commercial salmon fishing season closure of greater than five days in duration, you may not take salmon during the following periods in the following districts:

(A) In District 4, excluding the Koyukuk River drainage, salmon may not be taken from 6 p.m. Friday until 6 p.m. Sunday;

(B) In District 5, excluding the Tozitna River drainage and Subdistrict 5D, salmon may not be taken from 6 p.m. Sunday until 6 p.m. Tuesday.

(v) Except as provided in this section, and except as may be provided by the terms of a subsistence fishing permit, you may take fish other than salmon at any time.

(vi) In Districts 1, 2, 3, and Subdistrict 4A, excluding the Koyukuk and Innoko River drainages, you may not take salmon for subsistence purposes during the 24 hours immediately before the opening of the State commercial salmon fishing season.

(vii) In Districts 1, 2, and 3:

(A) After the opening of the State commercial salmon fishing season through July 15, you may not take salmon for subsistence for 18 hours immediately before, during, and for 12 hours after each State commercial salmon fishing period;

(B) After July 15, you may not take salmon for subsistence for 12 hours immediately before, during, and for 12 hours after each State commercial salmon fishing period.

(viii) In Subdistrict 4A after the opening of the State commercial salmon fishing season, you may not take salmon for subsistence for 12 hours immediately before, during, and for 12 hours after each State commercial salmon fishing period; however, you may take Chinook salmon during the State commercial fishing season, with drift gillnet gear only, from 6 p.m. Sunday until 6 p.m. Tuesday and from 6 p.m. Wednesday until 6 p.m. Friday.

(ix) You may not subsistence fish in the following drainages located north of the main Yukon River:

(A) Kanuti River upstream from a point 5 miles downstream of the State highway crossing;

(B) Bonanza Creek;

(C) Jim River including Prospect and Douglas Creeks.

(x) You may not subsistence fish in the Delta River.

(xi) In Beaver Creek downstream from the confluence of Moose Creek, a gillnet with mesh size not to exceed 3-inches stretch-measure may be used from June 15 through September 15. You may subsistence fish for all non-salmon species but may not target salmon during this time period (retention of salmon taken incidentally to non-salmon directed fisheries is allowed). From the mouth of Nome Creek downstream to the confluence of Moose Creek, only rod and reel may be used. From the mouth of Nome Creek downstream to the confluence of O'Brien Creek, the daily harvest and possession limit is 5 grayling; from the mouth of O'Brien Creek downstream to the confluence of Moose Creek, the daily harvest and possession limit is 10 grayling. The Nome Creek drainage of Beaver Creek is closed to subsistence fishing for grayling.

(xii) You may not subsistence fish in the Toklat River drainage from August 15 through May 15.

(xiii) You may take salmon only by gillnet, beach seine, fish wheel, or rod and reel, subject to the restrictions set forth in this section.

(xiv) In District 4, if you are a commercial fisherman, you may not take salmon for subsistence purposes during the State commercial salmon fishing season using gillnets with stretched-mesh larger than 6-inches after a date specified by ADF&G emergency order issued between July 10 and July 31.

(xv) In Districts 4, 5, and 6, you may not take salmon for subsistence purposes by drift gillnets, except as follows:

(A) In Subdistrict 4A upstream from the mouth of Stink Creek, you may take Chinook salmon by drift gillnets less than 150 feet in length from June 10 through July 14, and chum salmon by drift gillnets after August 2;

(B) In Subdistrict 4A downstream from the mouth of Stink Creek, you may take Chinook salmon by drift gillnets less than 150 feet in length from June 10 through July 14;

(C) In the Yukon River mainstem, Subdistricts 4B and 4C with a Federal subsistence fishing permit, you may take Chinook salmon during the last 18-hour period of the weekly regulatory opening(s) by drift gillnets no more than 150 feet long and no more than 35 meshes deep, from June 10 through July 14.

(xvi) Unless otherwise specified in this section, you may take fish other than salmon and halibut by set gillnet, drift gillnet, beach seine, fish wheel, long line, fyke net, dip net, jigging gear, spear, lead, or rod and reel, subject to the following restrictions, which also apply to subsistence salmon fishing:

(A) During the open weekly fishing periods of the State commercial salmon fishing season, if you are a commercial fisherman, you may not operate more than one type of gear at a time, for commercial, personal use, and subsistence purposes;

(B) You may not use an aggregate length of set gillnet in excess of 150 fathoms and each drift gillnet may not exceed 50 fathoms in length;

(C) In Districts 4, 5, and 6, you may not set subsistence fishing gear within 200 feet of other operating commercial use, personal use, or subsistence fishing gear except that, at the site approximately 1 mile upstream from Ruby on the south bank of the Yukon River between ADF&G regulatory markers containing the area known locally as the ''Slide,'' you may set subsistence fishing gear within 200 feet of other operating commercial or subsistence fishing gear, and in District 4, from Old Paradise Village upstream to a point 4 miles upstream from Anvik, there is no minimum distance requirement between fish wheels;

(D) During the State commercial salmon fishing season, within the Yukon River and the Tanana River below the confluence of the Wood River, you may use drift gillnets and fish wheels only during open subsistence salmon fishing periods;

(E) In Birch Creek, gillnet mesh size may not exceed 3-inches stretch-measure from June 15 through September 15.

(xvii) In District 4, from September 21 through May 15, you may use jigging gear from shore ice.

(xviii) You must possess a subsistence fishing permit for the following locations:

(A) For the Yukon River drainage from the mouth of Hess Creek to the mouth of the Dall River;

(B) For the Yukon River drainage from the upstream mouth of 22 Mile Slough to the U.S.-Canada border;

(C) Only for salmon in the Tanana River drainage above the mouth of the Wood River.

(xix) Only one subsistence fishing permit will be issued to each household per year.

(xx) In Districts 1, 2, and 3, you may not possess Chinook salmon taken for subsistence purposes unless the dorsal fin has been removed immediately after landing.

(xxi) In the Yukon River drainage, Chinook salmon must be used primarily for human consumption and may not be targeted for dog food. Dried Chinook salmon may not be used for dog food anywhere in the Yukon River drainage. Whole fish unfit for human consumption (due to disease, deterioration, deformities), scraps, and small fish (16 inches or less) may be fed to dogs. Also, whole Chinook salmon caught incidentally during a subsistence chum salmon fishery in the following time periods and locations may be fed to dogs:

(A) After July 10 in the Koyukuk River drainage;

(B) After August 10, in Subdistrict 5D, upstream of Circle City.

(4) *Kuskokwim Area.* The Kuskokwim Area consists of all waters of Alaska between the latitude of the westernmost point of Naskonat Peninsula and the latitude of the southernmost tip of Cape Newenham, including the waters of Alaska surrounding Nunivak and St. Matthew Islands and those waters draining into the Bering Sea.

(i) Unless otherwise restricted in this section, you may take fish in the Kuskokwim Area at any time without a subsistence fishing permit.

(ii) For the Kuskokwim area, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action.

(iii) In District 1, Kuskokuak Slough, from June 1 through July 31 only, you may not take salmon for 16 hours before and during each State open commercial salmon fishing period in the district.

(iv) In Districts 4 and 5, from June 1 through September 8, you may not take salmon for 16 hours before or during, and for 6 hours after each State open commercial salmon fishing period in each district.

(v) In District 2, and anywhere in tributaries that flow into the Kuskokwim River within that district, from June 1 through September 8 you may not take salmon by net gear or fish wheel for 16 hours before or during, and for 6 hours after each open commercial salmon fishing period in the district. You may subsistence fish for salmon with rod and reel 24 hours per day, 7 days per week, unless rod and reel are specifically restricted by paragraph (i)(4) of this section.

(vi) You may not take subsistence fish by nets in the Goodnews River east of a line between ADF&G regulatory markers placed near the mouth of the Ufigag River and an ADF&G regulatory marker placed near the mouth of the Tunulik River 16 hours before or during, and for 6 hours after each State open commercial salmon fishing period.

(vii) You may not take subsistence fish by nets in the Kanektok River upstream of ADF&G regulatory markers placed near the mouth 16 hours before or during, and for 6 hours after each State open commercial salmon fishing period.

(viii) You may not take subsistence fish by nets in the Arolik River upstream of ADF&G regulatory markers placed near the mouth 16 hours before or during, and for 6 hours after each State open commercial salmon fishing period.

(ix) You may only take salmon by gillnet, beach seine, fish wheel, or rod and reel subject to the restrictions set out in this section, except that you may also take salmon by spear in the Kanektok, and Arolik River drainages, and in the drainage of Goodnews Bay.

(x) You may not use an aggregate length of set gillnets or drift gillnets in excess of 50 fathoms for taking salmon.

(xi) You may take fish other than salmon by set gillnet, drift gillnet, beach seine, fish wheel, pot, long line, fyke net, dip net, jigging gear, spear, lead, handline, or rod and reel.

(xii) You must attach to the bank each subsistence gillnet operated in tributaries of the Kuskokwim River and fish it substantially perpendicular to the bank and in a substantially straight line.

(xiii) Within a tributary to the Kuskokwim River in that portion of the Kuskokwim River drainage from the north end of Eek Island upstream to the mouth of the Kolmakoff River, you may not set or operate any part of a set gillnet within 150 feet of any part of another set gillnet.

(xiv) The maximum depth of gillnets is as follows:

(A) Gillnets with 6-inch or smaller stretched-mesh may not be more than 45 meshes in depth;

(B) Gillnets with greater than 6-inch stretched-mesh may not be more than 35 meshes in depth.

(xv) You may take halibut only by a single handheld line with no more than two hooks attached to it.

(xvi) You may not use subsistence set and drift gillnets exceeding 15 fathoms in length in Whitefish Lake in the Ophir Creek drainage. You may not operate more than one subsistence set or drift gillnet at a time in Whitefish Lake in the Ophir Creek drainage. You must check the net at least once every 24 hours.

(xvii) You may take rainbow trout only in accordance with the following restrictions:

(A) You may take rainbow trout only by the use of gillnets, dip nets, fyke nets, handline, spear, rod and reel, or jigging through the ice;

(B) You may not use gillnets, dip nets, or fyke nets for targeting rainbow trout from March 15 through June 15;

(C) If you take rainbow trout incidentally in other subsistence net fisheries and through the ice, you may retain them for subsistence purposes;

(D) There are no harvest limits with handline, spear, rod and reel, or jigging.

(5) *Bristol Bay Area.* The Bristol Bay Area includes all waters of Bristol Bay, including drainages enclosed by a line from Cape Newenham to Cape Menshikof.

(i) Unless restricted in this section, or unless under the terms of a subsistence fishing permit, you may take fish at any time in the Bristol Bay area.

(ii) In all State commercial salmon districts, from May 1 through May 31 and October 1 through October 31, you may subsistence fish for salmon only from 9 a.m. Monday until 9 a.m. Friday. From June 1 through September 30, within the waters of a commercial salmon district, you may take salmon only during State open commercial salmon fishing periods.

(iii) In the Egegik River from 9 a.m. June 23 through 9 a.m. July 17, you may take salmon only during the following times: from 9 a.m. Tuesday to 9 a.m. Wednesday and from 9 a.m. Saturday to 9 a.m. Sunday.

(iv) You may not take fish from waters within 300 feet of a stream mouth used by salmon.

(v) You may not subsistence fish with nets in the Tazimina River and within one-fourth mile of the terminus of those waters during the period from September 1 through June 14.

(vi) Within any district, you may take salmon, herring, and capelin by set gillnets only.

(vii) Outside the boundaries of any district, unless otherwise specified, you may take salmon by set gillnet only.

(A) You may also take salmon by spear in the Togiak River, excluding its tributaries.

(B) You may also use drift gillnets not greater than 10 fathoms in length to take salmon in the Togiak River in the first two river miles upstream from the mouth of the Togiak River to the ADF&G regulatory markers.

(C) You may also take salmon without a permit in Lake Clark and its tributaries by snagging (by handline or rod and reel), using a spear, bow and arrow, or capturing by bare hand.

(D) You may also take salmon by beach seines not exceeding 25 fathoms in length in Lake Clark, excluding its tributaries.

(viii) The maximum lengths for set gillnets used to take salmon are as follows:

(A) You may not use set gillnets exceeding 10 fathoms in length in the Egegik River;

(B) In the remaining waters of the area, you may not use set gillnets exceeding 25 fathoms in length.

(ix) You may not operate any part of a set gillnet within 300 feet of any part of another set gillnet.

(x) You must stake and buoy each set gillnet. Instead of having the identifying information on a keg or buoy attached to the gillnet, you may plainly and legibly inscribe your first initial, last name, and subsistence permit number on a sign at or near the set gillnet.

(xi) You may not operate or assist in operating subsistence salmon net gear while simultaneously operating or assisting in operating commercial salmon net gear.

(xii) During State closed commercial herring fishing periods, you may not use gillnets exceeding 25 fathoms in length for the subsistence taking of herring or capelin.

(xiii) You may take fish other than salmon, herring, capelin, and halibut by gear listed in this part unless restricted under the terms of a subsistence fishing permit.

(xiv) You may take salmon only under authority of a subsistence fishing permit.

(xv) Only one subsistence fishing permit for salmon may be issued to each household per year.

(xvi) In the Togiak River section and the Togiak River drainage:

(A) You may not possess coho salmon taken under the authority of a subsistence fishing permit unless both lobes of the caudal fin (tail) or the dorsal fin have been removed.

(B) You may not possess salmon taken with a drift gillnet under the authority of a subsistence fishing permit unless both lobes of the caudal fin (tail) or the dorsal fin have been removed.

(xvii) You may take rainbow trout only by rod and reel or jigging gear. Rainbow trout daily harvest and possession limits are 2 per day/2 in possession with no size limit from April 10 through October 31 and 5 per day/5 in possession with no size limit from November 1 through April 9.

(xviii) If you take rainbow trout incidentally in other subsistence net fisheries, or through the ice, you may retain them for subsistence purposes.

(6) *Aleutian Islands Area.* The Aleutian Islands Area includes all waters of Alaska west of the longitude of the tip of Cape Sarichef, east of 172° East longitude, and south of 54°36′ North latitude.

(i) You may take fish other than salmon, rainbow/steelhead trout, or char at any time unless restricted under the terms of a subsistence fishing permit. If you take rainbow/steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes.

(ii) In the Unalaska District, you may take salmon for subsistence purposes from 6 a.m. until 9 p.m. from January 1 through December 31, except as may be specified on a subsistence fishing permit.

(iii) In the Adak, Akutan, Atka-Amlia, and Umnak Districts, you may take salmon at any time.

(iv) You may not subsistence fish for salmon in the following waters:

(A) The waters of Unalaska Lake, its tributaries and outlet stream;

(B) The waters of Summers and Morris Lakes and their tributaries and outlet streams;

(C) All streams supporting anadromous fish runs that flow into Unalaska Bay south of a line from the northern tip of Cape Cheerful to the northern tip of Kalekta Point;

(D) Waters of McLees Lake and its tributaries and outlet stream;

(E) All fresh water on Adak Island and Kagalaska Island in the Adak District.

(v) You may take salmon by seine and gillnet, or with gear specified on a subsistence fishing permit.

(vi) In the Unalaska District, if you fish with a net, you must be physically present at the net at all times when the net is being used.

(vii) You may take fish other than salmon by gear listed in this part unless restricted under the terms of a subsistence fishing permit.

(viii) You may take salmon, trout, and char only under the terms of a subsistence fishing permit, except that you do not need a permit in the Akutan, Umnak, and Atka-Amlia Islands Districts.

(ix) You may take no more than 250 salmon for subsistence purposes unless otherwise specified on the subsistence fishing permit, except that in the Unalaska and Adak Districts, you may take no more than 25 salmon plus an additional 25 salmon for each member of your household listed on the permit. You may obtain an additional permit.

(x) You must keep a record on the reverse side of the permit of subsistence-caught fish. You must complete the record immediately upon taking subsistence-caught fish and must return it no later than October 31.

(xi) The daily harvest limit for halibut is two fish, and the possession limit is two daily harvest limits. You may not possess sport-taken and subsistence-taken halibut on the same day.

(7) *Alaska Peninsula Area.* The Alaska Peninsula Area includes all waters of Alaska on the north side of the Alaska peninsula southwest of a line from Cape Menshikof (57° 28.34′ North latitude, 157° 55.84′ West longitude) to Cape Newenham (58° 39.00′ North latitude, 162° West longitude) and east of the longitude of Cape Sarichef Light (164° 55.70′ West longitude) and on the south side of the Alaska Peninsula from a line extending from Scotch Cape through the easternmost tip of Ugamak Island to a line extending 135° southeast from Kupreanof Point (55° 33.98′ North latitude, 159° 35.88′ West longitude).

(i) You may take fish, other than salmon, rainbow/steelhead trout, or char, at any time unless restricted under the terms of a subsistence fishing permit. If you take rainbow/steelhead trout incidentally in other subsistence net fisheries or through the ice, you may retain them for subsistence purposes.

(ii) You may take salmon, trout, and char only under the authority of a subsistence fishing permit.

(iii) You must keep a record on the reverse side of the permit of subsistence-caught fish. You must complete the record immediately upon taking subsistence-caught fish and must return it no later than October 31.

(iv) You may take salmon at any time, except in those districts and sections open to commercial salmon fishing where salmon may not be taken during the 24 hours before and 12 hours following each State open weekly commercial salmon fishing period, or as may be specified on a subsistence fishing permit.

(v) You may not subsistence fish for salmon in the following waters:

(A) Russell Creek and Nurse Lagoon and within 500 yards outside the mouth of Nurse Lagoon;

(B) Trout Creek and within 500 yards outside its mouth.

(vi) You may take salmon by seine, gillnet, rod and reel, or with gear specified on a subsistence fishing permit.

(vii) You may take fish other than salmon by gear listed in this part unless restricted under the terms of a subsistence fishing permit.

(viii) You may not use a set gillnet exceeding 100 fathoms in length.

(ix) You may take halibut for subsistence purposes only by a single handheld line with no more than two hooks attached.

(x) You may take no more than 250 salmon for subsistence purposes unless otherwise specified on your subsistence fishing permit.

(xi) The daily harvest limit for halibut is two fish and the possession limit is two daily harvest limits. You may not possess sport-taken and subsistence-taken halibut on the same day.

(8) *Chignik Area.* The Chignik Area includes all waters of Alaska on the south side of the Alaska Peninsula bounded by a line extending 135° southeast for 3 miles from a point near Kilokak Rocks at 57° 10.34′ North latitude, 156° 20.22′ West longitude (the longitude of the southern entrance to Imuya Bay) then due south, and a line extending 135° southeast from Kupreanof Point at 55° 33.98′ North latitude, 159° 35.88′ West longitude.

(i) You may take fish other than salmon, rainbow/steelhead trout, or char at any time, except as may be specified by a subsistence fishing permit. For salmon, Federal subsistence fishing openings, closings and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action. If you take rainbow/steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes.

(ii) You may not take salmon in the Chignik River, from a point 300 feet upstream of the ADF&G weir to Chignik Lake from July 1 through August 31. You may not take salmon in Black Lake or any tributary to Black or Chignik Lakes.

(iii) You may take salmon, trout, and char only under the authority of a subsistence fishing permit.

(iv) You must keep a record on your permit of subsistence-caught fish. You must complete the record immediately upon taking subsistence-caught fish and must return it no later than October 31.

(v) If you hold a commercial fishing license, you may only subsistence fish for salmon as specified on a State subsistence salmon fishing permit.

(vi) You may take salmon by seines, gillnets, rod and reel, or with gear specified on a subsistence fishing permit, except that in Chignik Lake, you may not use purse seines.

(vii) You may take fish other than salmon by gear listed in this part unless restricted under the terms of a subsistence fishing permit.

(viii) You may take halibut for subsistence purposes only by a single handheld line with no more than two hooks attached.

(ix) You may take no more than 250 salmon for subsistence purposes unless otherwise specified on the subsistence fishing permit.

(x) The daily harvest limit for halibut is two fish, and the possession limit is two daily harvest limits. You may not possess sport-taken and subsistence-taken halibut on the same day.

(9) *Kodiak Area.* The Kodiak Area includes all waters of Alaska south of a line extending east from Cape Douglas (58°51.10′ North latitude), west of 150° West longitude, north of 55°30.00′ North latitude, and north and east of a line extending 135° southeast for three miles from a point near Kilokak Rocks at 57°10.34′ North latitude, 156°20.22′ West longitude (the longitude of the southern entrance of Imuya Bay), then due south.

(i) You may take fish other than salmon, rainbow/steelhead trout, char, bottomfish, or herring at any time unless restricted by the terms of a subsistence fishing permit. If you take rainbow/steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes.

(ii) You may take salmon for subsistence purposes 24 hours a day from January 1 through December 31, with the following exceptions:

(A) From June 1 through September 15, you may not use salmon seine vessels to take subsistence salmon for 24 hours before or during, and for 24 hours after any State open commercial salmon fishing period. The use of skiffs from any type of vessel is allowed;

(B) From June 1 through September 15, you may use purse seine vessels to take salmon only with gillnets, and you may have no other type of salmon gear on board the vessel.

(iii) You may not subsistence fish for salmon in the following locations:

(A) Womens Bay closed waters—all waters inside a line from the tip of the Nyman Peninsula (57°43.23′ North latitude, 152°31.51′ West longitude), to the northeastern tip of Mary's Island (57°42.40′ North latitude, 152°32.00′ West longitude), to the southeastern shore of Womens Bay at 57°41.95′ North latitude, 152°31.50′ West longitude;

(B) Buskin River closed waters—all waters inside of a line running from a marker on the bluff north of the mouth of the Buskin River at approximately 57°45.80′ North latitude, 152°28.38′ West longitude, to a point offshore at 57°45.35′ North latitude, 152°28.15′ West longitude, to a marker located onshore south of the river mouth at approximately 57°45.15′ North latitude, 152°28.65′ West longitude;

(C) All waters closed to commercial salmon fishing within 100 yards of the terminus of Selief Bay Creek;

(D) In Afognak Bay north and west of a line from the tip of Last Point to the tip of River Mouth Point;

(E) From August 15 through September 30, all waters 500 yards seaward of the terminus of Little Kitoi Creek;

(F) All fresh water systems of Afognak Island.

(iv) You must have a subsistence fishing permit for taking salmon, trout, and char for subsistence purposes. You must have a subsistence fishing permit for taking herring and bottomfish for subsistence purposes during the State commercial herring sac roe season from April 15 through June 30.

(v) With a subsistence salmon fishing permit you may take 25 salmon plus an additional 25 salmon for each member of your household whose names are listed on the permit. You may obtain an additional permit if you can show that more fish are needed.

(vi) You must record on your subsistence permit the number of subsistence fish taken. You must complete the record immediately upon landing subsistence-caught fish, and must return it by February 1 of the year following the year the permit was issued.

(vii) You may take fish other than salmon and halibut by gear listed in this part unless restricted under the terms of a subsistence fishing permit.

(viii) You may take salmon only by gillnet, rod and reel, or seine.

(ix) You must be physically present at the net when the net is being fished.

(x) You may take halibut only by a single handheld line with not more than two hooks attached to it.

(xi) The daily harvest limit for halibut is two fish, and the possession limit is two daily harvest limits. You may not possess sport-taken and subsistence-taken halibut on the same day.

(10) *Cook Inlet Area.* The Cook Inlet Area includes all waters of Alaska enclosed by a line extending east from Cape Douglas (58°51.1′ North latitude)

and a line extending south from Cape Fairfield (148°50.25′ West longitude).

(i) Unless restricted in this section, or unless restricted under the terms of a subsistence fishing permit, you may take fish at any time in the Cook Inlet Area. If you take rainbow/steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes.

(ii) You may not take grayling or burbot for subsistence purposes.

(iii) You may take fish by gear listed in this part unless restricted in this section or under the terms of a subsistence fishing permit (as may be modified by this section).

(iv) You may only take salmon, trout, Dolly Varden, and other char under authority of a Federal subsistence fishing permit. Seasons, harvest and possession limits, and methods and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56).

(v) You may only take smelt with dip nets in fresh water from April 1 through June 15. There are no harvest or possession limits for smelt.

(vi) Gillnets may not be used in fresh water, except for the taking of whitefish in the Tyone River drainage.

(11) *Prince William Sound Area.* The Prince William Sound Area includes all waters and drainages of Alaska between the longitude of Cape Fairfield and the longitude of Cape Suckling.

(i) You may take fish, other than rainbow/steelhead trout, in the Prince William Sound Area only under authority of a subsistence fishing permit, except that a permit is not required to take eulachon. You make not take rainbow/steelhead trout, except as otherwise provided for in this § ____.27(i)(11).

(A) In the Prince William Sound Area within Chugach National Forest and in the Copper River drainage downstream of Haley Creek you may accumulate Federal subsistence fishing harvest limits with harvest limits under State of Alaska sport fishing regulations provided that accumulation of fishing harvest limits does not occur during the same day.

(B) You may accumulate harvest limits of salmon authorized for the Copper River drainage upstream from Haley Creek with harvest limits for salmon authorized under State of Alaska sport fishing regulations.

(ii) You may take fish by gear listed in paragraph (c)(1) of this part unless restricted in this section or under the terms of a subsistence fishing permit.

(iii) If you catch rainbow/steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes, unless restricted in this section.

(iv) In the Copper River drainage, you may take salmon only in the waters of the Upper Copper River District, or in the vicinity of the Native Village of Batzulnetas.

(v) In the Upper Copper River District, you may take salmon only by fish wheels, rod and reel, or dip nets.

(vi) Rainbow/steelhead trout and other freshwater fish caught incidentally to salmon by fish wheel in the Upper Copper River District may be retained.

(vii) Freshwater fish other than rainbow/steelhead trout caught incidentally to salmon by dip net in the Upper Copper River District may be retained. Rainbow/steelhead trout caught incidentally to salmon by dip net in the Upper Copper River District must be released unharmed to the water.

(viii) You may not possess salmon taken under the authority of an Upper Copper River District subsistence fishing permit, or rainbow/steelhead trout caught incidentally to salmon by fish wheel, unless the anal (ventral) fin has been immediately removed from the fish. You must immediately record all retained fish on the subsistence permit. Immediately means prior to concealing the fish from plain view or transporting the fish more than 50 feet from where the fish was removed from the water.

(ix) You may take salmon in the Upper Copper River District from May 15 through September 30 only.

(x) The total annual harvest limit for subsistence salmon fishing permits in combination for the Glennallen Subdistrict and the Chitina Subdistrict is as follows:

(A) For a household with 1 person, 30 salmon, of which no more than 5 may be Chinook salmon taken by dip net and no more than 5 Chinook taken by rod and reel;

(B) For a household with 2 persons, 60 salmon, of which no more than 5 may be Chinook salmon taken by dip net and no more than 5 Chinook taken by rod and reel, plus 10 salmon for each additional person in a household over 2 persons, except that the household's limit for Chinook salmon taken by dip net or rod and reel does not increase;

(C) Upon request, permits for additional salmon will be issued for no more than a total of 200 salmon for a permit issued to a household with 1 person, of which no more than 5 may be Chinook salmon taken by dip net and no more than 5 Chinook taken by rod and reel, or no more than a total of 500 salmon for a permit issued to a household with 2 or more persons, of which no more than 5 may be Chinook salmon taken by dip net and no more than 5 Chinook taken by rod and reel.

(xi) The following apply to Upper Copper River District subsistence salmon fishing permits:

(A) Only one subsistence fishing permit per subdistrict will be issued to each household per year. If a household has been issued permits for both subdistricts in the same year, both permits must be in your possession and readily available for inspection while fishing or transporting subsistence-taken fish in either subdistrict. A qualified household may also be issued a Batzulnetas salmon fishery permit in the same year;

(B) Multiple types of gear may be specified on a permit, although only one unit of gear may be operated at any one time;

(C) You must return your permit no later than October 31 of the year in which the permit is issued, or you may be denied a permit for the following year;

(D) A fish wheel may be operated only by one permit holder at one time; that permit holder must have the fish wheel marked as required by Section ____.27(i)(11) and during fishing operations;

(E) Only the permit holder and the authorized member of the household listed on the subsistence permit may take salmon;

(F) You must personally operate your fish wheel or dip net;

(G) You may not loan or transfer a subsistence fish wheel or dip net permit except as permitted.

(xii) If you are a fish wheel owner:

(A) You must register your fish wheel with ADF&G or the Federal Subsistence Board;

(B) Your registration number and a wood, metal, or plastic plate at least 12 inches high by 12 inches wide bearing either your name and address, or your Alaska driver's license number, or your Alaska State identification card number in letters and numerals at least 1 inch high, must be permanently affixed and plainly visible on the fish wheel when the fish wheel is in the water;

(C) Only the current year's registration number may be affixed to the fish wheel; you must remove any other registration number from the fish wheel;

(D) You must check your fish wheel at least once every 10 hours and remove all fish;

(E) You are responsible for the fish wheel; you must remove the fish wheel from the water at the end of the permit period;

(F) You may not rent, lease, or otherwise use your fish wheel used for subsistence fishing for personal gain.

(xiii) If you are operating a fish wheel:

(A) You may operate only one fish wheel at any one time;

(B) You may not set or operate a fish wheel within 75 feet of another fish wheel;

(C) No fish wheel may have more than two baskets;

(D) If you are a permittee other than the owner, you must attach an additional wood, metal, or plastic plate at least 12 inches high by 12 inches wide, bearing your name and address in letters and numerals at least 1 inch high, to the fish wheel so that the name and address are plainly visible.

(xiv) A subsistence fishing permit may be issued to a village council, or other similarly qualified organization whose members operate fish wheels for subsistence purposes in the Upper Copper River District, to operate fish wheels on behalf of members of its village or organization. The following additional provisions apply to subsistence fishing permits issued under this paragraph (i)(11)(xiv):

(A) The permit will list all households and household members for whom the fish wheel is being operated. The permit will identify a person who will be responsible for each fish wheel in a similar manner to a fish wheel owner as described in paragraph (i)(11)(xii) of this section;

(B) The allowable harvest may not exceed the combined seasonal limits for the households listed on the permit; the permittee will notify the ADF&G or Federal Subsistence Board when households are added to the list, and the seasonal limit may be adjusted accordingly;

(C) Members of households listed on a permit issued to a village council or other similarly qualified organization are not eligible for a separate household subsistence fishing permit for the Upper Copper River District;

(D) The permit will include provisions for recording daily catches for each fish wheel; location and number of fish wheels; full legal name of the individual responsible for the lawful operation of each fish wheel as described in paragraph (i)(11)(xii) of this section; and other information determined to be necessary for effective resource management.

(xv) You may take salmon in the vicinity of the former Native village of Batzulnetas only under the authority of a Batzulnetas subsistence salmon fishing permit available from the National Park Service under the following conditions:

(A) You may take salmon only in those waters of the Copper River between National Park Service regulatory markers located near the mouth of Tanada Creek and approximately one-half mile downstream from that mouth and in Tanada Creek between National Park Service regulatory markers identifying the open waters of the creek;

(B) You may use only fish wheels, dip nets, and rod and reel on the Copper River and only dip nets, spears, fyke nets, and rod and reel in Tanada Creek. One fyke net and associated lead may be used in Tanada Creek upstream of the National Park Service weir;

(C) You may take salmon only from May 15 through September 30 or until the season is closed by special action;

(D) You may retain Chinook salmon taken in a fish wheel in the Copper River. You must return to the water unharmed any Chinook salmon caught in Tanada Creek;

(E) You must return the permit to the National Park Service no later than October 15;

(F) You may only use a fyke net after consultation with the in-season manager. You must be present when the fyke net is actively fishing. You may take no more than 1,000 sockeye salmon in Tanada Creek with a fyke net;

(xvi) You may take pink salmon for subsistence purposes from fresh water with a dip net from May 15 through September 30, 7 days per week, with no harvest or possession limits in the following areas:

(A) Green Island, Knight Island, Chenega Island, Bainbridge Island, Evans Island, Elrington Island, Latouche Island, and adjacent islands, and the mainland waters from the outer point of Granite Bay located in Knight Island Passage to Cape Fairfield;

(B) Waters north of a line from Porcupine Point to Granite Point, and south of a line from Point Lowe to Tongue Point.

(12) *Yakutat Area.* The Yakutat Area includes all waters and drainages of Alaska between the longitude of Cape Suckling and the longitude of Cape Fairweather.

(i) Unless restricted in this section or unless restricted under the terms of a subsistence fishing permit, you may take fish at any time in the Yakutat Area.

(ii) You may not take salmon during the period commencing 48 hours before a State opening of commercial salmon net fishing season and ending 48 hours after the closure. This applies to each river or bay fishery individually.

(iii) When the length of the weekly State commercial salmon net fishing period exceeds two days in any Yakutat Area salmon net fishery, the subsistence fishing period is from 6 a.m. to 6 p.m. on Saturday in that location.

(iv) You may take salmon, trout (other than steelhead), and char only under authority of a subsistence fishing permit. You may take steelhead trout only in the Situk and Ahrnklin Rivers and only under authority of a Federal subsistence fishing permit.

(v) If you take salmon, trout, or char incidentally by gear operated under the terms of a subsistence permit for salmon, you may retain them for subsistence purposes. You must report any salmon, trout, or char taken in this manner on your permit calendar.

(vi) You may take fish by gear listed in this part unless restricted in this section or under the terms of a subsistence fishing permit. In areas where use of rod and reel is allowed, you may use artificial fly, lure, or bait when fishing with rod and reel, unless restricted by Federal permit. If you use bait, you must retain all Federally-regulated fish species caught, and they apply to your applicable daily and annual harvest limits for that species. For streams with steelhead, once your daily or annual limit of steelhead is harvested, you may no longer fish with bait for any species.

(vii) In the Situk River, each subsistence salmon fishing permit holder shall attend his or her gillnet at all times when it is being used to take salmon.

(viii) You may block up to two-thirds of a stream with a gillnet or seine used for subsistence fishing.

(ix) You must immediately remove both lobes of the caudal (tail) fin from subsistence-caught salmon when taken.

(x) You may not possess subsistence-taken and sport-taken salmon on the same day.

(xi) You must possess a subsistence fishing permit to take Dolly Varden. The daily harvest and possession limit is 10 Dolly Varden of any size.

(13) *Southeastern Alaska Area.* The Southeastern Alaska Area includes all waters between a line projecting southwest from the westernmost tip of Cape Fairweather and Dixon Entrance.

(i) Unless restricted in this section or under the terms of a subsistence fishing permit, you may take fish other than salmon, trout, grayling, and char in the Southeastern Alaska Area at any time.

(ii) You must possess a subsistence fishing permit to take salmon, trout, grayling, or char. You must possess a subsistence fishing permit to take eulachon from any freshwater stream flowing into fishing Sections 1C or 1D.

(iii) In the Southeastern Alaska Area, a rainbow trout is defined as a fish of the species Oncorhyncus mykiss less

than 22 inches in overall length. A steelhead is defined as a rainbow trout with an overall length of 22 inches or larger.

(iv)(A) In areas where use of rod and reel is allowed, you may use artificial fly, lure, or bait when fishing with rod and reel, unless restricted by Federal permit. If you use bait, you must retain all Federally-regulated fish species caught, and they apply to your applicable daily, seasonal, and annual harvest limits for that species. For streams with steelhead, once your daily, seasonal, or annual limit of steelhead is harvested, you may no longer fish with bait for any species.

(B) Unless otherwise specified in this § ____.27(i)(13), allowable gear for salmon or steelhead is restricted to gaffs, spears, gillnets, seines, dip nets, cast nets, handlines, or rod and reel.

(v) Unless otherwise specified in this § ____.27(i)(13), you may use a handline for snagging salmon or steelhead.

(vi) You may fish with a rod and reel within 300 feet of a fish ladder unless the site is otherwise posted by the USDA Forest Service. You may not fish from, on, or in a fish ladder.

(vii) You may accumulate annual Federal subsistence harvest limits authorized for the Southeastern Alaska Area with harvest limits authorized under State of Alaska sport fishing regulations.

(viii) If you take salmon, trout, or char incidentally with gear operated under terms of a subsistence permit for other salmon, they may be kept for subsistence purposes. You must report any salmon, trout, or char taken in this manner on your subsistence fishing permit.

(ix) No permits for the use of nets will be issued for the salmon streams flowing across or adjacent to the road systems within the city limits of Petersburg, Wrangell, and Sitka.

(x) You must immediately remove both lobes of the caudal (tail) fin of subsistence-caught salmon when taken.

(xi) You may not possess subsistence-taken and sport-taken salmon on the same day.

(xii) If a harvest limit is not otherwise listed for sockeye in this § ____.27(i)(13), the harvest limit for sockeye salmon is the same as provided for in adjacent State subsistence or personal use fisheries. If a harvest limit is not established for the State subsistence or personal use fisheries, the possession limit is 10 sockeye and the annual harvest limit is 20 sockeye per household for that stream.

(xiii) [Reserved].

(xiv) [Reserved].

(xv) [Reserved].

(xvi) The Sarkar River system above the bridge is closed to the use of all nets by both Federally-qualified and non-Federally qualified users.

(xvii) Only Federally-qualified subsistence users may harvest sockeye salmon in streams draining into Falls Lake Bay, Gut Bay, or Bay of Pillars.

(xviii) From July 7 through July 31, you may take sockeye salmon in the waters of the Klawock River and Klawock Lake only from 8 a.m. Monday until 5 p.m. Friday.

(xix) You may take Chinook, sockeye, and coho salmon in the mainstem of the Stikine River only under the authority of a Federal subsistence fishing permit. Each Stikine River permit will be issued to a household and will be valid for 15 days. Permits may be revalidated for additional 15-day periods. Only dip nets, spears, gaffs, rod and reel, beach seine, or gillnets not exceeding 15 fathoms in length may be used. The maximum gillnet mesh size is 5½-inches, except during the Chinook season when the maximum gillnet mesh size is 8 inches.

(A) You may take Chinook salmon from May 15 through June 20. The annual limit is 5 Chinook salmon per household.

(B) You may take sockeye salmon from June 21 through July 31. The annual limit is 40 sockeye salmon per household.

(C) You may take coho salmon from August 15 through October 1. The annual limit is 20 coho salmon per household.

(D) You may retain other salmon taken incidentally by gear operated under terms of this permit. The incidentally taken salmon must be reported on your permit calendar.

(E) The total annual guideline harvest level for the Stikine River fishery is 125 Chinook, 600 sockeye, and 400 coho salmon. All salmon harvested, including incidentally taken salmon, will count against the guideline for that species.

(xx) You may take coho salmon under the terms of a subsistence fishing permit, except in the Stikine and Taku Rivers. There is no closed season. The daily harvest limit is 20 coho salmon per household. Only dip nets, spears, gaffs, handlines, and rod and reel may be used.

(xxi) Unless noted on a Federal subsistence harvest permit, there are no harvest limits for pink or chum salmon.

(xxii) Unless otherwise specified in this § ____.27(i)(13), you may take steelhead under the terms of a subsistence fishing permit. The open season is January 1 through May 31. The daily household harvest and possession limit is one with an annual household limit of two. You may only use a dip net, gaff, handline, spear, or rod and reel. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

(xxiii) You may take steelhead trout on Prince of Wales and Kosciusko Islands under the terms of Federal subsistence fishing permits. You must obtain a separate permit for the winter and spring seasons.

(A) The winter season is December 1 through the last day of February, with a harvest limit of 2 fish per household. You may use only a dip net, handline, spear, or rod and reel. The winter season may be closed when the harvest level cap of 100 steelhead for Prince of Wales/Kosciusko Islands has been reached. You must return your winter season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales/Kosciusko steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

(B) The spring season is March 1 through May 31, with a harvest limit of 5 fish per household. You may use only a dip net, handline, spear, or rod and reel. The spring season may be closed prior to May 31 if the harvest quota of 600 fish minus the number of steelhead harvested in the winter subsistence steelhead fishery is reached. You must return your spring season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales/Kosciusko steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

(xxiv) In addition to the requirement for a Federal subsistence fishing permit, the following restrictions for the harvest of Dolly Varden, brook trout, grayling, cutthroat, and rainbow trout apply:

(A) The daily household harvest and possession limit is 20 Dolly Varden; there is no closed season or size limit;

(B) The daily household harvest and possession limit is 20 brook trout; there is no closed season or size limit;

(C) The daily household harvest and possession limit is 20 grayling; there is no closed season or size limit;

(D) The daily household harvest limit is 6 and the household possession limit is 12 cutthroat or rainbow trout in combination; there is no closed season or size limit;

(E) You may only use a rod and reel;

(F) The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

§ ____.28 Subsistence taking of shellfish.

(a) Regulations in this section apply to subsistence taking of Dungeness crab, king crab, Tanner crab, shrimp, clams, abalone, and other shellfish or their parts.

(b) [*Reserved*].

(c) You may take shellfish for subsistence uses at any time in any area of the public lands by any method unless restricted by this section.

(d) *Methods, means, and general restrictions.* (1) The harvest limit specified in this section for a subsistence season for a species and the State harvest limit set for a State season for the same species are not cumulative. This means that if you have taken the harvest limit for a particular species under a subsistence season specified in this section, you may not, after that, take any additional shellfish of that species under any other harvest limit specified for a State season.

(2) Unless otherwise provided in this section or under terms of a required subsistence fishing permit (as may be modified by this section), you may use the following legal types of gear to take shellfish:

(i) Abalone iron;
(ii) Diving gear;
(iii) A grappling hook;
(iv) A handline;
(v) A hydraulic clam digger;
(vi) A mechanical clam digger;
(vii) A pot;
(viii) A ring net;
(ix) A scallop dredge;
(x) A sea urchin rake;
(xi) A shovel; and
(xii) A trawl.

(3) You are prohibited from buying or selling subsistence-taken shellfish, their parts, or their eggs, unless otherwise specified.

(4) You may not use explosives and chemicals, except that you may use chemical baits or lures to attract shellfish.

(5) Marking requirements for subsistence shellfish gear are as follows:

(i) You must plainly and legibly inscribe your first initial, last name, and address on a keg or buoy attached to unattended subsistence fishing gear, except when fishing through the ice, when you may substitute for the keg or buoy a stake inscribed with your first initial, last name, and address inserted in the ice near the hole; subsistence fishing gear may not display a permanent ADF&G vessel license number;

(ii) Kegs or buoys attached to subsistence crab pots also must be inscribed with the name or United States Coast Guard number of the vessel used to operate the pots.

(6) Pots used for subsistence fishing must comply with the escape mechanism requirements found in § ____.27(c)(2).

(7) You may not mutilate or otherwise disfigure a crab in any manner which would prevent determination of the minimum size restrictions until the crab has been processed or prepared for consumption.

(e) *Taking shellfish by designated harvest permit.* (1) Any species of shellfish that may be taken by subsistence fishing under this part may be taken under a designated harvest permit.

(2) If you are a Federally-qualified subsistence user (beneficiary), you may designate another Federally-qualified subsistence user to take shellfish on your behalf. The designated fisherman must obtain a designated harvest permit prior to attempting to harvest shellfish and must return a completed harvest report. The designated fisherman may harvest for any number of beneficiaries but may have no more than two harvest limits in his/her possession at any one time.

(3) The designated fisherman must have in possession a valid designated harvest permit when taking, attempting to take, or transporting shellfish taken under this section, on behalf of a beneficiary.

(4) You may not fish with more than one legal limit of gear as established by this section.

(5) You may not designate more than one person to take or attempt to take shellfish on your behalf at one time. You may not personally take or attempt to take shellfish at the same time that a designated fisherman is taking or attempting to take shellfish on your behalf.

(f) If a subsistence shellfishing permit is required by this section, the following conditions apply unless otherwise specified by the subsistence regulations in this section:

(1) You may not take shellfish for subsistence in excess of the limits set out in the permit unless a different limit is specified in this section;

(2) You must obtain a permit prior to subsistence fishing;

(3) You must have the permit in your possession and readily available for inspection while taking or transporting the species for which the permit is issued;

(4) The permit may designate the species and numbers of shellfish to be harvested, time and area of fishing, the type and amount of fishing gear and other conditions necessary for management or conservation purposes;

(5) If specified on the permit, you must keep accurate daily records of the catch involved, showing the number of shellfish taken by species, location and date of the catch, and such other information as may be required for management or conservation purposes;

(6) You must complete and submit subsistence fishing reports at the time specified for each particular area and fishery;

(7) If the return of catch information necessary for management and conservation purposes is required by a subsistence fishing permit and you fail to comply with such reporting requirements, you are ineligible to receive a subsistence permit for that activity during the following calendar year, unless you demonstrate that failure to report was due to loss in the mail, accident, sickness, or other unavoidable circumstances.

(g) *Subsistence take by commercial vessels.* No fishing vessel which is commercially licensed and registered for shrimp pot, shrimp trawl, king crab, Tanner crab, or Dungeness crab fishing may be used for subsistence take during the period starting 14 days before an opening and ending 14 days after the closure of a respective open season in the area or areas for which the vessel is registered. However, if you are a commercial fisherman, you may retain shellfish for your own use from your lawfully taken commercial catch.

(h) You may not take or possess shellfish smaller than the minimum legal size limits.

(i) *Unlawful possession of subsistence shellfish.* You may not possess, transport, give, receive, or barter shellfish or their parts taken in violation of Federal or State regulations.

(j) (1) An owner, operator, or employee of a lodge, charter vessel, or other enterprise that furnishes food, lodging, or guide services may not furnish to a client or guest of that enterprise, shellfish that has been taken under this section, unless:

(i) The shellfish has been taken with gear deployed and retrieved by the client or guest who is a Federally-qualified subsistence user;

(ii) The gear has been marked with the client's or guest's name and address; and

(iii) The shellfish is to be consumed by the client or guest or is consumed in the presence of the client or guest.

(2) The captain and crewmembers of a charter vessel may not deploy, set, or retrieve their own gear in a subsistence

shellfish fishery when that vessel is being chartered.

(k) *Subsistence shellfish areas and pertinent restrictions.* (1) *Southeastern Alaska-Yakutat Area.* No marine waters are currently identified under Federal subsistence management jurisdiction.

(2) *Prince William Sound Area.* No marine waters are currently identified under Federal subsistence management jurisdiction.

(3) *Cook Inlet Area.* (i) You may take shellfish for subsistence purposes only as allowed in this section (k)(3).

(ii) You may not take king crab, Dungeness crab, or shrimp for subsistence purposes.

(iii) In the subsistence taking of Tanner crab:

(A) Male Tanner crab may be taken only from July 15 through March 15;

(B) The daily harvest and possession limit is 5 male Tanner crabs;

(C) Only male Tanner crabs 5½ inches or greater in width of shell may be taken or possessed;

(D) No more than 2 pots per person, regardless of type, with a maximum of 2 pots per vessel, regardless of type, may be used to take Tanner crab.

(iv) In the subsistence taking of clams:

(A) The daily harvest and possession limit for littleneck clams is 1,000 and the minimum size is 1.5 inches in length;

(B) The daily harvest and possession limit for butter clams is 700 and the minimum size is 2.5 inches in length.

(v) Other than as specified in this section, there are no harvest, possession, or size limits for other shellfish, and the season is open all year.

(4) *Kodiak Area.* (i) You may take crab for subsistence purposes only under the authority of a subsistence crab fishing permit issued by the ADF&G.

(ii) The operator of a commercially licensed and registered shrimp fishing vessel must obtain a subsistence fishing permit from the ADF&G before subsistence shrimp fishing during a State closed commercial shrimp fishing season or within a closed commercial shrimp fishing district, section, or subsection. The permit must specify the area and the date the vessel operator intends to fish. No more than 500 pounds (227 kg) of shrimp may be in possession aboard the vessel.

(iii) The daily harvest and possession limit is 12 male Dungeness crabs per person; only male Dungeness crabs with a shell width of 6½ inches or greater may be taken or possessed. Taking of Dungeness crab is prohibited in water 25 fathoms or more in depth during the 14 days immediately before the State opening of a commercial king or Tanner crab fishing season in the location.

(iv) In the subsistence taking of king crab:

(A) The annual limit is six crabs per household; only male king crab with shell width of 7 inches or greater may be taken or possessed;

(B) All crab pots used for subsistence fishing and left in saltwater unattended longer than a 2-week period must have all bait and bait containers removed and all doors secured fully open;

(C) You may only use one crab pot, which may be of any size, to take king crab;

(D) You may take king crab only from June 1 through January 31, except that the subsistence taking of king crab is prohibited in waters 25 fathoms or greater in depth during the period 14 days before and 14 days after State open commercial fishing seasons for red king crab, blue king crab, or Tanner crab in the location;

(E) The waters of the Pacific Ocean enclosed by the boundaries of Womens Bay, Gibson Cove, and an area defined by a line ½ mile on either side of the mouth of the Karluk River, and extending seaward 3,000 feet, and all waters within 1,500 feet seaward of the shoreline of Afognak Island are closed to the harvest of king crab except by Federally-qualified subsistence users.

(v) In the subsistence taking of Tanner crab:

(A) You may not use more than five crab pots to take Tanner crab;

(B) You may not take Tanner crab in waters 25 fathoms or greater in depth during the 14 days immediately before the opening of a State commercial king or Tanner crab fishing season in the location;

(C) The daily harvest and possession limit per person is 12 male crabs with a shell width 5½ inches or greater.

(5) *Alaska Peninsula-Aleutian Islands Area.* (i) The operator of a commercially licensed and registered shrimp fishing vessel must obtain a subsistence fishing permit from the ADF&G prior to subsistence shrimp fishing during a closed State commercial shrimp fishing season or within a closed commercial shrimp fishing district, section, or subsection; the permit must specify the area and the date the vessel operator intends to fish; no more than 500 pounds (227 kg) of shrimp may be in possession aboard the vessel.

(ii) The daily harvest and possession limit is 12 male Dungeness crabs per person; only crabs with a shell width of 5½ inches or greater may be taken or possessed.

(iii) In the subsistence taking of king crab:

(A) The daily harvest and possession limit is six male crabs per person; only crabs with a shell width of 6½ inches or greater may be taken or possessed;

(B) All crab pots used for subsistence fishing and left in saltwater unattended longer than a 2-week period must have all bait and bait containers removed and all doors secured fully open;

(C) You may take crabs only from June 1 through January 31.

(iv) The daily harvest and possession limit is 12 male Tanner crabs per person; only crabs with a shell width of 5½ inches or greater may be taken or possessed.

(6) *Bering Sea Area.* (i) In that portion of the area north of the latitude of Cape Newenham, shellfish may only be taken by shovel, jigging gear, pots, and ring net.

(ii) The operator of a commercially licensed and registered shrimp fishing vessel must obtain a subsistence fishing permit from the ADF&G prior to subsistence shrimp fishing during a closed commercial shrimp fishing season or within a closed commercial shrimp fishing district, section, or subsection; the permit must specify the area and the date the vessel operator intends to fish; no more than 500 pounds (227 kg) of shrimp may be in possession aboard the vessel.

(iii) In waters south of 60° North latitude, the daily harvest and possession limit is 12 male Dungeness crabs per person.

(iv) In the subsistence taking of king crab:

(A) In waters south of 60° North latitude, the daily harvest and possession limit is six male crabs per person;

(B) All crab pots used for subsistence fishing and left in saltwater unattended longer than a 2-week period must have all bait and bait containers removed and all doors secured fully open;

(C) In waters south of 60° North latitude, you may take crab only from June 1 through January 31;

(D) In the Norton Sound Section of the Northern District, you must have a subsistence permit.

(v) In waters south of 60° North latitude, the daily harvest and possession limit is 12 male Tanner crabs.

Dated: January 30, 2007.

Peter J. Probasco,

Acting Chair, Federal Subsistence Board.

Dated: January 30, 2007.

Steve Kessler,

Subsistence Program Leader, USDA-Forest Service.

[FR Doc. 07–1166 Filed 3–15–07; 8:45 am]

BILLING CODE 3410–11–P; 4310–55–P

Federal Register

Friday,
March 16, 2007

Part III

Department of Housing and Urban Development

The Violence Against Women and Department of Justice Reauthorization Act of 2005: Applicability to HUD Programs; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5056–N–01]

The Violence Against Women and Department of Justice Reauthorization Act of 2005: Applicability to HUD Programs

AGENCY: Office of the Secretary, HUD.

ACTION: Notice.

SUMMARY: This notice addresses inquiries to HUD about: (1) The applicability to HUD programs of certain provisions of the Violence Against Women and Department of Justice Reauthorization Act of 2005, as amended by a technical corrections bill signed into law in August 2006, and (2) HUD's plans to issue rules or guidance on this new law. The Violence Against Women and Department of Justice Reauthorization Act of 2005 and the technical corrections described in this notice became effective upon enactment.

This notice presents information from HUD's Offices of Community Planning and Development, General Counsel, Housing, and Public and Indian Housing, and provides an overview of key provisions that affect HUD programs, identifies those provisions that require program participants to take action to be in compliance, and advises of efforts underway within HUD to further facilitate compliance with this new law, including rules and guidance that are under consideration or development.

FOR FURTHER INFORMATION CONTACT: For general information about the Violence Against Women and Department of Justice Reauthorization Act of 2005, please contact Aaron Santa Anna, Assistant General Counsel for Regulations, Office of Legislation and Regulations, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 10282, Washington, DC 20410–0500; telephone (202) 708–3055 (this is not a toll-free number). For information about HUD's Public Housing program and Housing Choice Voucher program, please contact the Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Room 4240, telephone (202) 708–1380. For information about HUD's Homeless Management Information Systems, please contact the Office of Program Coordination and Analysis Division, Office of Special Needs Programs, Office of Community Planning and Development, telephone (202) 402–4496. For information about HUD's Section 8 Project-Based program, please contact the Office of Housing Assistance Policy Division, Office of Housing, Room 6138, telephone (202) 708–3000. The address for all offices is the Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. The above-listed telephone numbers are not toll-free numbers. Persons with hearing or speech impairments may access these numbers through TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Overview

On January 5, 2006, President Bush signed into law the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Pub. L. 109–162) (VAWA 2005), and, on August 28, 2006, signed into law technical corrections to the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Pub. L. 109–271). Except as provided in Section 4 of the technical corrections law, VAWA 2005 became effective upon enactment; no provisions of VAWA 2005 that affect the changes described in this notice have a delayed effective date. VAWA 2005 reauthorizes and amends the Violence Against Women Act of 1994 (42 U.S.C. 13701 *et seq.*) (VAWA 1994) for Fiscal Years 2007 through 2011, and, among other things, consolidates major law enforcement grant programs; makes amendments to criminal and immigration laws; and makes amendments to other statutes, including certain HUD statutes, to support and strengthen efforts to combat domestic violence and other forms of violence against women.

The provisions of VAWA 2005 applicable to HUD programs are found in Title VI entitled ''Housing Opportunities and Safety for Battered Women and Children.'' Section 601 of VAWA 2005 amends VAWA 1994 to add a new Subtitle N to VAWA 1994 entitled ''Addressing the Housing Needs of Victims of Domestic Violence, Dating Violence, Sexual Assault and Stalking.''

HUD Statutes Amended by VAWA 2005. With regard to HUD programs, VAWA 2005 addresses various housing needs for victims of domestic violence, and amends the following HUD statutes: the U.S. Housing Act of 1937 (42 U.S.C. 1437 *et seq.*), the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 13704 *et seq.*), and the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 *et seq.*).

HUD Programs Affected by VAWA 2005. The amendments made by VAWA 2005 apply to HUD's Public Housing program, HUD's Supportive Housing program, and HUD's programs assisted by section 8 of the U.S. Housing Act of 1937. The VAWA 2005 provisions applicable to HUD do not cover HUD's Indian housing programs. The VAWA 2005 provisions applicable to HUD do not cover programs other than the Supportive Housing program for the Homeless and housing that is assisted by HUD under sections 6 and 8 of the U.S. Housing Act of 1937.

Immediate Applicability of VAWA 2005. The primary objectives of VAWA 2005 are to reduce violence against women and to protect, or increase the protection of, the safety and confidentiality of women who are victims of abuse. These new protections for families participating in HUD programs became effective upon enactment of the law on January 5, 2006, and for the majority of the VAWA 2005 amendments that are applicable to HUD programs, prior action by HUD is not necessary in order for implementation to begin. Following enactment of the new law, HUD's Office of Public and Indian Housing issued a direct notice on VAWA 2005, PIH 2006–23, in which it advised public housing agencies (PHAs) that these statutory provisions [of VAWA 2005] were effective the date the law was enacted (January 5, 2006). That notice can be found at *http://www.hud.gov/offices/pih/publications/notices/06/pih2006–23.pdf.* HUD's Office of Public and Indian Housing also issued PIH notice PIH 2006–42 on the VAWA form HUD–50066, Certification of Domestic Violence, Dating Violence, or Stalking. That notice can be found at *http://www.hud.gov/offices/pih/publications/notices/06/pih2006–42.pdf.* HUD's Office of Public and Indian Housing also issued PIH notice PIH 2007–5, which describes revised form HUD 52641, the Housing Assistance Payments Contract, and revised form HUD 52641A, the Tenancy Addendum. Both forms were revised to reflect statutory requirements of VAWA. That notice can be found at *http://www.hud.gov/offices/pih/publications/notices/07/pih2007-5.pdf.*

Sections II, III, and IV of this notice provide an overview of the key amendments made by VAWA 2005 that are applicable to HUD programs, and identify provisions for which rules or guidance may be issued by HUD's program offices.

II. VAWA 2005 Amendments to the U.S. Housing Act of 1937

Under the U.S. Housing Act of 1937, HUD promotes the goal of providing decent and affordable housing for all citizens by providing funds for housing assistance.

A. *Public Housing Agency Plans.* Section 603 of VAWA 2005 amends section 5A of the U.S. Housing Act of 1937. This amendment requires the 5-year plans of PHAs to begin including a statement about goals, activities, objectives, policies, or programs that will enable a PHA to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking.

The amendment requires the annual plan of PHAs to include a description of: (1) Any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking; (2) any activities, services, or programs provided or offered that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking to obtain or maintain housing; and (3) any activities, services, or programs provided or offered to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families.

Note: PHAs must include the statement required by VAWA 2005 in their next regularly scheduled plan submission. PHAs are encouraged to amend or modify their plans before the next regular submission as provided in 24 CFR 903.21.

B. *Section 8 and Public Housing Identical Amendments.* Sections 606 and 607 amend section 8 (42 U.S.C. 1437f) and section 6 (42 U.S.C. 1437d) of the U.S. Housing Act of 1937, governing HUD's section 8 assisted programs and HUD's public housing program, respectively, as noted below.

1. *Admission, Occupancy, and Termination of Assistance Policies.* Sections 606 and 607 of the VAWA 2005 amendments provide that:

- Being a victim of domestic violence, dating violence, or stalking, as these terms are defined in the law (hereafter collectively referred to as ''abuse''), is not a basis for denial of assistance or admission to public or assisted housing if the applicant otherwise qualifies for assistance or admission;
- Incidents or threats of abuse will not be construed as serious or repeated violations of the lease or other ''good cause'' for termination of the assistance, tenancy, or occupancy rights of a victim of abuse; and
- Criminal activity directly relating to abuse, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that abuse.

Note: PHAs and owners administering or participating in section 8 programs and public housing programs must ensure that, upon the date of enactment of VAWA 2005, any denial of admission to the programs and any termination of assistance, tenancy, or occupancy rights under the programs complies with the provisions of VAWA 2005, and any future denial or termination action will comply with the provisions of VAWA 2005.

VAWA 2005 provides that these new policies governing admission, occupancy, and termination of assistance are not to interfere with certain rights and responsibilities of PHAs, owners, or managers [1] regarding criminal activity or acts of violence against family members or others, as discussed in paragraph 2, which follows.

2. *Rights and Responsibilities of PHAs, Owners, and Managers.* The VAWA 2005 amendments, as recently amended by the technical corrections statute, and as applicable to section 8 contracts for assistance payments and public housing leases, provide that:

Notwithstanding the restrictions that VAWA 2005 places on admission, occupancy, and terminations of occupancy or assistance, as discussed in paragraph 1, or any federal, state, or local law to the contrary, a PHA, owner or manager may ''bifurcate'' a lease under this section, or remove a household member from a lease under this section, without regard to whether a household member is a signatory to the lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant, and such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by federal, state, and local law for the termination of leases or assistance under the relevant program of HUD-assisted housing.

Note: The authority provided to PHAs, owners, and managers under VAWA 2005 to bifurcate a lease or otherwise remove an individual is applicable to all existing leases for families participating in either the public housing or section 8 programs, and specific lease language to that effect is not necessary for the PHA, owner, or manager to exercise such authority. Neither the authority nor the procedures under any other law is necessary to bifurcate or otherwise remove an individual from the lease. Furthermore, this federal statutory authority to bifurcate a lease or otherwise remove an individual takes precedence over any federal, state, or local law to the contrary. However, PHAs, managers, and owners must keep in mind that the eviction of or the termination action against the individual must be effected in accordance with the procedures prescribed by federal, state, and local law. This means that the same procedures prescribed by federal, state, and local law that the PHA, owner, or manager must follow to evict, remove, terminate occupancy rights, or terminate assistance for the family as a whole must also be followed when exercising such action against an individual household member.

It is further noted that under the Housing Choice Voucher (HCV) program, PHAs have authority under the existing § 982.552(c)(2) to terminate voucher assistance for certain family members while permitting other members of a participant family to continue receiving assistance (provided the culpable family member will no longer reside in the unit). A PHA's right to exercise this administrative discretion under § 982.552(c)(2) is not dependent on a bifurcated lease or other eviction action by the owner against an individual family member.

VAWA 2005 also provides that the restrictions the law places on admission, occupancy, and termination of occupancy or assistance, as discussed in paragraph 1:

- May not be construed to limit a PHA, owner, or manager from honoring various court orders issued to either protect the victim or address the distribution of property in case a family breaks up;
- Does not limit any otherwise available authority of a PHA, owner, or manager to terminate assistance or evict due to any lease violation not premised on the act of violence in question against the tenant or member of the tenant's household, provided that the owner or manager does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate assistance;
- May not be construed to limit the authority of a PHA, owner, or manager to terminate the assistance of, or evict, any occupant who can be demonstrated to pose an actual or imminent threat to other tenants or the property's employees; and
- Shall not be construed to supersede any provisions of federal, state, or local

[1] Please note that in HUD's Housing programs, the term ''manager'' as used in VAWA is synonymous with the phrase ''management agent.''

laws that provide greater protection for victims of abuse.

3. *Certification of Abuse and Confidentiality.* Sections 606 and 607 of VAWA 2005, and as recently amended by the technical corrections statute, add certification and confidentiality provisions that allow for a PHA, owner, or manager to request an individual to certify that the individual is a victim of abuse and that the incidences of abuse are bona fide. The certification must include the name of the perpetrator, and any other statutorily required information, and the victim must provide the certification within 14 business days after the individual receives a request for such certification from the PHA, owner, or manager.

Without the certification, a PHA, owner, or manager may terminate assistance. All information provided to a PHA, owner, or manager is confidential. Notice of these rights must be given to tenants. The statute allows for the victim to self-certify and also allows for the certification requirement to be satisfied with documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional from whom the victim has sought assistance in addressing domestic violence, dating violence, or stalking or the effects of the abuse in which the professional attests under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation. The statute also allows for the certification requirement to be satisfied by producing a federal, state, tribal, territorial, or local police or court record.

Note: HUD-Approved Certification. Sections 606 and 607 require the issuance of a ''HUD-approved certification form'' for victims of abuse to use. The HUD-approved certification form for PIH-covered programs is form HUD–50066, which may be found at: *http://www.hudclips.org/sub_nonhud/html/forms.htm*. On February 7, 2007 (72 FR 5733), HUD published a 60-day notice in the **Federal Register** informing the public that HUD will be submitting the Office of Housing's certification form for its programs (Form HUD–90066) to OMB for review.

4. *Portability in the Housing Choice Voucher Program.* VAWA 2005 amended section 8(r) of the United States Housing Act to provide an exception to the prohibition against a family moving under the portability provisions in violation of the lease. VAWA 2005 provides that the family may receive a voucher and move in violation of the lease under the portability procedures if the family has complied with all other obligations of the voucher program and has moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit.

5. *PHA Notification to Tenants and Owners Participating in Section 8 Programs.* VAWA 2005 further requires that PHAs must provide notice to tenants assisted under section 8 of the United States Housing Act of 1937 of their rights, and notice to owners and managers of their rights and obligations, under section 8 as amended by VAWA 2005. Specifically, such notice must cover rights and obligations under subsections (8)(c)(9), (8)(d)(1)(B)(ii), (8)(d)(1)(B)(iii), (8)(o)(7)(C), (8)(o)(7)(D), (8)(o)(20), (8)(r)(5), and (8)(ee).

Note: PHAs must provide notice to all families and owners participating under any section 8 program administered by the PHA, including the HCV tenant-based and project-based program, the project-based certificate program, and the section 8 moderate rehabilitation program (excluding the Single Room Occupancy Moderate Rehabilitation program authorized under the McKinney-Vento Act).

6. *PHA Notification to Public Housing Residents.* VAWA 2005 also requires that PHAs must provide notice to public housing residents of their rights under section 6 of the United States Housing Act of 1937 as amended by VAWA 2005. Specifically, the notice must cover rights under subsections (6)(l)(5), (6)(l)(6), and (6)(u), including their rights to confidentiality and the limits thereof.

7. *Definitions Added to U.S. Housing Act of 1937.* Section 606(3) and section 607(5) of VAWA 2005, and as recently amended by the technical corrections statute, also amend section 8(f) and section 6(d) of the U.S. Housing Act of 1937 to provide important definitions of terms, most notably:

(1) A definition of ''domestic violence'' (42 U.S.C. 1437f(f)(8) and 42 U.S.C. 1436d(u)(3)(A)), which is given the same meaning as this term is defined in section 40002 of the Violence Against Women Act of 1994 (VAWA 1994) as added by VAWA 2005. VAWA 2005 defines ''domestic violence'' to include ''felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction'';

(2) A definition of ''dating violence'' (42 U.S.C. 1473f(f)(9) and 42 U.S.C. 1436d(u)(3)(B)), which is given the same meaning as this term as defined in section 40002 of VAWA 1994, as added by VAWA 2005. VAWA 2005 defines ''dating violence'' to mean ''violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.''

(3) A definition of ''stalking'' (42 U.S.C. 1437f(f)(10) and 42 U.S.C. 14736d(u)(3)(C)), that differs from the meaning of this term as defined in section 40002 of VAWA 1994, as added by VAWA 2005. The definition that is applicable to HUD's public housing and section 8 assisted programs is a more detailed definition than that provided in section 40002 of VAWA 1994, as amended by VAWA 2005. For HUD covered programs, the definition of ''stalking'' is defined as follows. ''Stalking means (A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; or (ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and (B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person; (ii) a member of the immediate family of that person; or (iii) the spouse or intimate partner of that person''; and

(4) A definition of ''immediate family member'' (42 U.S.C. 1437f(f)(11) and 1437d(u)(3)(D)). ''Immediate family member'' is defined to mean, ''with respect to a person (A) a spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in loco parentis; or (B) any other person living in the household of that person and related to that person by blood or marriage.''

III. VAWA 2005 Amendments to the McKinney-Vento Homeless Assistance Act

The McKinney-Vento Homeless Assistance Act (42 U.S.C. 11383) authorizes programs that provide grants for homeless assistance. Section 605 of VAWA 2005 amends section 423 of the McKinney-Vento Homeless Assistance Act. Section 423 is part of Subtitle C of the McKinney-Vento Homeless Assistance Act, which establishes HUD's Supportive Housing Program. Section 423 of that subtitle describes the eligible activities of the Supportive Housing assistance program, and section 605 of VAWA 2005 adds a new subsection (a)(8) entitled ''Confidentiality.''

Homeless Management Information Systems. Homeless Management Information Systems (HMIS) are computerized data collection applications that facilitate the collection of information on homeless individuals and families using residential or other homeless assistance services and stores that data in an electronic format. The new Confidentiality provision directs victim service providers not to disclose, for purposes of HMIS, personally identifying information about any client. In accordance with this statutory requirement, victim service providers must maintain the confidentiality of personally identifying information of the providers' clients. The Office of Community Planning and Development is also planning to issue guidance that may be helpful to participants.

It is important to note, however, that the VAWA 2005 amendment does not affect current aggregate reporting under the Annual Progress Reporting (APR) process covering the Supportive Housing, Shelter Plus Care, and Section 8 SRO programs. In addition, current aggregate reporting for the Emergency Shelter Grant program under the Integrated Disbursement and Information System (IDIS) reporting is not covered.

Notice and Comment Requirement. Section 605 allows HUD, through a public notice and comment process, to require recipients or subrecipients to disclose for purposes of HMIS, non-personally identifying data that has been de-identified, encrypted or otherwise encoded. HUD's Office of Community Planning and Development is considering how technology may ensure the proper protection of personally identifying data. For purposes of HMIS, any requirement to disclose non-personally identifying information will be issued through a notice and comment process as directed by statute. It is important to reiterate that existing paper record keeping requirements and aggregate reporting under the APR and IDIS systems are not covered by this section since they preceded the HMIS initiative and are currently separate from HMIS; also, the APR and IDIS systems do not require personal identifiers being entered into a central database.

Section 605 also defines the terms ''personally identifying information'' and ''victim service provider.'' The term ''personally identifying information'' is defined to mean ''individually identifying information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including (I) a first and last name; (II) a home or other physical address; (III) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number); (IV) a social security number; and (V) any other information including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any other non-personally identifying information would serve to identify any individual.''

The term ''victim service provider'' is defined to mean ''a nonprofit, nongovernmental organization, including rape crisis centers, battered women's shelters, domestic violence transitional housing programs, and other programs whose primary mission is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking.''

IV. VAWA 2005 Amendments to the Cranston-Gonzalez National Affordable Housing Act

Under the Cranston-Gonzalez National Affordable Housing Act, HUD may provide assistance to certain jurisdictions that, in turn, will create comprehensive affordable housing strategies. Section 604 of VAWA 2005 amends section 105(b)(1) of the Cranston-Gonzalez National Affordable Housing Act to now require that comprehensive housing affordability strategies (more familiarly known as the Consolidated Plan) submitted to the Secretary shall contain estimated housing needs for victims of domestic violence, dating violence, sexual assault, and stalking.

V. Additional Information

As a result of the amendments to the HUD statutes discussed in this notice, HUD's Office of Community Planning and Development and HUD's Office of Public and Indian Housing have already begun outreach to program participants and to organizations representative of victims of abuse on those provisions for which additional compliance guidance from HUD may be beneficial to program participants.

HUD will be amending the regulations of the programs covered by VAWA 2005 to conform the existing regulations to the new statutory language and requirements. Again, however, the absence of the statutory language in the regulations does not mean the statutory provisions are not effective and applicable. The protections provided by the statute are immediately available to covered families.

In HUD's Semiannual Agenda of Regulations, published on April 24, 2006 (71 FR 22734), HUD's Office of Public and Indian Housing announced that it would revise HUD's regulations for its public and assisted housing programs to conform the regulations to the statutory amendments made by VAWA 2005 (*see* 71 FR 22757). This office reiterated this statement about forthcoming rules in Notice PIH 2006–23.

HUD's Office of Housing has already engaged in outreach activities, engaging affected program participants in discussions about the nature and scope of VAWA 2005 provisions and how they might best be implemented. Housing also plans to issue, in the near future, a **Federal Register** notice that addresses VAWA 2005 requirements applicable to participants in Housing programs. Housing will also be issuing, by separate publication, guidance and a HUD-approved certification form that can be provided by an owner or management agent to a tenant to help ascertain whether the tenant is a victim of abuse.

HUD's Office of Community Planning and Development is examining new technology to determine whether such technology can provide the protection for non-personally identifying data, which the statute directs be provided and which HUD seeks to provide.

In addition to rules that conform regulatory language to the recently enacted statutory language, offices may issue guidance to assist program participants in compliance with the new amendments, depending upon questions raised by their respective constituents. Additionally, HUD may determine that for certain areas of the new law, binding requirements established through proposed and final rulemaking, as opposed to guidance, serve as the better approach for achieving compliance.

VAWA 2005, in its entirety, is available at the following Web site addresses:

- *For plain text version: http://frwebgate.access.gpo.gov/cgi-bin/*

useftp.cgi?IPaddress=162.140.64.21&filename=publ162.109&directory=/diskb/wais/data/109_cong_public_laws

- *For PDF version: http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_public_laws&docid=f:publ162.109.pdf*

VAWA 2005's technical correction, in its entirety, is available at the following Web site addresses:

- *For plain text version: http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_public_laws&docid=f:publ271.109*
- *For PDF version: http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_public_laws&docid=f:publ271.109.pdf.*

Dated: February 26, 2007.

Roy A. Bernardi,

Deputy Secretary.

[FR Doc. E7–4795 Filed 3–15–07; 8:45 am]

BILLING CODE 4210–67–P

Reader Aids

Federal Register

Vol. 72, No. 51

Friday, March 16, 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
10339–10592 8
10593–10882 9
10883–11282 12
11283–11772 13
11773–12030 14
12031–12544 15
12545–12700 16

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.

2 CFR

376 9233
601 10033
2867 11285
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
12170 (See Notice of March 8, 2007) 10883
12957 (See Notice of March 8, 2007) 10883
12959 (See Notice of March 8, 2007) 10883
13059(See Notice of March 8, 2007) 10883
13288 (See Notice of February 28, 2007) 9645
13391 (See Notice of February 28, 2007) 9645
13426 10589
13427 10879
Administrative Orders:
Memorandums:
Memorandum of March 5, 2007 11283
Notices:
Notice of February 28, 2007 9645
Notice of March 8, 2007 10883
Presidential Determinations:
No. 2007-14 of February 28, 2007 10881

5 CFR

211 12031
317 12032
353 12032
550 12032
551 12032
875 12037
2641 10339
Proposed Rules:
351 12122

6 CFR

Proposed Rules:
37 10820

7 CFR

52 10035
56 11773
70 11773
210 10885
215 10885
220 10885
225 10885
226 10885
245 10885
301 10593
305 10902
319 10902
457 10908
916 12038
917 12038
984 9841
Proposed Rules:
205 9872
278 11291
279 11291
932 10091

9 CFR

317 9651
381 9651

10 CFR

431 10038
490 12041
Proposed Rules:
50 9708

11 CFR

111 12545

12 CFR

745 10593
747 10593
Proposed Rules:
627 10939

14 CFR

39 .....9237, 9652, 9655, 9657, 9658, 9660, 9662, 9666, 9843, 10049, 10052, 10054, 10057, 10342, 10344, 10346, 10348, 10349, 10350, 10909, 10918, 10920, 12060, 12064, 12066, 12068, 12071, 12072, 12075, 12077, 12546, 12548, 12550, 12555, 12557
71 ...9238, 9239, 10059, 10353, 10354, 11287, 12080
73 12081

91 9845
97 ....9846, 10354
121 12082
Proposed Rules:
25 ....9273, 10941
39 ....9276, 9475, 9877, 9880, 10093, 10429, 10431, 10620, 10622, 10624, 10947, 10949, 10951, 11295, 11297, 11300, 11302, 12125, 12127, 12131, 12133, 12136, 12574, 12576
71 ....10953, 11305, 12578, 12579

15 CFR
740 9847
742 9847
744 9433
774 9847
902 11252

16 CFR
0 9434

17 CFR
Proposed Rules:
240 9412
249 9412

18 CFR
35 12266
37 12266
385 11287
Proposed Rules:
Ch. I 9281
358 10433

19 CFR
12 ....10004, 11944
163 10004
208 11287
361 10004

20 CFR
404 9239
416 9239
Proposed Rules:
404 9709
416 9709

21 CFR
14 9674
71 10356
73 10356
74 10356
101 11776
170 10356
171 10356
172 10356
180 10356
184 10356
310 9849
358 9849
520 ....9242, 10595
522 ....9242, 9243, 10596
524 10597
558 ....9244, 9245, 10357
584 12560
1271 10922
1310 10925
Proposed Rules:
113 11990

22 CFR
41 10060
99 9852
133 10033
137 10033
145 10033
Proposed Rules:
51 10095
504 10954

23 CFR
450 11089
500 11089

24 CFR
15 12540
91 12534
570 12534

25 CFR
61 9836

26 CFR
1 ....9245, 9262
Proposed Rules:
1 9284
301 9712

27 CFR
9 10598

28 CFR
0 10064
5 10064
12 10064
17 10064
65 10064
67 11285
73 10064
552 12085

29 CFR
2530 10070
4022 12087
4044 12087
Proposed Rules:
1910 9716

30 CFR
250 12088
925 10928
942 9616
Proposed Rules:
250 9884
Ch. VII 12026
920 10433

32 CFR
706 10603
Proposed Rules:
635 12140
903 10436

33 CFR
117 ....9435, 9854, 9855, 10358, 10605, 11776
165 ....9436, 10358, 10359, 10360
Proposed Rules:
100 9477
110 ....10438, 10440
165 ....9901, 10443, 10958

34 CFR
280 10605

36 CFR
228 ....10308, 10608
242 12676

38 CFR
2 12564
9 10362
17 10365
Proposed Rules:
5 10860

39 CFR
232 ....11288, 12565

40 CFR
51 10367
52 ....9263, 9441, 10380, 10608, 10610, 10613, 12565
70 10613
122 11200
136 11200
141 11200
143 11200
180 ....9834, 10074, 11777, 11784
271 12568
300 10078
430 11200
455 11200
465 11200
Proposed Rules:
35 12152
51 ....10445, 11307
52 ....10445, 10453, 10626, 10627, 10960, 11307, 11812, 12581
60 9903
63 9718
70 10627
81 9285
271 12581
300 ....10105, 11313
745 12582

41 CFR
102–35 10084
102–37 12572

42 CFR
121 ....10616, 10922
Proposed Rules:
405 9479
424 9479
498 9479

43 CFR
3160 ....10308, 10608
Proposed Rules:
4 10454

44 CFR
65 10382
67 ....9675, 10391, 10392
Proposed Rules:
67 ....10466, 10470, 10474

45 CFR
30 10404
33 10419
74 9233
76 9233
1169 9235
Proposed Rules:
98 9491

47 CFR
64 11789
73 11791
301 ....12097, 12121
Proposed Rules:
73 11817
76 9289

48 CFR
Ch. 44 9445
Proposed Rules:
5 10964
10 10964
12 10964
25 10964
28 12584
52 12584

49 CFR
37 11089
211 10086
393 9855
613 11089
Proposed Rules:
229 9904
350 11817
385 11817
395 11817
396 11817
531 12153
533 12153

50 CFR
32 11792
100 12676
229 ....9446, 9448
230 10934
300 11792
622 ....10088, 10089
648 ....10426, 10934, 11252, 12572
660 10935
665 10090
679 ....9272, 9450, 9451, 9676, 10428, 10937, 11288, 11289, 11810
Proposed Rules:
17 ....9913, 10477, 11819, 11946, 12585
223 9297
622 9499
635 ....10480, 12154
648 ....9719, 10967, 12158
665 ....9500, 10628

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 16, 2007

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration
Fishery conservation and management:
Northeastern United States fisheries—
Summer flounder; published 3-19-07

COMMODITY FUTURES TRADING COMMISSION
Commodity Exchange Act:
Designated contract markets; conflicts of interest in self regulation and self-regulatory organizations; acceptable practices; published 2-14-07

FEDERAL ELECTION COMMISSION
Compliance procedures:
Enforcement proceedings; matters under review; policy statement; published 3-16-07

HEALTH AND HUMAN SERVICES DEPARTMENT
Food and Drug Administration
Animal drugs, feeds, and related products:
25-hydroxyvitamin; published 3-16-07

PEACE CORPS
Federal Tort Claims Act; claims against the Government; revisions; published 1-30-07

POSTAL SERVICE
Organization and administration:
Conduct on Postal Service property; weapons and explosives prohibition; clarification; published 3-16-07

TRANSPORTATION DEPARTMENT
Federal Highway Administration
Planning assistance and standards:
Statewide and metropolitan transportation planning; published 2-14-07

TRANSPORTATION DEPARTMENT
Federal Transit Administration
Planning assistance and standards:
Statewide and metropolitan transportation planning; published 2-14-07

VETERANS AFFAIRS DEPARTMENT
Adjudication; pensions, compensation, dependency, etc.:
Home school programs; dependent entitlement to monetary benefits; definitions; published 2-14-07
Organization, functions, and authority delegations:
Under Secretary for Memorial Affairs; published 3-16-07

RULES GOING INTO EFFECT MARCH 17, 2007

HOMELAND SECURITY DEPARTMENT
Coast Guard
Ports and waterways safety; regulated navigation areas, safety zones, security zones, etc.:
Milwaukee Captain of the Port Zone, WI; published 3-8-07

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT
Agricultural Marketing Service
Beef promotion and research; comments due by 3-19-07; published 1-18-07 [FR E7-00598]
Hazelnuts grown in Oregon and Washington; comments due by 3-23-07; published 1-22-07 [FR E7-00763]
Olives grown in California; comments due by 3-22-07; published 3-7-07 [FR E7-03936]
Potatoes (Irish) grown in Washington; comments due by 3-19-07; published 1-16-07 [FR E7-00425]

AGRICULTURE DEPARTMENT
Animal and Plant Health Inspection Service
Plant-related quarantine, domestic:
Oriental fruit fly; comments due by 3-23-07; published 1-22-07 [FR E7-00801]
Correction; comments due by 3-23-07; published 1-26-07 [FR Z7-00801]

AGRICULTURE DEPARTMENT
Forest Service
Alaska National Interest Lands Conservation Act; Title VIII implementation (subsistence priority):
Fish and shellfish; subsistence taking; comments due by 3-23-07; published 12-19-06 [FR 06-09760]
Land and resource management plans, etc.:
Medicine Bow-Routt National Forests and Thunder Basin National Grassland; WY; Open for comments until further notice; published 3-13-07 [FR 07-01157]

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration
Fishery and conservation management:
Western Pacific fisheries—
Electronic logbook forms; optional use; comments due by 3-23-07; published 2-21-07 [FR E7-02893]
Marine mammals:
Sea turtle conservation—
Atlantic trawl fisheries; turtle excluder devices requirements; comments due by 3-19-07; published 2-15-07 [FR E7-02719]

COMMERCE DEPARTMENT
Patent and Trademark Office
Patent cases:
Patent Cooperation Treaty; application procedures; comments due by 3-19-07; published 2-16-07 [FR E7-02761]

DEFENSE DEPARTMENT
Defense Acquisition Regulations System
Acquisition regulations:
Berry Amendment restrictions; clothing materials and components covered; comments due by 3-23-07; published 1-22-07 [FR E7-00731]
Emergency acquisitions; comments due by 3-23-07; published 1-22-07 [FR E7-00730]
Information assurance contractor training and certification; comments due by 3-23-07; published 1-22-07 [FR E7-00732]
Taxpayer identification numbers; comments due by 3-23-07; published 1-22-07 [FR E7-00736]

DEFENSE DEPARTMENT
Civilian health and medical program of the uniformed services (CHAMPUS):
TRICARE program—
Survivors of deceased active duty members and adoption intermediaries; comments due by 3-20-07; published 1-19-07 [FR E7-00709]

DEFENSE DEPARTMENT
Engineers Corps
Navigation regulations:
Naval Air Station Key West, FL; danger zone and restricted area; comments due by 3-23-07; published 2-21-07 [FR E7-02874]

DEFENSE DEPARTMENT
Navy Department
Acquisition regulations:
Continuous process improvements; comments due by 3-19-07; published 1-18-07 [FR E7-00612]

EDUCATION DEPARTMENT
Grants and cooperative agreements; availability, etc.:
Special education and rehabilitative services—
Youth with disabilities; improving postsecondary and employment outcomes; comments due by 3-19-07; published 2-15-07 [FR E7-02685]

ENVIRONMENTAL PROTECTION AGENCY
Air pollution control:
Indian country; new sources and modifications review; comments due by 3-20-07; published 2-8-07 [FR E7-02101]
Air programs:
Fuels and fuel additives—
East St. Louis, IL; reformulated gasoline program extension; public hearing; comments due by 3-23-07; published 2-2-07 [FR E7-01726]
Air quality implementation plans; √A√approval and promulgation; various States and State operating permits programs:
Missouri; comments due by 3-23-07; published 2-21-07 [FR E7-02808]
Air quality implementation plans; approval and promulgation; various States and State operating permits programs:
Missouri; comments due by 3-23-07; published 2-21-07 [FR E7-02807]
Air quality implementation plans; approval and

promulgation; various States:
New Mexico; comments due by 3-19-07; published 2-15-07 [FR E7-02671]
Solid wastes:
Hazardous waste; identification and listing—
Hazardous waste code F019; modification; comments due by 3-19-07; published 1-18-07 [FR E7-00640]
Toxic substances:
Hazardous substances priority list; chemical testing requirements; comments due by 3-19-07; published 12-18-06 [FR E6-21494]

FEDERAL TRADE COMMISSION

Industry guides:
Guides concerning use of endorsements and testimonials in advertising; comment request; comments due by 3-19-07; published 1-18-07 [FR 07-00197]

HEALTH AND HUMAN SERVICES DEPARTMENT

Centers for Medicare & Medicaid Services

Medicaid:
Provisions to ensure the integrity of Federal-State Financial Partnership; cost limit for providers operated by units of government; comments due by 3-19-07; published 1-18-07 [FR 07-00195]

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Communicable diseases control:
African rodents, prairie dogs, and certain other animals; restrictions; comments due by 3-23-07; published 2-21-07 [FR E7-02857]
Food for human consumption:
Food labeling—
Calcium, vitamin D, and osteoporosis; nutrient content claims; comments due by 3-21-07; published 1-5-07 [FR E6-22573]

HOMELAND SECURITY DEPARTMENT

Coast Guard

Ports and waterways safety; regulated navigation areas, safety zones, security zones, etc.:
Savannah River, GA; comments due by 3-20-07; published 1-19-07 [FR E7-00728]
Regattas and marine parades:
Virginia State Hydroplane Championship; comments due by 3-19-07; published 3-2-07 [FR E7-03638]

INTERIOR DEPARTMENT

Fish and Wildlife Service

Alaska National Interest Lands Conservation Act; Title VIII implementation (subsistence priority):
Fish and shellfish; subsistence taking; comments due by 3-23-07; published 12-19-06 [FR 06-09760]

NUCLEAR REGULATORY COMMISSION

Rulemaking petitions:
Massachusetts Attorney General; comments due by 3-19-07; published 1-19-07 [FR E7-00712]

PERSONNEL MANAGEMENT OFFICE

Employment:
Suitability; determinations, action procedures, Merit Systems Protection Board appeals, and savings provision; comments due by 3-19-07; published 1-18-07 [FR E7-00592]

POSTAL SERVICE

Domestic Mail Manual:
Adult fowl; revised mailing standards; comments due by 3-19-07; published 2-16-07 [FR E7-02817]

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:
Airbus; comments due by 3-23-07; published 1-22-07 [FR 07-00201]
Dassault; comments due by 3-19-07; published 1-18-07 [FR E7-00490]
EADS SOCATA; comments due by 3-23-07; published 2-21-07 [FR E7-02888]
General Electric Co.; comments due by 3-19-07; published 1-17-07 [FR E7-00499]
Gippsland Aeronautics Pty. Ltd.; comments due by 3-19-07; published 2-16-07 [FR E7-02516]
Rolls-Royce plc; comments due by 3-23-07; published 1-22-07 [FR E7-00684]
Turbomeca S.A.; comments due by 3-19-07; published 1-17-07 [FR E7-00494]
Airworthiness standards:
Special conditions—
Dassault Aviation Model Falcon 7X airplane; comments due by 3-21-07; published 3-1-07 [FR E7-03582]

TRANSPORTATION DEPARTMENT

Federal Motor Carrier Safety Administration

Motor carrier safety standards:
Intermodal equipment providers, motor carriers, and drivers operating intermodal equipment; safety and maintenance requirements; comments due by 3-21-07; published 12-21-06 [FR E6-21380]

TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration

Motor vehicle safety standards:
Occupant crash protection—
Door locks and retention components and side impact protection; comments due by 3-23-07; published 2-6-07 [FR 07-00517]

TREASURY DEPARTMENT

Internal Revenue Service

Income taxes:
Business electronic filing; guidance; comments due by 3-22-07; published 12-22-06 [FR 06-09757]
Corporate reorganizations; distributions; cross-reference; comments due by 3-19-07; published 12-19-06 [FR E6-21572]

VETERANS AFFAIRS DEPARTMENT

National cemeteries:
Headstone and marker application process; comments due by 3-20-07; published 1-19-07 [FR E7-00644]

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. 49/P.L. 110–7

To designate the facility of the United States Postal Service located at 1300 North Frontage Road West in Vail, Colorado, as the "Gerald R. Ford, Jr. Post Office Building". (Mar. 7, 2007; 121 Stat. 62)

H.R. 335/P.L. 110–8

To designate the facility of the United States Postal Service located at 152 North 5th Street in Laramie, Wyoming, as the "Gale W. McGee Post Office". (Mar. 7, 2007; 121 Stat. 63)

H.R. 433/P.L. 110–9

To designate the facility of the United States Postal Service located at 1700 Main Street in Little Rock, Arkansas, as the "Scipio A. Jones Post Office Building". (Mar. 7, 2007; 121 Stat. 64)

H.R. 514/P.L. 110–10

To designate the facility of the United States Postal Service located at 16150 Aviation Loop Drive in Brooksville, Florida, as the "Sergeant Lea Robert Mills Brooksville Aviation Branch Post Office". (Mar. 7, 2007; 121 Stat. 65)

H.R. 577/P.L. 110–11

To designate the facility of the United States Postal Service located at 3903 South Congress Avenue in Austin, Texas, as the "Sergeant Henry Ybarra III Post Office Building". (Mar. 7, 2007; 121 Stat. 66)

Last List February 28, 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.