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Rules and Regulations

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

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–28645; Directorate Identifier 2007–CE–059–AD; Amendment 39–15228; AD 2007–21–10]

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) 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:

This Airworthiness Directive (AD) results from one report about imperfect locking on ground of the upper access door opening interior handle which has enabled its opening without actuating unlocking knob.

If not corrected an inadvertent action on the handle without actuating the unlocking knob could lead to a door opening.

Investigations identified the unsafe condition resulting from interference between the window trim panel and the handle locking mechanism.

We are issuing this AD to require actions that are intended to address the unsafe condition described in the MCAI.

DATES: This AD becomes effective November 21, 2007.

On November 21, 2007, the Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov* or in person at the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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

SUPPLEMENTARY INFORMATION:

Discussion

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 August 1, 2007 (72 FR 41968). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

This Airworthiness Directive (AD) results from one report about imperfect locking on ground of the upper access door opening interior handle which has enabled its opening without actuating unlocking knob.

If not corrected an inadvertent action on the handle without actuating the unlocking knob could lead to a door opening.

Investigations identified the unsafe condition resulting from interference between the window trim panel and the handle locking mechanism.

Requirements of this AD are first, check for proper operation the locking handle and secondly modification of the window trim panel.

Comments

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

Comment Issue: AD Differences

EADS SOCATA commented that the proposed AD states that there are no differences between the proposed AD and the service information, but the proposed AD requires the installation of a placard on the instrument panel and the service information does not require this placard.

The requirement for the placard was provided to ensure the operating limitation noted in the related service information was clear to the operator and to enforce the limitation. The only way the FAA can legally mandate the operating limitation is through a placard or airplane flight manual change. We do not consider that as an FAA AD difference as the placard requirement only enforces the operating limitation in the MCAI and service bulletins.

We are making no changes to the final rule AD action based on this comment.

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 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

Based on the service information, we estimate that this AD would affect about 23 products of U.S. registry. We also estimate that it would take about 2 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $80 per work-hour. Required parts would cost about $5 per product. Where the service information lists required parts costs that are covered under warranty, we have

assumed that there will be no charge for these costs. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here.

Based on these figures, we estimate the cost of the AD on U.S. operators to be $3,795, or $165 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://www.regulations.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) 647–5527) 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:

2007–21–10 EADS SOCATA: Amendment 39–15228; Docket No. FAA–2007–28645; Directorate Identifier 2007–CE–059–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective November 21, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to TBM 700 airplanes, serial numbers 1 through 9, 11 through 17, 19 through 22, 25 through 27, 29 through 31, 33 and 34, 38, 46, and 49, that are:

(1) certificated in any category;

(2) not equipped with modification No. MOD70–019–25; and

(3) equipped with an interior handle unlocking device through push-button.

Subject

(d) Air Transport Association of America (ATA) Code 52: Doors.

Reason

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

This Airworthiness Directive (AD) results from one report about imperfect locking on ground of the upper access door opening interior handle which has enabled its opening without actuating unlocking knob.

If not corrected an inadvertent action on the handle without actuating the unlocking knob could lead to a door opening.

Investigations identified the unsafe condition resulting from interference between the window trim panel and the handle locking mechanism.

Requirements of this AD are first, check for proper operation the locking handle and secondly modification of the window trim panel.

Actions and Compliance

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

(1) Before each flight after November 21, 2007 (the effective date of this AD) until the actions of paragraph (f)(2) of this AD have been done, check the handle locking using paragraph A of the accomplishment instructions in EADS SOCATA Mandatory TBM Aircraft Service Bulletin SB 70–150, dated May 2007. If any discrepancy is found, do the following before further flight until the modification in paragraph (f)(2) of this AD is done:

(i) Fabricate a placard using letters at least 1/8 inches in height with the words ''FLIGHT ALLOWED WITH ONLY THE FLIGHT DECK SEATS OCCUPIED.''

(ii) Install this placard on the instrument panel within clear view of the pilot.

(iii) The owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7) may do both the pre-flight checks and the placard requirements of this AD. Make an entry in the aircraft records showing compliance with this portion of the AD following section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).

(2) Within the next 12 months after November 21, 2007 (the effective date of this AD) modify the window trim panel using paragraph B of the accomplishment instructions in EADS SOCATA Mandatory TBM Aircraft Service Bulletin SB 70–150, dated May 2007. This modification terminates the requirements of paragraph (f)(1) of this AD.

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, Standards Staff, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Albert Mercado, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4119; fax: (816) 329–4090. 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 MCAI European Aviation Safety Agency (EASA) Emergency AD No: 2007–0172–E, dated June 15, 2007; and EADS SOCATA Mandatory TBM Aircraft Service Bulletin SB 70–150, dated May 2007, for related information.

Material Incorporated by Reference

(i) You must use EADS SOCATA Mandatory TBM Aircraft Service Bulletin SB 70–150, dated May 2007 to do the actions required by this AD, unless the AD specifies otherwise.

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

(2) For service information identified in this AD, contact EADS SOCATA—Direction des Services, 65921 Tarbes Cedex 9, France; telephone: +33 (0)5 62 41 73 00; fax: +33 (0)5 62 41 7–54; or in the United States contact SOCATA AIRCRAFT, INC., North Perry Airport, 7501 South Airport Rd., Pembroke Pines, FL 33023; telephone: (954) 893–1400; fax: (954) 964–4141.

(3) You may review copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, 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 October 4, 2007.

David R. Showers,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–20140 Filed 10–16–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–28371; Directorate Identifier 2007–NM–040–AD; Amendment 39–15234; AD 2007–21–16]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model DHC–8–102, –103, –106, –201, –202, –301, –311, and –315 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) 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:

[A] roll spoiler cable failure could result in an unacceptable amount of roll spoiler deflection, which could result in reduced controllability of the aircraft. * * *

* * * * *

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

DATES: This AD becomes effective November 21, 2007.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of November 21, 2007.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov* or in person at the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

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

SUPPLEMENTARY INFORMATION:

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 June 11, 2007 (72 FR 32027). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

It has been identified that a roll spoiler cable failure could result in an unacceptable amount of roll spoiler deflection, which could result in reduced controllability of the aircraft. To address this condition, Modsum 8Q100898 has been issued to introduce a spoiler cable disconnect sensing device. This modification has been installed in production on aircraft serial numbers 562 and subsequent. An associated operational check has also been introduced (See Note 1 [of the MCAI]).

In addition, Modsum 8Q101443 has been issued to address a potential spoiler cable interference condition on aircraft serial numbers 003 through 123, 125 through 130, 132 through 136, 138 and 139, which do not yet have a spoiler cable tension regulator (Mod[ification] 8/0708) installed.

Following incorporation of the spoiler cable disconnect sensing device on several aircraft, it was noted that, in the event of a spoiler cable failure, only the ROLL SPLR INBD HYD caution light will be illuminated until the aircraft speed decreases below 135 kts (knots), at which time the ROLL SPLR OUTBD HYD caution light will also be illuminated. Modsum 8Q101445 has been issued to rework the sensing circuit caution light indication to ensure that it is consistent for spoiler cable disconnects above and below 135 kts. This modification has been installed in production on aircraft serial numbers 600 and subsequent.

The corrective action includes installing a spoiler cable disconnect sensing device, correcting a potential spoiler cable interference condition, and reworking the spoiler cable disconnect sensing circuit, as applicable. You may obtain further information by examining the MCAI in the AD docket.

Comments

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

Request To Refer to Latest Revision of a Service Bulletin

Piedmont Airlines points out that the current revision level of Bombardier Service Bulletin 8–27–89 is Revision 'G,' dated April 12, 2007. (We referred to Bombardier Service Bulletin 8–27–89, Revision 'E,' dated January 27, 2005, as the appropriate source of service information for accomplishing certain actions specified in the NPRM.)

We infer that the commenter would like us to refer to Revision 'G' of the service bulletin in the AD. We agree. Revision 'G' was issued to correctly identify certain document numbers. No additional work is introduced by Revision 'G' of the service bulletin. We have revised paragraphs (f)(1) and (f)(2) of this AD to refer to Revision 'G' of the service bulletin. We have also revised paragraphs (f)(4) and (f)(5) of this AD to credit operators who have accomplished the actions in accordance with Bombardier Service Bulletin 8–27–89, Revision 'E,' dated January 27, 2005, or in accordance with Bombardier Service Bulletin 8–27–89, Revision 'F,' dated March 14, 2007.

Conclusion

We reviewed the available data, including the comment 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 our FAA policies. Any such differences are highlighted in a **Note** within the AD.

Costs of Compliance

We estimate that this AD will affect 166 products of U.S. registry. We also estimate that it will take about 13 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $80 per work-hour. Required parts will cost about $1,000 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 $338,640, or $2,040 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 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 AD and placed it in the AD docket.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov*; or in person at the Docket Operations office 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 Operations office (telephone (800) 647–5527) 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:

2007–21–16 Bombardier, Inc.: Amendment 39–15234. Docket No. FAA–2007–28371; Directorate Identifier 2007–NM–040–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective November 21, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Bombardier Model DHC–8–102, –103, –106, –201, –202, –301, –311, and –315 airplanes; certificated in any category; serial numbers 003 through 599.

Subject

(d) Air Transport Association (ATA) of America Code 27: Flight controls.

Reason

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

It has been identified that a roll spoiler cable failure could result in an unacceptable amount of roll spoiler deflection, which could result in reduced controllability of the aircraft. To address this condition, Modsum 8Q100898 has been issued to introduce a spoiler cable disconnect sensing device. This modification has been installed in production on aircraft serial numbers 562 and subsequent. An associated operational check has also been introduced (See Note 1 [of the MCAI]).

In addition, Modsum 8Q101443 has been issued to address a potential spoiler cable interference condition on aircraft serial numbers 003 through 123, 125 through 130, 132 through 136, 138 and 139, which do not yet have a spoiler cable tension regulator (Mod[ification] 8/0708) installed.

Following incorporation of the spoiler cable disconnect sensing device on several aircraft, it was noted that, in the event of a spoiler cable failure, only the ROLL SPLR INBD HYD caution light will be illuminated until the aircraft speed decreases below 135 kts (knots), at which time the ROLL SPLR OUTBD HYD caution light will also be illuminated. Modsum 8Q101445 has been issued to rework the sensing circuit caution light indication to ensure that it is consistent for spoiler cable disconnects above and below 135 kts. This modification has been installed in production on aircraft serial numbers 600 and subsequent.

The corrective action includes installing a spoiler cable disconnect sensing device, correcting a potential spoiler cable interference condition, and reworking the spoiler cable disconnect sensing circuit, as applicable.

Actions and Compliance

(f) Within 24 months after the effective date of this AD unless already done, do the following actions.

(1) Applicable to airplane serial numbers 124, 131, 137, and 140 through 561: Incorporate Modsum 8Q100898 to install the spoiler cable disconnect sensing device. Bombardier Service Bulletin 8–27–89, Revision 'G,' dated April 12, 2007, provides approved instructions for incorporating Modsum 8Q100898. (See paragraph (f)(4) of this AD.)

(2) Applicable to airplane serial numbers 003 through 123, 125 through 130, 132 through 136, 138, and 139: Incorporate Modsums 8Q100898 and 8Q101443 to install the spoiler cable disconnect sensing device and to correct potential spoiler cable interference condition. Bombardier Service Bulletin 8–27–89, Revision 'G,' dated April 12, 2007, provides approved instructions for incorporating Modsums 8Q100898 and 8Q101443. (See paragraphs (f)(4) and (f)(5) of this AD.)

(3) Applicable to airplane serial numbers 003 thorough 599: Incorporate Modsum 8Q101445 to rework the spoiler cable disconnect sensing circuit. Bombardier Service Bulletin 8–27–103, Revision 'B,' dated January 24, 2007, provides approved instructions for incorporating Modsum 8Q101445. (See paragraph (f)(6) of this AD.) If Modsum 8Q100898 has not yet been incorporated, incorporate Modsum 8Q101445 in conjunction with Modsum 8Q100898. Refer to paragraph (f)(1) or (f)(2) of this AD, as applicable.

Note 1: The mandatory operational check requirement for the spoiler cable disconnect system (Modsum 8Q100898) is detailed in Task Number 2760/14, dated November 21, 2003, of Part 2 of the applicable de Havilland Dash 8 Maintenance Program Manual (MPM), Airworthiness Limitations (AWL). It was introduced by de Havilland Dash 8 Temporary Revisions AWL–88 (series 100), AWL 2–28 (series 200), and AWL 3–95 (series 300), all dated August 5, 2004. Temporary Revision AWL–88 (Task Number 2760/14) has since been incorporated in Revision 17, dated April 19, 2005, of Part 2 of the AWLs of the MPM for Model DHC–8–100 series airplanes.

(4) Installation of Modsum 8Q100898, in accordance with Bombardier Service Bulletin 8–27–89, dated January 31, 2002; Revision 'A,' dated September 10, 2002; Revision 'B,' dated November 17, 2003; Revision 'C,' dated March 10, 2004; Revision 'D,' dated June 29, 2004; Revision 'E,' dated January 27, 2005; or Revision 'F,' dated March 14, 2007; also meets the requirements of paragraphs (f)(1) and (f)(2) of this AD.

(5) Installation of Modsum 8Q101443, in accordance with Bombardier Service Bulletin 8–27–89, Revision 'C,' dated March 10, 2004; Revision 'D,' dated June 29, 2004; Revision 'E,' dated January 27, 2005; or Revision 'F,' dated March 14, 2007; also meets the requirements of paragraph (f)(2) of this AD for this particular Modsum.

(6) Installation of Modsum 8Q101445, in accordance with Bombardier Service Bulletin 8–27–103, dated November 5, 2003; or Revision 'A,' dated February 12, 2004; also meets the requirements of paragraph (f)(3) of this AD.

FAA AD Differences

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

Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Ezra Sasson, Aerospace Engineer; New York ACO, FAA, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228–7320; fax (516) 794–5531. 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, 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 Canadian Airworthiness Directive CF–2006–13, dated June 6, 2006; Bombardier Service Bulletin 8–27–89, Revision 'G,' dated April 12, 2007; and Bombardier Service Bulletin 8–27–103, Revision 'B,' dated January 24, 2007; for related information.

Material Incorporated by Reference

(i) You must use the service information specified in Table 1 of this AD 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 Bombardier, Inc., Bombardier Regional Aircraft Division, 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada.

(3) 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 1.—MATERIAL INCORPORATED BY REFERENCE

Service bulletin	Revision level	Date
Bombardier Service Bulletin 8–27–89	'G'	April 12, 2007.
Bombardier Service Bulletin 8–27–103	'B'	January 24, 2007.

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

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–20217 Filed 10–16–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 740

License Exceptions

CFR Correction

In Title 15 of the Code of Federal Regulations, revised as of January 1, 2007, on page 282, in Supplement No. 1 To Part 740—Country Groups, in the table Country Group D, for the entry ''Korea, North,'' the table is corrected by adding an X under the second column [D: 1] National Security.

[FR Doc. 07–55513 Filed 10–16–07; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9339]

RIN 1545–BG44

Qualified Zone Academy Bonds; Obligations of States and Political Subdivisions; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to final and temporary regulations.

SUMMARY: This document contains a correction to final and temporary regulations (TD 9339) that were published in the **Federal Register** on Friday, September 14, 2007 (72 FR 52470) providing guidance to state and local governments that issue qualified zone academy bonds and to banks, insurance companies, and other taxpayers that hold those bonds on the program requirements for qualified zone academy bonds.

DATES: The correction is effective October 17, 2007.

FOR FURTHER INFORMATION CONTACT: Timothy L. Jones or Zoran Stojanovic, (202) 622–3980 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final and temporary regulations that are the subject of this correction are under section 1397E of the Internal Revenue Code.

Need for Correction

As published, final and temporary regulations (TD 9339) contain an error that may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication of the final and temporary regulations (TD 9339), which was the subject of FR Doc. E7–18180, is corrected as follows:

On page 52470, column 2, in the preamble, under the paragraph heading ''Correction of Publication'', last two lines of the fifth paragraph, the language ''''§ 1.1379E(m),'' is corrected to read ''§ 1.1379E—1T(m).'''' is corrected to read ''''§ 1.1397E(m),'' is corrected to read ''§ 1.1397E–1T(m).'''' .

LaNita Van Dyke,

Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. E7–20488 Filed 10–16–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9360]

RIN 1545–BC37

Guidance on Passive Foreign Investment Company (PFIC) Purging Elections; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendment.

SUMMARY: This document contains a correction to final regulations (TD 9360) that were published in the **Federal Register** on Thursday, September 27, 2007 (72 FR 54820) providing certain elections for taxpayers that continue to be subject to the PFIC excess distribution regime of section 1291 of the Internal Revenue Code even though the foreign corporation in which they own stock is no longer treated as a PFIC under section 1297(a) or (e) of the Code.

DATES: This correction is effective October 17, 2007.

FOR FURTHER INFORMATION CONTACT: Paul J. Carlino at (202) 622–3840 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations (TD 9360) that are the subject of this correction are under sections 1291, 1297 and 1298 of the Internal Revenue Code.

Need for Correction

As published, final regulations (TD 9360) contain an error that may prove to be misleading and is in need of clarification.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Correction of Publication

■ Accordingly, 26 CFR part 1 is corrected by making the following amendments:

PART 1—INCOME TAXES

Paragraph 1. The authority citation for part 1 continues to read, in part, as follows:

Authority: 26 U.S.C. 7805 * * *

Par. 2. Section 1.1297–3 is amended by revising the fourth sentence of paragraph (e)(5)(ii) *Example.*(i) to read as follows:

§ 1.1297–3 Deemed sale or deemed dividend election by a U.S. person that is a shareholder of a section 1297(e) PFIC.

* * * * *

(e) * * *

(5) * * *

(ii) * * *

Example. * * *

(i) * * * In years 1993 and 1994, FC did not satisfy either the income or the asset test of section 1297(a). * * *

* * * * *

LaNita Van Dyke,

Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. E7–20489 Filed 10–16–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD01–07–135]

Drawbridge Operation Regulations; Lake Champlain, North Hero and Grand Isle, VT

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the US2 Bridge across Lake Champlain, mile 91.8, between North Hero Island and Grande Isle (South Hero Island), Vermont. Under this temporary deviation the US2 Bridge may remain in the closed position from October 22, 2007 through February 1, 2008. Vessels that can pass under the draw without a bridge opening may do so at all times. This deviation is necessary to facilitate bridge rehabilitation construction.

DATES: This deviation is effective from October 22, 2007 through February 1, 2008.

ADDRESSES: Materials referred to in this document are available for inspection or copying at the First Coast Guard District, Bridge Branch Office, 408 Atlantic Avenue, Boston, Massachusetts, 02110, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223–8364. The First Coast Guard District Bridge Branch Office maintains the public docket for this temporary deviation.

FOR FURTHER INFORMATION CONTACT: John McDonald, Project Officer, First Coast Guard District, at (617) 223–8364.

SUPPLEMENTARY INFORMATION: The US2 Bridge, across Lake Champlain, mile 91.8, between North Hero Island and Grand Isle (South Hero Island), Vermont, has a vertical clearance in the closed position of 13 feet at mean high lake elevation and 16 feet at mean low lake elevation. The existing drawbridge operation regulations are listed at 33 CFR 117.993(b).

The owner of the bridge, the Vermont Agency of Transportation (VTrans), requested a temporary deviation to facilitate rehabilitation repairs at the bridge.

Under this temporary deviation, in effect from October 22, 2007 through February 1, 2008, the US2 Bridge need not open for the passage of vessel traffic.

The US2 Bridge rarely opens during the time period this temporary deviation will be in effect. Vessels that can pass under the bridge without a bridge opening may do so at all times.

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

Should the bridge maintenance authorized by this temporary deviation be completed before the end of the effective period published in this notice, the Coast Guard will rescind the remainder of this temporary deviation, and the bridge shall be returned to its normal operation schedule. Notice of the above action shall be provided to the public in the Local Notice to Mariners and the **Federal Register**, where practicable.

Dated: October 4, 2007.

Gary Kassof,

Bridge Program Manager, First Coast Guard District.

[FR Doc. E7–20482 Filed 10–16–07; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD08–07–026]

RIN 1625–AA09

Drawbridge Operation Regulations; Upper Mississippi River, Clinton, IA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operations of the Clinton Railroad Drawbridge, Mile 518.0, Clinton, Iowa across the Upper Mississippi River. This deviation allows the bridge to open on signal if at least 24 hours advance notice is given from 12:01 a.m. December 15, 2007 until 9 a.m., March 15, 2008. The deviation is necessary to allow time for performing needed maintenance and repairs to the bridge.

DATES: This temporary deviation is effective from 12:01 a.m. December 15, 2007 until 9 a.m., March 15, 2008.

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

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

SUPPLEMENTARY INFORMATION: The Union Pacific Railroad Company requested a temporary deviation for the Clinton Railroad Drawbridge, mile 518.0, at Clinton, Iowa across the Upper Mississippi to open on signal if at least 24 hours advance notice is given in order to facilitate needed bridge maintenance and repairs. The Clinton Railroad Drawbridge currently operates in accordance with 33 CFR 117.5, which states the general requirement that drawbridges shall open promptly and fully for the passage of vessels when a request to open is given in accordance with the subpart. In order to facilitate the needed bridge work, the drawbridge must be kept in the closed-to-navigation position. This deviation allows the bridge to open on signal if at least 24 hours advance notice is given from 12:01 a.m. December 15, 2007 until 9 a.m., March 15, 2008.

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

The Clinton Railroad Drawbridge, in the closed-to-navigation position, provides a vertical clearance of 18.7 feet above normal pool. Navigation on the waterway consists primarily of commercial tows and recreational watercraft. These interests will not be significantly impacted due to the reduced navigation in winter months. This temporary deviation has been coordinated with waterway users. No objections were received.

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

Dated: October 5, 2007.

Roger K. Wiebusch,

Bridge Administrator.

[FR Doc. E7–20494 Filed 10–16–07; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2005–KY–0004–200733, FRL–8482–5]

Approval and Promulgation of Implementation Plans Kentucky: Performance Testing and Open Burning

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action to approve revisions to the Kentucky State Implementation Plan (SIP), submitted by the Kentucky Department of Air Quality (KDAQ) on September 6, 2005. The revisions include modifications to Kentucky's Administrative Regulations (KAR) Title 401, Chapters 50:045 and 63:005, which pertain to Kentucky's performance testing and open burning provisions, respectively. These revisions are part of Kentucky's strategy to meet the national ambient air quality standards (NAAQS) by reducing emissions of volatile organic compounds and nitrogen oxides, which are the precursors to ozone formation. Open burning creates smoke that contains fine particles (PM2.5) and precursors to ozone. The approved rules are intended to help control levels of PM2.5 and ozone precursors that contribute to high ozone and PM2.5 levels. This action is being taken pursuant to section 110 of the Clean Air Act (CAA). This final rule also addresses a comment made on EPA's proposed rulemaking for this action published on January 17, 2007.

EFFECTIVE DATE: This rule will be effective November 16, 2007.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2005–KY–0004. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, i.e., Confidential

Business Information 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 Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m, excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Heidi LeSane, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9074. Ms LeSane can also be reached via electronic mail at *lesane.heidi@epa.gov.*

SUPPLEMENTARY INFORMATION:

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V. Statutory and Executive Order Reviews

I. Today's Action

EPA is taking final action to approve revisions to the Kentucky SIP incorporating changes made to two Kentucky regulations: 401 KAR 50:045 and 401 KAR 63:005. These revisions pertain to performance testing requirements and open burning, respectively, and are part of the Commonwealth's strategy to meet the NAAQS by reducing emissions of PM2.5 and ozone precursors. This final action also includes a response to a comment made on EPA's proposed rulemaking for this action, published January 17, 2007 (72 FR 1954).

II. Background

On September 6, 2005, KDAQ submitted to EPA proposed SIP revisions for review and approval into the Kentucky SIP. The proposed revisions include changes made by Kentucky to its performance testing and open burning regulations, found at 401 KAR 50:045 and 401 KAR 63:005, respectively. Both sets of rules were already incorporated into the SIP and the September 6, 2005, revisions were updates to such rules. The rule changes proposed for inclusion in the SIP became state effective on July 13, 2005. 401 KAR 50:045, ''Performance Tests,'' provide guidelines for the methodology, testing conditions, and reporting requirements for sources required to undertake performance testing. The proposed revisions to 401 KAR 50:045 are essentially a recodification/renumbering in order to maintain necessary performance testing requirements currently found in 401 KAR 50:016, which is being repealed. Since 401 KAR 50:016 was never incorporated into the Kentucky SIP, neither the September 6, 2005, SIP revision, nor this action is addressing the repeal; however, this action is approving those provisions that are being incorporated into 401 KAR 50:045 as a result of the repeal of 401 KAR 50:016. In addition to the recodification/renumbering, some minor changes were made to 401 KAR 50:045. Minor changes made to 401 KAR 50:045 include: the option of submitting alternate Compliance Test Protocol forms, and correction of federal reference citations and typographical errors. These actions were taken as a result of comments received by Kentucky during the public hearing.

401 KAR 63:005, ''Open Burning,'' was first incorporated into the Kentucky SIP on July 12, 1982 (47 FR 30059). The rule is structured such that open burning in general is prohibited unless certain conditions are met. These conditions are specified under Sections 4 and 5 of 401 KAR 63:005. The proposed revisions, submitted on September 6, 2005, were initiated because as written, the current regulation allowed open burning of garbage in backyard environments. Kentucky amended the rule to address the problems involving the disposal of debris from storms and of other similar items and the open burning of mixed household garbage, and clarified those instances when open burning is permitted. Additionally, the changes explicitly allow fires set by county or municipal governments to dispose of wood waste or clean lumber, which was implied in the previous rule. Restrictions to open burning still exist for those counties, or portions of counties, which are, or were previously designated nonattainment for the 1-hour ozone, 8-hour ozone, PM10, or PM2.5 NAAQS. The changes to Kentucky's open burning rule also assist in the clarity and enforceability of the rule. The amendments to this rule clarify the types of materials that can be burned and the time and places that open burning can occur to minimize the impact on human health and the environment. The amendment also provides added flexibility for local and county governments in disposing of vegetative matter.

The changes to both the performance testing and open burning rule are approvable into the Kentucky SIP pursuant to section 110 of the CAA.

III. Response to Comments

EPA received comments from one commenter regarding the proposed revisions to the Kentucky SIP published on January 17, 2007 (72 FR 1954). A summary of the adverse comments received on the proposed rule and EPA's response to the comments, is presented below.

Comment: EPA should add the Credible Evidence Rule, either via a Federal Implementation Plan or a SIP Call, at the same time that EPA finalizes this SIP revision.

Response: The September 6, 2005, SIP revision is specifically related to Kentucky rules regarding performance tests and open burning. The comment is not directly related to the Kentucky rules at issue in the September 6, 2005, SIP submittal. Nonetheless, on June 29, 2007, EPA issued a letter responding to a Petition for Rulemaking filed by the commenter regarding credible evidence and the Kentucky SIP. The June 29, 2007, letter denied commenter's petition for rulemaking and explained why EPA is not taking action, at this time, to require a revision to the Kentucky SIP regarding credible evidence.

Comment: The **Federal Register** notice must include the complete text of the proposed SIP revision in order to allow for meaningful public participation.

Response: EPA disagrees with commenter's position on the content of the **Federal Register** notice. Neither the CAA nor the Administrative Procedure Act mandates that the **Federal Register** notice of proposed rulemaking, or final rulemaking action, include the complete text of the proposed SIP revision. The January 17, 2007 (72 FR 1954) proposal satisfies the notice requirements by providing citations to the rules at issue, offering the SIP revision for public review, and describing the subjects and issues involved in the SIP revision. Publication in the **Federal Register** is costly and resource intensive; EPA makes every effort to provide key information in proposal notices while at the same time using Agency resources efficiently. EPA drafts rulemaking notices so as to enable public

understanding of the subjects and issues at hand. Should a member of the public wish to review the complete text of the SIP revision, instructions are provided in the notice of proposed rulemaking for how the SIP revision may be accessed. In addition, the public may also contact the listed contact for any further information or questions.

Comment: The Kentucky SIP cannot allow waiving of performance testing; 401 KAR 50:045 Section 4(1)(d), (2)(d), and (3)(c) cannot be added into the Kentucky SIP.

Response: The rule changes now being included into the Kentucky SIP regarding performance testing (401 KAR 50:045) are consistent with federal rules found at 40 CFR Part 63. The current changes are minimal; the rules previously included in the SIP contained the waiver provisions discussed by the commenter, so they are not new rules being proposed for inclusion into the SIP for the first time. Generally, rules are necessary to ensure compliance with any emission limitations included in the SIP. The waiver provisions noted by commenter are also included in the federal rule at 40 CFR 63.7(h). The waiver provisions in 40 CFR 63.7(h) are delegable to states pursuant to 40 CFR 63.91(g). EPA Region 4 has delegated the part 63 waiver authorities to the Commonwealth of Kentucky. Kentucky is authorized to implement the waiver provisions described in 401 KAR 50:045, consistent with the federal rules. Kentucky's rules require that both the Cabinet and EPA approve any waivers. As a result, Kentucky's rule has two layers of review and protection. With regard to 401 KAR 50:045(3)(c), this provision applies to sources that are not subject to standards promulgated under 40 CFR 60, 61, or 63. As a result, Kentucky has flexibility to implement its own waiver program, to the extent allowed by federal law, with regard to such sources. Notably, these waiver provisions apply only to performance testing and not to the underlying emissions limits—regulated entities must comply with emissions limits irrespective of any waivers for performance testing.

IV. Final Action

EPA is taking final action to approve the proposed revisions including changes to 401 KAR 50:045 and 401 KAR 63:045. These revisions pertain to performance testing requirements and open burning, respectively, and are part of the Commonwealth's strategy to meet the NAAQS by reducing emissions of PM2.5 and ozone precursors. This final rule also addresses a comment made on EPA's proposed rulemaking for this action published January 17, 2007 (72 FR 1954).

V. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard and does not alter the relationship or the distribution of power and responsibilities established in the CAA. 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 and because the Agency does not have reason to believe that the rule concerns an environmental health risk or safety risk that may disproportionately affect children.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the Commonwealth 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 CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 17, 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) of the CAA.)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping

requirements, Sulfur oxides, Volatile organic compounds.

Dated: September 28, 2007.

J. I. Palmer, Jr.,

Regional Administrator, Region 4.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart S—Kentucky

■ 2. Section 52.920(c), Table 1 is amended by revising the entries for ''401 KAR 50:045'' and ''401 KAR 63:005'' to read as follows:

§ 52.920 Identification of plan.

* * * * *

(c) * * *

TABLE 1.—EPA-APPROVED KENTUCKY REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
Chapter 50 Division for Air Quality; General Administrative Procedures				
* *	*	*	* *	*
401 KAR 50:045	Performance tests	07/13/05	10/17/07 [Insert citation of publication].	
* *	*	*	* *	*
Chapter 63 General Standards of Performance				
* *	*	*	* *	*
401 KAR 63:005	Open burning	07/13/05	10/17/07 [Insert citation of publication].	
* *	*	*	* *	*

* * * * *

[FR Doc. E7–20334 Filed 10–16–07; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Part 67

[USCG–2007–28098]

RIN 1625–AB18

Vessel Documentation; Recording of Instruments

AGENCY: Coast Guard, DHS.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: On August 2, 2007, we published a direct final rule. The direct final rule notified the public of our intent to amend vessel documentation regulations to eliminate the requirement to provide certain original documents to the National Vessel Documentation Center (NVDC) for recording, and to eliminate the additional fee for filing by facsimile. We have not received an adverse comment, or notice of intent to submit an adverse comment, on the rule. Therefore, the rule will go into effect as scheduled.

DATES: The effective date of the direct final rule published at 72 FR 42310, August 2, 2007, is confirmed as October 31, 2007.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas L. Willis, Director, National Vessel Documentation Center, U.S. Coast Guard, telephone (304) 271–2506.

SUPPLEMENTARY INFORMATION: We undertook this rulemaking to conform our business practices with similar functions provided by other governmental entities and to allow our customers to avail themselves of better service through electronic filing. This rulemaking is expected to improve efficiency at the NVDC and permit the use of improved information collection technology.

Dated: October 11, 2007.

Stefan G. Venckus,

Chief, Office of Regulations and Administrative Law, United States Coast Guard.

[FR Doc. E7–20434 Filed 10–16–07; 8:45 am]

BILLING CODE 4910–15–P

Proposed Rules

Federal Register
Vol. 72, No. 200
Wednesday, October 17, 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–2007–0047; Directorate Identifier 2007–NM–197–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model CL–600–2B19 (Regional Jet Series 100 & 440) 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 that would supersede an existing AD. 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:

* * * * *

The Bombardier CL–600–2B19 airplanes have had a history of flap failures at various positions for several years. Flap failure may result in a significant increase in required landing distances and higher fuel consumption than planned during a diversion. * * *

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 November 16, 2007.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building, Ground Floor, Room W12–40, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov;* or in person at the Docket Operations office 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 Operations office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Dan Parrillo, Aerospace Engineer, Systems and Flight Test Branch, ANE–172, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228–7305; fax (516) 794–5531.

SUPPLEMENTARY INFORMATION:

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–2007–0047; Directorate Identifier 2007–NM–197–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://www.regulations.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

On August 13, 2007, we issued AD 2007–17–07, Amendment 39–15165 (72 FR 46555, August 21, 2007). That AD required actions intended to address an unsafe condition on certain Bombardier Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes. The actions required by AD 2007–17–07 correspond, in part, to Canadian airworthiness directive CF–2007–10, dated July 18, 2007 (referred to after this as ''the MCAI''), issued by Transport Canada Civil Aviation (TCCA), which is the airworthiness authority for Canada.

Paragraph (1) of Note 2 of AD 2007–17–07 specified that the planned compliance times for certain actions required in the Canadian airworthiness directive would allow enough time to provide notice and opportunity for prior public comment on the merits of those actions and that we were considering further rulemaking to address this issue. We have determined that further rulemaking is indeed necessary, and this proposed AD follows from that determination.

Accordingly, this proposed AD would supersede AD 2007–17–07. This proposed AD would retain the requirements of AD 2007–17–07, i.e., revising the airplane flight manual (AFM) by incorporating the information in Canadair Regional Jet Temporary Revision (TR) RJ/165, dated July 6, 2007, into the AFM and by adding operational procedures to the Limitations section of the AFM; training flight crewmembers and operational control/dispatch personnel on the operational procedures; and doing corrective ''maintenance actions.'' The corrective ''maintenance actions'' include the cleaning and lubrication of the flexible shafts, and applicable related investigative and corrective actions (which include a detailed inspection of the actuator connector sealant bead for signs of damage or delamination, repair of damaged sealant, and if necessary, a low temperature torque check on the actuator and, if torque test results are not satisfactory, an installation of a serviceable actuator or, if no serviceable actuators are available, contacting the FAA for corrective action). The corrective ''maintenance actions'' also include installation of metallic seals in the flexible drive-shafts, and applicable related investigative and corrective actions (which include a detailed inspection of the mating surfaces on the flexible drive-shaft for damage (scratches or dents) and, if mating surfaces have damage, cleaning the sealing washer and mating surfaces and applying sealant).

This proposed AD would also require training flight crewmembers on reduced or zero flap landing, and doing additional corrective ''maintenance actions'' that include a pressure test of the flexible drive-shaft, and corrective actions if necessary. The corrective actions include replacing any flexible drive-shaft which exhibits leakage (any sign of bubbles within one minute during the pressure test in water) with a serviceable flexible drive-shaft; and a low temperature torque test of the flap actuators, and corrective actions (including replacement with a serviceable actuator) if necessary. You may obtain further information by examining the MCAI in the AD docket.

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 the 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 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 684 products of U.S. registry. We also estimate that it would take about 27 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 $1,477,440, or $2,160 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 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 removing Amendment 39–15165 (72 FR 46555, August 21, 2007) and adding the following new AD:

Bombardier, Inc. (Formerly Canadair): Docket No. FAA–2007–0047; Directorate Identifier 2007–NM–197–AD.

Comments Due Date

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

Affected ADs

(b) The proposed AD supersedes AD 2007–17–07, Amendment 39–15165.

Applicability

(c) This AD applies to Bombardier Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes, certificated in any category, serial numbers 7003 through 7990 and 8000 and subsequent.

Subject

(d) Air Transport Association (ATA) of America Code 27: Flight Controls.

Reason

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

* * * * *

The Bombardier CL–600–2B19 airplanes have had a history of flap failures at various positions for several years. Flap failure may result in a significant increase in required landing distances and higher fuel consumption than planned during a diversion. * * *

* * * * *

This AD includes retaining the requirements of the existing AD: Revising the airplane flight manual by incorporating a temporary revision and by adding operational procedures to the Limitations section; training flight crewmembers and operational control/dispatch personnel on the operational procedures; and doing corrective ''maintenance actions.'' The corrective ''maintenance actions'' include the cleaning and lubrication of the flexible shafts, and applicable related investigative and corrective actions (which include a detailed inspection of the actuator connector sealant bead for signs of damage or delamination, repair of damaged sealant, and if necessary, a low temperature torque check on the actuator and if torque test results are not satisfactory, an installation of a serviceable actuator or, if no serviceable actuators are available, contacting the FAA for corrective action), and installing metallic seals in the flexible drive-shafts, and applicable related investigative and corrective actions (which include a detailed inspection of the mating surfaces on the flexible drive-shaft for damage (scratches or dents), and if mating surfaces have damage, cleaning the sealing washer and mating surfaces and applying sealant). This AD also requires training flight crewmembers on reduced or zero flap landing and doing additional corrective ''maintenance actions'' that include a pressure test of the flexible drive-shaft and corrective actions (which

include replacing any flexible drive-shaft which exhibits leakage (any sign of bubbles within one minute during the pressure test in water) with a serviceable flexible drive-shaft) and a low temperature torque test of the flap actuators and corrective actions (which include installation of a serviceable actuator if torque test results are not satisfactory).

Restatement of Requirements of AD 2007–17–07

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

(1) Part I. Airplane Flight Manual (AFM) Change: Within 30 days after September 5, 2007 (the effective date of AD 2007–17–07), revise the Canadair Regional Jet Airplane Flight Manual CSP A–012, by incorporating the information in Canadair Regional Jet Temporary Revision (TR) RJ/165, dated July 6, 2007, into the AFM.

Note 1: The actions required by paragraph (f)(1) of this AD may be done by inserting a copy of Canadair Regional Jet TR RJ/165, dated July 6, 2007, into the Canadair Regional Jet Airplane Flight Manual CSP A–012. When this TR has been included in general revisions of the AFM, the general revisions may be inserted in the AFM.

(2) Part II. Operational Procedures: Within 30 days after September 5, 2007, revise the Limitations Section of the Canadair Regional Jet Airplane Flight Manual CSP A–012, to include the following statement. This may be done by inserting a copy of paragraph (f)(2) of this AD in the AFM.

''1. Flap Extended Diversion

Upon arrival at the destination airport, an approach shall not be commenced, nor shall the flaps be extended beyond the 0 degree position, unless one of the following conditions exists:

a. When conducting a precision approach, the reported visibility (or RVR) is confirmed to be at or above the visibility associated with the landing minima for the approach in use, and can be reasonably expected to remain at or above this visibility until after landing; or

b. When conducting a non-precision approach, the reported ceiling and visibility (or RVR) are confirmed to be at or above the ceiling and visibility associated with the landing minima for the approach in use, and can be reasonably expected to remain at or above this ceiling and visibility until after landing; or

c. An emergency or abnormal situation occurs that requires landing at the nearest suitable airport; or

d. The fuel remaining is sufficient to conduct the approach, execute a missed approach, divert to a suitable airport with the flaps extended to the landing position, conduct an approach at the airport and land with 1000 lb (454 kg) of fuel remaining.

Note 1: The fuel burn factor (as per AFM TR/165) shall be applied to the normal fuel consumption for calculation of the flaps extended missed approach, climb, diversion and approach fuel consumption.

Note 2: Terrain and weather must allow a minimum flight altitude not exceeding 15,000 feet along the diversion route.

Note 3: For the purpose of this AD, a ''suitable airport'' is an airport that has at least one useable runway, served by an instrument approach if operating under Instrument Flight Rules (IFR), and the airport is equipped as per the applicable regulations and standards for marking and lighting. The existing and forecast weather for this airport shall be at or above landing minima for the approach in use.

2. Flap Failure After Takeoff

When a takeoff alternate is filed, terrain and weather must allow a minimum flight altitude not exceeding 15,000 feet along the diversion route to that alternate, or other suitable airport. The fuel at departure shall be sufficient to divert to the takeoff alternate or other suitable airport with the flaps extended to the takeoff position, conduct and approach and land with 1000 lb (454 kg) of fuel remaining.

Note: The fuel burn factor (as per AFM TR/165) shall be applied to the normal fuel consumption for calculation of the flaps extended, climb, diversion and approach fuel consumption.

3. Flap Zero Landing

Operations where all useable runways at the destination and alternate airports are forecast to be wet or contaminated (as defined in the AFM) are prohibited during the cold weather season (December to March inclusive in the northern hemisphere) unless one of the following conditions exists:

a. The flap actuators have been verified serviceable in accordance with Part C (Low Temperature Torque Test of the Flap Actuators) of SB 601R–27–150, July 12, 2007, or

b. The flight is conducted at a cruise altitude where the SAT is −60 deg C or warmer. If the SAT in flight is colder than −60 deg C, descent to warmer air shall be initiated within 10 minutes, or

c. The Landing Distance Available on a useable runway at the destination airport is at least equal to the actual landing distance required for flaps zero. This distance shall be based on Bombardier performance data, and shall take into account forecast weather and anticipated runway conditions, or

d. The Landing Distance Available on a useable runway at the filed alternate airport, or other suitable airport is at least equal to the actual landing distance for flaps zero. This distance shall be based on Bombardier performance data, and shall take into account forecast weather and anticipated runway conditions.

Note 1: If the forecast destination weather is less than 200 feet above DH or MDA, or less than 1 mile (1500 meters) above the authorized landing visibility (or equivalent RVR), as applied to the useable runway at the destination airport, condition 3.a., 3.b., or 3.d. above must be satisfied.

Note 2: When conducting No Alternate IFR (NAIFR) operations, condition 3.a., 3.b., or 3.c. above must be satisfied.''

(3) Part III. Training: As of 30 days after September 5, 2007, no affected airplane may be operated unless the flight crewmembers of that airplane and the operational control/dispatch personnel for that airplane have received training that is acceptable to the Principal Operations Inspector (POI) on the operational procedures required by paragraph (f)(2) of this AD.

(4) Part IV. Maintenance Actions: Within 120 days after September 5, 2007, do the cleaning and lubrication of the flexible shafts, installation of metallic seals in the flexible drive-shafts, and all applicable related investigative and corrective actions by doing all the applicable actions specified in ''PART A'' of the Accomplishment Instructions of Bombardier Service Bulletin 601R–27–150, dated July 12, 2007; except if torque test results are not satisfactory, before further flight, install a serviceable actuator in accordance with the service bulletin or, if no serviceable actuators are available, contact the Manager, New York Aircraft Certification Office, FAA, for corrective action. Do all applicable related investigative and corrective actions before further flight.

New Requirements of This AD: Actions and Compliance

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

(1) As of November 30, 2008, no affected airplane may be operated unless the flight crewmembers of that airplane have received simulator training on reduced or zero flap landing that is acceptable to the Principal Operations Inspector (POI). Thereafter, this training must be done during the normal simulator training cycle, at intervals not to exceed 12 months.

(2) Within 24 months or 4,000 flight hours after the effective date of this AD, whichever occurs first: Do a pressure test of the flexible drive-shaft, and do all applicable corrective actions, by doing all the applicable actions specified in ''PART B'' of the Accomplishment Instructions of Bombardier Service Bulletin 601R–27–150, dated July 12, 2007. Do all applicable corrective actions before further flight.

(3) Within 24 months after the effective date of this AD: Do a low temperature torque test of the flap actuators, and do all applicable corrective actions, by doing all the applicable actions specified in ''PART C'' of the Accomplishment Instructions of Bombardier Service Bulletin 601R–27–150, dated July 12, 2007. Do all applicable corrective actions before further flight.

FAA AD Differences

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

(1) The maintenance tasks specified in the first row of the table in ''Part IV. Maintenance Actions'' of the MCAI do not specify a corrective action if an actuator is not serviceable (i.e., torque test results are not satisfactory). However, this AD requires contacting the FAA or installing a serviceable actuator before further flight if torque test results are not satisfactory. (Reference paragraph (f)(4) of this AD.)

(2) Although paragraph 2. of ''Part III. Training'' of the MCAI recommends accomplishing the initial training within 1 year, this AD requires accomplishing the training before November 30, 2008, in order to ensure that the actions are completed prior to the onset of cold weather operations.

Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York Aircraft Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Dan Parrillo, Aerospace Engineer, Systems and Flight Test Branch, ANE–172, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228–7305; fax (516) 794–5531. 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, the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120–0056.

Related Information

(i) Refer to MCAI Canadian Airworthiness Directive CF–2007–10, dated July 18, 2007; Bombardier Service Bulletin 601R–27–150, dated July 12, 2007; and Canadair Regional Jet Temporary Revision RJ/165, dated July 6, 2007, to the Canadair Regional Jet Airplane Flight Manual CSP A–012; for related information.

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

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–20465 Filed 10–16–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–0046; Directorate Identifier 2007–NM–173–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–100, –200, –200C, –300, –400, and –500 Series Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Boeing Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. This proposed AD would require repetitive inspections for any cracking of or damage to the left side and right side flight deck No. 2, No. 4, and No. 5 windows and corrective actions if necessary. This proposed AD results from reports of in-flight departure and separation of the flight deck windows. We are proposing this AD to detect and correct cracking in the vinyl interlayer or damage to the structural inner glass panes of the flight deck No. 2, No. 4, and No. 5 windows, which could result in loss of a window and rapid loss of cabin pressure. Loss of cabin pressure could cause crew communication difficulties or crew incapacitation.

DATES: We must receive comments on this proposed AD by December 3, 2007.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.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 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Wayne Lockett, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6447; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

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–2007–0046; Directorate Identifier 2007–NM–173–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://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

We have received one report of in-flight departure of the flight deck No. 3 window, on a Boeing Model 747 series airplane, which resulted in rapid loss of cabin pressure and an emergency landing. That airplane had accumulated 36,131 total flight hours and 5,607 total flight cycles. We have also received two reports of in-flight separation of the left side flight deck No. 5 window, on two Boeing Model 737 series airplanes. One of the Model 737 series airplanes experienced cabin pressure loss at 12,500 feet due to separation of the forward, aft, and upper edges of the left side flight deck No. 5 window. That airplane had accumulated 25,673 total flight hours and 15,669 total flight cycles. The other Model 737 series airplane experienced a pressure leak at 29,000 feet due to partial separation of the upper aft corner of the left side flight deck No. 5 window. That airplane had accumulated 28,139 total flight hours and 16,566 total flight cycles. Vinyl interlayer cracking of the flight deck No. 2, No. 4, and No. 5 windows could decrease the load carrying capability of the affected windows during cabin pressurization if the structural glass pane of the window becomes broken. Vinyl interlayer cracking could also decrease the bird impact resistance capability of the flight deck No. 2 and No. 4 windows. Cracking in the vinyl interlayer or damage to the structural inner glass panes of the flight deck No. 2, No. 4, and No. 5 windows, if not corrected, could result in loss of a

window and rapid loss of cabin pressure. Loss of cabin pressure could cause crew communication difficulties or crew incapacitation.

On July 18, 2007, we issued AD 2007–15–10, amendment 39–15139 (72 FR 41438, July 30, 2007), to address the unsafe condition on all Model 747 airplanes. A correction was issued on September 10, 2007 (72 FR 53923, September 21, 2007), to fix a typographical error in AD 2007–15–10.

Relevant Service Information

We have reviewed Boeing Alert Service Bulletin 737–56A1023, dated May 24, 2007. The service bulletin describes procedures for doing repetitive internal and external detailed inspections for any cracking of or damage to the left side and right side flight deck No. 2, No. 4, and No. 5 windows that exceeds the limits given in the Accomplishment Instructions of the service bulletin. The service bulletin also describes procedures for accomplishing corrective actions if necessary, which include replacing any cracked or damaged window with a new or serviceable window.

The service bulletin specifies an initial compliance time ranging between 6 months and 24 months, depending on the window location and number of window flight hours. If a replacement window is not new or has an unknown number of flight hours, the service bulletin specifies accomplishing the initial inspection before installation. If a replacement window is new or has zero flight hours, the service bulletin specifies accomplishing the initial inspection at the following times: (1) 7,500 window flight hours or 36 months, whichever occurs first, for flight deck No. 2 windows, and (2) 6,000 window flight hours or 24 months, whichever occurs first, for flight deck No. 4 and No. 5 windows. The service bulletin specifies a repetitive interval of (1) 7,500 window flight hours or 36 months, whichever occurs first, for flight deck No. 2 windows, and (2) 6,000 window flight hours or 24 months, whichever occurs first, for flight deck No. 4 and No. 5 windows. The service bulletin specifies accomplishing the corrective actions before further flight.

Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition.

FAA's Determination and Requirements of the Proposed AD

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

Costs of Compliance

There are about 2,685 airplanes of the affected design in the worldwide fleet. This proposed AD would affect about 799 airplanes of U.S. registry. The proposed inspections would take about 2 work hours per airplane, at an average labor rate of $80 per work hour. Based on these figures, the estimated cost of the proposed AD for U.S. operators is $127,840, or $160 per airplane, per inspection cycle.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Boeing: Docket No. FAA–2007–0046; Directorate Identifier 2007–NM–173–AD.

Comments Due Date

(a) The FAA must receive comments on this AD action by December 3, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to all Boeing Model 737–100, –200, –200C, –300, –400, and –500 series airplanes, certificated in any category.

Unsafe Condition

(d) This AD results from reports of in-flight departure and separation of flight deck windows. We are issuing this AD to detect and correct cracking in the vinyl interlayer or damage to the structural inner glass panes of the flight deck No. 2, No. 4, and No. 5 windows, which could result in loss of a window and rapid loss of cabin pressure. Loss of cabin pressure could cause crew communication difficulties or crew incapacitation.

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.

Repetitive Inspections and Replacement

(f) At the applicable times specified in Tables 1, 2, and 3 of paragraph 1.E. of Boeing Alert Service Bulletin 737–56A1023, dated May 24, 2007, except as provided by paragraph (g) of this AD: Do the internal and external detailed inspections for any cracking of or damage to the left side and right side flight deck No. 2, No. 4, and No. 5 windows and do the applicable corrective actions before further flight, by accomplishing all of the applicable actions specified in the Accomplishment Instructions of the service

bulletin. Repeat the inspections thereafter at the applicable interval specified in paragraph 1.E. of the service bulletin.

Exception to Compliance Times

(g) Where Tables 1, 2, and 3 of paragraph 1.E. of Boeing Alert Service Bulletin 737–56A1023, dated May 24, 2007, specify counting the compliance time from ''* * * the date on this service bulletin,'' this AD requires counting the compliance time from the effective date of this AD.

Alternative Methods of Compliance (AMOCs)

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

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures 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.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD, if it is approved by an Authorized Representative for the Boeing Commercial Airplanes Delegation Option Authorization Organization who has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) Installation of metallic window blanks at cockpit eyebrow windows No. 4 and No. 5 in accordance with Supplemental Type Certificate ST01630SE is approved as an AMOC to the initial and repetitive inspections for the flight deck No. 4 and No. 5 windows required by paragraph (f) of this AD. All other applicable actions required by paragraph (f) of this AD must be fully complied with.

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

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–20466 Filed 10–16–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–0045; Directorate Identifier 2007–NM–169– AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747–200F, 747–300, 747–400, and 747–400D Series Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Boeing Model 747–200F, 747–300, 747–400, and 747–400D series airplanes. This proposed AD would require a detailed inspection to detect missing fasteners from the shear clip at a certain stub frame to auxiliary sill joint, and applicable related investigative and corrective actions. This proposed AD results from reports of missing fasteners from the shear clip of the stub frame to auxiliary sill joint and cracking of the adjacent exterior skin and internal doubler. We are proposing this AD to ensure that fasteners are installed in the shear clip of the stub frame to auxiliary sill joint. Missing fasteners could result in cracks in the adjacent exterior skin and internal doubler, which can propagate and result in loss of structural integrity and sudden in-flight decompression of the airplane.

DATES: We must receive comments on this proposed AD by December 3, 2007.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.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 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Ivan Li, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6437; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

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–2007–0045; Directorate Identifier 2007–NM–169–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://www.regulations.gov*, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

We have received two reports of cracks found in the exterior skin and internal doubler adjacent to the shear clip at the stub frame to auxiliary sill joint at stringer 30 (left and right sides), body station (BS) 488. In addition, on one of the airplanes, seven fasteners were missing from the shear clip on the left side of the airplane. The cause of the missing fasteners has been attributed to a manufacturing process error. If any fastener is missing from the shear clip at the stub frame to auxiliary sill joint, cracks could result in the exterior skin and internal doubler. Such cracks can propagate and result in loss of structural integrity and sudden in-flight decompression of the airplane.

Relevant Service Information

We have reviewed Boeing Alert Service Bulletin 747–53A2685, dated May 31, 2007. The service bulletin describes procedures for doing a detailed inspection to detect missing fasteners from the shear clip at the stub frame to auxiliary sill joint at stringer 30 (left and right sides), BS 488, and applicable related investigative and corrective actions. The related investigative actions include doing an open hole high frequency eddy current inspection to detect cracks at certain fastener locations in the exterior skin and internal doubler, and repetitive low frequency eddy current inspections to detect cracks at the edge row fasteners of any skin repair doubler, as applicable. The corrective actions include trimming out cracks, installing missing fasteners, installing skin repair doublers, and contacting Boeing for certain repair conditions, as applicable.

The service bulletin also specifies the following compliance times:

- For the initial detailed inspection: Before 6,000 total flight cycles, or within 3,000 flight cycles, whichever occurs later.
- For the related investigative actions: Before further flight (for an open hole high frequency eddy current inspection), and within 15,000 flight cycles after installation of repair and thereafter at intervals not to exceed 1,500 flight cycles (for low frequency eddy current inspections).
- For the corrective actions: Before further flight.

Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition.

FAA's Determination and Requirements of the Proposed AD

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

Differences Between the Proposed AD and Service Information

The service bulletin specifies to contact the manufacturer for instructions on how to repair certain conditions, but this proposed AD would require repairing those conditions in one of the following ways:

- Using a method that we approve; or
- Using data that meet the certification basis of the airplane, and that have been approved by an Authorized Representative for the Boeing Commercial Airplanes Delegation Option Authorization Organization whom we have authorized to make those findings.

Costs of Compliance

There are about 98 airplanes of the affected design in the worldwide fleet. This proposed AD would affect about 8 airplanes of U.S. registry. The proposed actions would take about 1 work hour per airplane, at an average labor rate of $80 per work hour. Based on these figures, the estimated cost of the proposed AD for U.S. operators is $640, or $80 per airplane.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Boeing: Docket No. FAA–2007–0045; Directorate Identifier 2007–NM–169–AD.

Comments Due Date

(a) The FAA must receive comments on this AD action by December 3, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Boeing Model 747–200F, 747–300, 747–400, and 747–400D series airplanes, certificated in any category; as identified in Boeing Alert Service Bulletin 747–53A2685, dated May 31, 2007.

Unsafe Condition

(d) This AD results from two reports of cracks found in the exterior skin and internal doubler adjacent to the shear clip at the stub frame to auxiliary sill joint at stringer 30 (left and right sides), body station (BS) 488. In addition, on one of the airplanes, seven fasteners were missing from the shear clip on the left side of the airplane. The cause of the missing fasteners has been attributed to a manufacturing process error. We are issuing this AD to ensure fasteners in the shear clip of the stub frame to auxiliary sill joints (left and right sides) are installed. Missing fasteners could result in cracks in the exterior skin and internal doubler, which can propagate and result in loss of structural integrity and sudden in-flight decompression 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.

Inspection and Applicable Related Investigative and Corrective Actions

(f) At the applicable compliance time and repeat intervals listed in Tables 1 and 2 of paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 747–53A2685, dated May 31, 2007; except that where the service bulletin specifies a compliance time after the date on the service bulletin, this AD requires compliance within the specified compliance time after the effective date of this AD: Do the inspection and applicable related investigative and corrective actions by accomplishing all the applicable actions specified in the Accomplishment Instructions of the service bulletin, except as provided by paragraph (g) of this AD.

Repair of Cracks

(g) If any crack is found during any inspection required by this AD, and Boeing Service Bulletin 747–53A2685, dated May 31, 2007, specifies to contact Boeing for appropriate action: Before further flight, repair the crack using a method approved in accordance with the procedures specified in paragraph (h) of this AD.

Alternative Methods of Compliance (AMOCs)

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

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures 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.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD, if it is approved by an Authorized Representative for the Boeing Commercial Airplanes Delegation Option Authorization Organization who has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

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

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–20467 Filed 10–16–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–0048; Directorate Identifier 2007–NM–181–AD]

RIN 2120–AA64

Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model CN–235, CN–235–100, CN–235–200, CN–235–300, and C–295 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:

Subsequent to accidents involving Fuel Tank System explosions in flight * * * and on ground, * * * Special Federal Aviation Regulation 88 (SFAR88) * * * required a safety review of the aircraft Fuel Tank System * * *.

* * * * *

Fuel Airworthiness Limitations are items arising from a systems safety analysis that have been shown to have failure mode(s) associated with an 'unsafe condition' * * *. These are identified in Failure Conditions for which an unacceptable probability of ignition risk could exist if specific tasks and/or practices are not performed in accordance with the manufacturers' requirements.

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 November 16, 2007.

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

- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* Room W12–140 on the ground floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *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://www.regulations.gov*; or in person at the Docket Operations office 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 Operations office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Shahram Daneshmandi, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1112; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

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–2007–0048; Directorate Identifier 2007–NM–181–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 Airworthiness Directive 2007–0007, dated January 9, 2007 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

Subsequent to accidents involving Fuel Tank System explosions in flight * * * and on ground, the FAA published Special Federal Aviation Regulation 88 (SFAR 88) in June 2001. SFAR 88 required a safety review of the aircraft Fuel Tank System to determine that the design meets the requirements of FAR (Federal Aviation Regulation) § 25.901 and § 25.981(a) and (b).

A similar regulation has been recommended by the JAA (Joint Aviation

Authorities) to the European National Aviation Authorities in JAA letter 04/00/02/07/03–L024 of 3 February 2003. The review was requested to be mandated by NAA's (National Aviation Authorities) using JAR (Joint Aviation Regulation) § 25.901(c), § 25.1309.

In August 2005 EASA published a policy statement on the process for developing instructions for maintenance and inspection of Fuel Tank System ignition source prevention (EASA D 2005/CPRO, *www.easa.eu.int/home/cert_policy_statements_en.html*) that also included the EASA expectations with regard to compliance times of the corrective actions on the unsafe and the not unsafe part of the harmonised design review results. On a global scale the TC (type certificate) holders committed themselves to the EASA published compliance dates (see EASA policy statement). The EASA policy statement has been revised in March 2006: The date of 31–12–2005 for the unsafe related actions was set at 01–07–2006.

Fuel Airworthiness Limitations are items arising from a systems safety analysis that have been shown to have failure mode(s) associated with an 'unsafe condition' as defined in FAA's memo 2003–112–15 'SFAR 88—Mandatory Action Decision Criteria'. These are identified in Failure Conditions for which an unacceptable probability of ignition risk could exist if specific tasks and/or practices are not performed in accordance with the manufacturers' requirements.

This EASA Airworthiness Directive mandates the Fuel System Airworthiness Limitations (comprising maintenance/inspection tasks and Critical Design Configuration Control Limitations (CDCCL)) for the type of aircraft, that resulted from the design reviews and the JAA recommendation and EASA policy statement mentioned above.

The corrective action is revising the Airworthiness Limitations Section of the Instructions for Continued Airworthiness to incorporate new limitations for fuel tank systems. You may obtain further information by examining the MCAI in the AD docket.

The FAA has examined the underlying safety issues involved in fuel tank explosions on several large transport airplanes, including the adequacy of existing regulations, the service history of airplanes subject to those regulations, and existing maintenance practices for fuel tank systems. As a result of those findings, we issued a regulation titled ''Transport Airplane Fuel Tank System Design Review, Flammability Reduction and Maintenance and Inspection Requirements'' (66 FR 23086, May 7, 2001). In addition to new airworthiness standards for transport airplanes and new maintenance requirements, this rule included Special Federal Aviation Regulation No. 88 (''SFAR 88,'' Amendment 21–78, and subsequent Amendments 21–82 and 21–83).

Among other actions, SFAR 88 requires certain type design (i.e., type certificate (TC) and supplemental type certificate (STC)) holders to substantiate that their fuel tank systems can prevent ignition sources in the fuel tanks. This requirement applies to type design holders for large turbine-powered transport airplanes and for subsequent modifications to those airplanes. It requires them to perform design reviews and to develop design changes and maintenance procedures if their designs do not meet the new fuel tank safety standards. As explained in the preamble to the rule, we intended to adopt airworthiness directives to mandate any changes found necessary to address unsafe conditions identified as a result of these reviews.

In evaluating these design reviews, we have established four criteria intended to define the unsafe conditions associated with fuel tank systems that require corrective actions. The percentage of operating time during which fuel tanks are exposed to flammable conditions is one of these criteria. The other three criteria address the failure types under evaluation: Single failures, single failures in combination with a latent condition(s), and in-service failure experience. For all four criteria, the evaluations included consideration of previous actions taken that may mitigate the need for further action.

The Joint Aviation Authorities (JAA) has issued a regulation that is similar to SFAR 88. (The JAA is an associated body of the European Civil Aviation Conference (ECAC) representing the civil aviation regulatory authorities of a number of European States who have agreed to co-operate in developing and implementing common safety regulatory standards and procedures.) Under this regulation, the JAA stated that all members of the ECAC that hold type certificates for transport category airplanes are required to conduct a design review against explosion risks.

We have determined that the actions identified in this AD are necessary to reduce the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

Relevant Service Information

European Aeronautic Defense and Space Company (EADS) CASA has issued CN–235/C–295 Technical Document DT–0–C00–05001, Issue C, dated October 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 the 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 highlighted in a **Note** within the proposed AD.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect 8 products of U.S. registry. We also estimate that it would take about 1 work-hour 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 $640, 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 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:

Construcciones Aeronauticas, S.A. (CASA): Docket No. FAA–2007–0048; Directorate Identifier 2007–NM–181–AD.

Comments Due Date

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

Affected ADs

(b) None.

Applicability

(c) This AD applies to all CASA Model CN–235, CN–235–100, CN–235–200, CN–235–300, and C–295 airplanes; certificated in any category.

Note 1: This AD requires revisions to certain operator maintenance documents to include new inspections. Compliance with these inspections is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by these inspections, the operator may not be able to accomplish the inspections described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (g) of this AD. The request should include a description of changes to the required inspections that will ensure the continued operational safety of the airplane.

Subject

(d) Air Transport Association (ATA) of America Code 28: Fuel.

Reason

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

Subsequent to accidents involving Fuel Tank System explosions in flight * * * and on ground, the FAA published Special Federal Aviation Regulation 88 (SFAR 88) in June 2001. SFAR 88 required a safety review of the aircraft Fuel Tank System to determine that the design meets the requirements of FAR (Federal Aviation Regulation) § 25.901 and § 25.981(a) and (b).

A similar regulation has been recommended by the JAA (Joint Aviation Authorities) to the European National Aviation Authorities in JAA letter 04/00/02/07/03–L024 of 3 February 2003. The review was requested to be mandated by NAA's (National Aviation Authorities) using JAR (Joint Aviation Regulation) § 25.901(c), § 25.1309.

In August 2005 EASA published a policy statement on the process for developing instructions for maintenance and inspection of Fuel Tank System ignition source prevention (EASA D 2005/CPRO, *www.easa.eu.int/home/cert_policy_statements_en.html*) that also included the EASA expectations with regard to compliance times of the corrective actions on the unsafe and the not unsafe part of the harmonised design review results. On a global scale the TC (type certificate) holders committed themselves to the EASA published compliance dates (see EASA policy statement). The EASA policy statement has been revised in March 2006: the date of 31–12–2005 for the unsafe related actions was set at 01–07–2006.

Fuel Airworthiness Limitations are items arising from a systems safety analysis that have been shown to have failure mode(s) associated with an 'unsafe condition' as defined in FAA's memo 2003–112–15 'SFAR 88—Mandatory Action Decision Criteria'. These are identified in Failure Conditions for which an unacceptable probability of ignition risk could exist if specific tasks and/or practices are not performed in accordance with the manufacturers' requirements.

This EASA Airworthiness Directive mandates the Fuel System Airworthiness Limitations (comprising maintenance/inspection tasks and Critical Design Configuration Control Limitations (CDCCL)) for the type of aircraft, that resulted from the design reviews and the JAA recommendation and EASA policy statement mentioned above.

The corrective action is revising the Airworthiness Limitations Section of the Instructions for Continued Airworthiness to incorporate new limitations for fuel tank systems.

Actions and Compliance

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

(1) Within 3 months after the effective date of this AD, or before December 16, 2008, whichever occurs first, revise the Airworthiness Limitations section of the Instructions for Continued Airworthiness to incorporate the Fuel Airworthiness Limitation maintenance and inspection tasks as defined in European Aeronautic Defense and Space Company (EADS) CASA CN–235/C295 Technical Document DT–0–C00–05001, Issue C, dated October 2006. For all tasks identified in Technical Document DT–0–C00–05001, the initial compliance times start from the later of the times specified in paragraphs (f)(1)(i) and (f)(1)(ii) of this AD, and the repetitive inspections must be accomplished thereafter at the interval specified in Technical Document DT–0–C00–05001, except as provided by paragraph (f)(3) of this AD.

(i) The effective date of this AD.

(ii) The date of issuance of the original Spanish standard airworthiness certificate or the date of issuance of the original Spanish export certificate of airworthiness.

(2) Within 6 months after the effective date of this AD, or before December 16, 2008, whichever occurs first, revise the Airworthiness Limitations section of the Instructions for Continued Airworthiness to include the CDCCL data contained in EADS CASA CN–235/C–295 Technical Document DT–0–C00–05001, Issue C, dated October 2006.

(3) Except as provided by paragraph (g) of this AD: After accomplishing the actions specified in paragraphs (f)(1) and (f)(2) of this AD, no alternative inspection, inspection intervals, or CDCCLs may be used.

FAA AD Differences

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

Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, ANM–116, International Branch, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Shahram Daneshmandi, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1112; fax (425) 227–1149. 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, 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 (EASA) Airworthiness Directive 2007–0007, dated January 9, 2007; and EADS CASA CN–235/C–295 Technical Document DT–0–C00–05001, Issue C, dated October 2006, for related information.

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

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–20470 Filed 10–16–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–0049; Directorate Identifier 2007–NM–168–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–600, –700, –700C, –800, and –900 Series Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Boeing Model 737–600, –700, –700C, –800, and –900 series airplanes. This proposed AD would require replacing the drain tube assemblies and support clamps on the aft fairings of the engine struts. This proposed AD results from reports of failure of the drain tube assembly and clamp on the aft fairings of an engine strut. We are proposing this AD to prevent failure of the drain tube assemblies and clamps on the aft fairings of the engine struts. Such a failure could allow leaked flammable fluids in the drain systems to discharge on to the heat shields of the aft fairings of the engine struts, which could result in an undetected and uncontrollable fire.

DATES: We must receive comments on this proposed AD by December 3, 2007.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.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 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Kathrine Rask, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6505; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

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–2007–0049; Directorate Identifier 2007–NM–168–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://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

We have received reports of failure of the drain tube assembly and support clamp on the aft fairing of an engine strut. In most of the reports, the failure occurred at the brazed joint between the tube and the drain cast fitting. Failure of the drain tube assembly and support clamp on the aft fairing of an engine strut, if not corrected, could allow leaked flammable fluids in the drain system to discharge on to the heat shield of the aft fairing of an engine strut, which may result in an undetected and uncontrollable fire.

Relevant Service Information

We have reviewed Boeing Special Attention Service Bulletin 737–54–1043, dated May 2, 2007. The service information describes procedures for replacing the drain tube assemblies and support clamps on the aft fairing of the struts of the number 1 and number 2 engines with new drain tube assemblies and new support clamps. Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition.

FAA's Determination and Requirements of the Proposed AD

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

Costs of Compliance

There are about 2,058 airplanes of the affected design in the worldwide fleet. This proposed AD would affect about 721 airplanes of U.S. registry. The proposed actions would take about 4 work hours per airplane, at an average labor rate of $80 per work hour. Required parts would cost about $2,351 per airplane. Based on these figures, the estimated cost of the proposed AD for U.S. operators is $1,925,791, or $2,671 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 proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Boeing: Docket No. FAA–2007–0049; Directorate Identifier 2007–NM–168–AD.

Comments Due Date

(a) The FAA must receive comments on this AD action by December 3, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Boeing Model 737–600, –700, –700C, –800, and –900 series airplanes, certificated in any category; as identified in Boeing Special Attention Service Bulletin 737–54–1043, dated May 2, 2007.

Unsafe Condition

(d) This AD results from reports of failure of the drain tube assembly and support clamp on the aft fairing of an engine strut. We are issuing this AD to prevent failure of the drain tube assemblies and clamps on the aft fairings of the struts of the number 1 and number 2 engines. Such a failure could allow leaked flammable fluids in the drain systems to discharge on to the heat shields of the aft fairings of the engine struts, which could result in an undetected and uncontrollable fire.

Compliance

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

Replacement

(f) Within 60 months after the effective date of this AD, remove the drain tube assemblies and support clamps on the aft fairing of the struts of engine number 1 and engine number 2. These are to be replaced with new drain tube assemblies and clamps, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–54–1043, dated May 2, 2007.

Alternative Methods of Compliance (AMOCs)

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

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures 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.

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

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–20469 Filed 10–16–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–0044; Directorate Identifier 2007–NM–126–AD]

RIN 2120–AA64

Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146–RJ 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:

> An accumulator cylinder had material defects and suffered an in-flight burst failure causing damage to the aircraft structure. * * *

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 November 16, 2007.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–40, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov;* or in person at the Docket Operations office 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 Operations office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Todd Thompson, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1175; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

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–2007–0044; Directorate Identifier 2007–NM–126–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://www.regulations.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 Airworthiness Directive 2007–0076, dated March 21, 2007 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> An accumulator cylinder had material defects and suffered an in-flight burst failure causing damage to the aircraft structure. This resulted in the issue of EASA Emergency AD 2006–0061–E [we issued AD 2006–23–12 to address that EASA AD] that required the identification and check of cylinders from known suspect batches. Further investigations and checks by the accumulator manufacturer have concluded that all cylinders from a particular supplier may not have been correctly inspected at manufacture. To prevent the risk of further failures, this Airworthiness Directive (AD) requires all accumulators with cylinders from this supplier to be identified and inspected prior to re-installation.

The corrective action includes replacing any accumulator found to have a defect. You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

BAE Systems (Operations) Limited has issued Inspection Service Bulletin ISB.29–047, dated October 3, 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 the 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 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 1 product of U.S. registry. We also estimate that it would take about 4 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 $320, or $320 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

BAE Systems (Operations) Limited (Formerly British Aerospace Regional Aircraft): Docket No. FAA–2007–0044; Directorate Identifier 2007–NM–126–AD.

Comments Due Date

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

Affected ADs

(b) None.

Applicability

(c) This AD applies to BAE Systems (Operations) Limited Model BAe 146–100A, –200A, and –300A series airplanes; and Model Avro 146–RJ70A, 146–RJ85A, and 146–RJ100A airplanes; certificated in any category, all models, all serial numbers.

Subject

(d) Air Transport Association (ATA) of America Code 29: Hydraulic power.

Reason

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

An accumulator cylinder had material defects and suffered an in-flight burst failure causing damage to the aircraft structure. This resulted in the issue of EASA Emergency AD 2006–0061–E [we issued AD 2006–23–12 to address that EASA AD] that required the identification and check of cylinders from known suspect batches. Further investigations and checks by the accumulator manufacturer have concluded that all cylinders from a particular supplier may not have been correctly inspected at manufacture. To prevent the risk of further failures, this Airworthiness Directive (AD) requires all accumulators with cylinders from this supplier to be identified and inspected prior to re-installation.

The corrective action includes replacing any accumulator found to have a defect.

Actions and Compliance

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

(1) Within 30 months after the effective date of this AD, identify the installed accumulator in accordance with paragraph 2.C. of BAE Systems (Operations) Limited Inspection Service Bulletin ISB.29–047, dated October 3, 2006, which makes reference to APPH Service Bulletin AIR91666–29–03, dated July 2006.

(2) When an accumulator is identified as being affected by this AD, before further flight after accomplishing the actions required in paragraph (f)(1) of this AD, remove the accumulator in accordance with paragraph 2.D. of BAE Systems (Operations) Limited Inspection Service Bulletin ISB.29–047, dated October 3, 2006, and do a magnetic particle inspection of the cylinder for any defects in accordance with APPH Service Bulletin AIR91666–29–03, dated July 2006.

(3) If any defect is found during the inspection required in paragraph (f)(2) of this AD, before next flight, replace the accumulator with a serviceable unit in accordance with the Accomplishment Instructions of APPH Service Bulletin AIR91666–29–03, dated July 2006.

(4) After the effective date of this AD, no person may install a spare accumulator identified by APPH Service Bulletin AIR91666–29–03, dated July 2006, as a replacement part, unless it has been inspected in accordance with APPH Service Bulletin AIR91666–29–02, dated March 2006; or APPH Service Bulletin AIR91666–29–03, dated July 2006 (see second Note in paragraph 1.D.(1) of BAE Systems (Operations) Limited Inspection Service Bulletin ISB.29–047, dated October 3, 2006, for further explanation).

FAA AD Differences

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

(1) Where the MCAI specifies to identify the installed accumulator within 6 weeks after the effective date of the AD, we have determined that the identification may be done within 30 months after the effective date of this AD to coincide with the compliance time for the magnetic particle inspection. In making this determination, we considered the maximum interval of time allowable for all affected airplanes to continue to operate without compromising safety, fleet usage, and the availability of replacement parts.

Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, ANM–116, International Branch, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Todd Thompson, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–1175; fax (425) 227–1149. 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, 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 Airworthiness Directive 2007–0076, dated March 21, 2007, and the service information listed in Table 1 of this AD for related information.

TABLE 1.—SERVICE INFORMATION

Service Bulletin	Date
APPH Service Bulletin AIR91666–29–02	March 2006.
APPH Service Bulletin AIR91666–29–03	July 2006.
BAE Systems (Operations) Limited Inspection Service Bulletin ISB.29–047	October 3, 2006.

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

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–20462 Filed 10–16–07; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–0043; Directorate Identifier 2007–NM–058–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747SR, and 747SP Series Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede an existing airworthiness directive (AD) that applies to certain Boeing Model 747 series airplanes. The existing AD currently requires inspecting to detect cracking in certain lower lobe fuselage skin lap joints, doing repetitive inspections for cracking at certain fastener locations having countersunk fasteners, and replacing countersunk fasteners with protruding head fasteners at certain fastener locations. This proposed AD would replace a previous high-frequency eddy current (HFEC) inspection method with a new HFEC inspection method, add a one-time inspection for cracking of certain airplanes, and terminate the adjustment factor for the inspection compliance times based on cabin differential pressure. This proposed AD also would include inspection at an additional lap joint. This proposed AD results from reports of fuselage skin cracks found at certain countersunk fastener locations in the upper row of lap joints near the wing-to-body fairings, and from a report that the presence of alodine-coated rivets could cause faulty results during the required inspections using the optional sliding probe HFEC inspection method specified in the existing AD. We are proposing this AD to prevent reduced structural integrity of the fuselage.

DATES: We must receive comments on this proposed AD by December 3, 2007.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.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 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Ivan Li, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6437; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

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–2007–0043; Directorate Identifier 2007–NM–058–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://www.regulations.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

On July 13, 1994, we issued AD 94–15–06, amendment 39–8977 (59 FR 37659, July 25, 1994), for certain Boeing Model 747 series airplanes. That AD requires inspections to detect cracking in certain lower lobe fuselage skin lap joints; doing repetitive inspections for cracking at certain fastener locations having countersunk fasteners; and replacing countersunk fasteners with protruding head fasteners at certain fastener locations. That AD resulted from reports of cracking of the fuselage skin in certain areas and findings of additional countersunk fasteners. We issued that AD to prevent reduced structural integrity of the fuselage.

Actions Since Existing AD Was Issued

In 1985, Boeing started installing aluminum rivets coated with alodine in fuselage skins during production and supplied them to operators in modification kits. Alodine coating on aluminum rivets increases the rivet/skin electrical conductivity. Certain non-destructive inspection (NDI) methods rely on disruptions in the electromagnetic field around cracks in metallic structures to detect cracking. One such NDI method is the sliding probe high frequency eddy current (HFEC) inspection, which was an optional inspection method specified by AD 94–15–06. The effects of these increases in rivet/skin electricity conductivity could be strong enough to mask a crack indication during the required inspections using the optional sliding probe HFEC inspection method specified in AD 94–15–06.

Boeing has informed us that airplanes with line numbers 630 through 814 inclusive could have alodine-coated aluminum rivets installed in the fastener holes that were required to be inspected in accordance with AD 94–15–06. The presence of these rivets could cause faulty results when performing the required inspections using the optional sliding probe HFEC skin inspection method. Consequently, Boeing has issued Boeing Alert Service Bulletin 747–53A2312, Revision 3, dated February 8, 2007. (In AD 94–15–06, we referred to Boeing Service Bulletin 747–53A2312, Revision 2, dated October 8, 1992, as the appropriate source of service information for doing the required actions.) Revision 3 of the alert service bulletin updates the sliding probe HFEC skin inspection method, and includes a one-time special HFEC or detailed inspection of the affected fastener holes for airplanes on which the modification required by AD 94–15–06 has not been

accomplished and on which the optional sliding probe HFEC inspection method was used during the last skin inspection. The sliding probe HFEC inspection specified in the previous revisions of the service bulletin would no longer be allowed in this proposed AD.

In addition, paragraph (e)(2) of AD 94–15–06 did not include the lap joint at stringer location S–46L in the list of lap joints requiring inspection for Model 747SP series airplanes. This proposed AD would include that stringer location.

Relevant Service Information

We have reviewed Boeing Alert Service Bulletin 747–53A2312, Revision 3, dated February 8, 2007. The procedures in Revision 3 of the alert service bulletin are similar to those in Revision 2, dated October 8, 1992. However, Revision 3 changes the instructions for the optional sliding probe HFEC inspection method and also gives instructions for a special (one-time) inspection for cracking of airplanes that were not previously modified according to the service bulletin and on which the sliding probe HFEC inspection method was used during the last skin inspection, and repair if necessary. Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition.

FAA's Determination and Requirements of the Proposed AD

We have evaluated all pertinent information and identified an unsafe condition that is likely to develop on other airplanes of the same type design. For this reason, we are proposing this AD, which would supersede AD 94–15–06 and would retain certain requirements of the existing AD. This proposed AD would also require accomplishing the additional actions specified in the alert service bulletin described previously, except as discussed under ''Differences Between the Proposed AD and the Alert Service Bulletin.''

Differences Between the Proposed AD and the Alert Service Bulletin

Although the alert service bulletin specifies to submit certain information to the manufacturer, this proposed AD does not include that requirement.

The service bulletin specifies to contact the manufacturer for appropriate action, but this proposed AD would require inspection or repairing those conditions, as applicable, in one of the following ways:

- Using a method that we approve; or
- Using data that meet the certification basis of the airplane, and that have been approved by an Authorized Representative for the Boeing Commercial Airplanes Delegation Option Authorization Organization whom we have authorized to make those findings.

Changes to Existing AD

This proposed AD would retain certain requirements of AD 94–15–06. Paragraphs (c) and (d) of that AD specify that it is not necessary to count flight cycles at 2.0 psi or less cabin differential pressure; and that for Boeing Model 747SR airplanes, the modification compliance times specified in paragraphs (a) and (b) of that AD may be multiplied by a 1.2 adjustment factor. We find that insufficient data exist to support these adjustments. Consequently, this proposed AD would no longer allow for these adjustment factors. This change has been coordinated with Boeing.

In addition, since AD 94–15–06 was issued, the AD format has been revised, and certain paragraphs have been rearranged. As a result, the corresponding paragraph identifiers have changed in this proposed AD, as listed in the following table:

REVISED PARAGRAPH IDENTIFIERS

Requirement in AD 94–15–06	Corresponding requirement in this proposed AD
Paragraph (a)	Paragraph (f).
Paragraph (b)	Paragraph (g).
Paragraph (c)	Paragraph (h).
Paragraph (d)	Paragraph (i).
Paragraph (e)	Paragraph (j).
Paragraph (f)	Paragraph (k).
Paragraph (g)	Paragraph (l).
Paragraph (h)	Paragraph (m).
Paragraph (i)	Paragraph (n).
Paragraph (j)	Paragraph (o).
Paragraph (k)	Paragraph (p).

Costs of Compliance

This proposed AD would affect about 348 airplanes in the worldwide fleet; 90 of those airplanes are of U.S. registry. The issue associated with alodine-coated aluminum rivets affects 162 airplanes in the worldwide fleet and 24 airplanes of U.S. registry. The following table provides the estimated costs for U.S. operators to comply with this proposed AD. The average labor rate is $80 per work hour.

ESTIMATED COSTS

Action	Work hours	Parts	Number of affected airplanes	Cost per airplane	Fleet cost
Inspections (required by AD 90–10–07 and retained in AD 94–15–06 and this AD).	14	$0	90	$1,120, per inspection cycle.	$100,800, per inspection cycle.
Inspections (required by AD 94–15–06 and retained in this proposed AD).	82	$0	90	$6,560, per inspection cycle.	$590,400, per inspection cycle.
Modification (required by AD 94–15–06 and retained in this proposed AD).	124	Minimal	90	$9,920	$892,800.
One-time inspection (new proposed action)	4	$0	24	$320	$7,680.

Authority for This Rulemaking

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

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

Regulatory Findings

We have determined that this proposed AD would not have federalism implications under Executive Order

13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. The Federal Aviation Administration (FAA) amends § 39.13 by removing amendment 39–8977 (59 FR 37659, July 25, 1994) and adding the following new airworthiness directive (AD):

Boeing: Docket No. FAA–2007–0043; Directorate Identifier 2007–NM–058–AD.

Comments Due Date

(a) The FAA must receive comments on this AD action by December 3, 2007.

Affected ADs

(b) This AD supersedes AD 94–15–06.

Applicability

(c) This AD applies to Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747SR, and 747SP series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 747–53A2312, Revision 3, dated February 8, 2007.

Unsafe Condition

(d) This AD results from reports of fuselage skin cracks found at certain countersunk fastener locations in the upper row of lap joints near the wing-to-body fairings, and from a report that the presence of alodine-coated rivets could cause faulty results during the required inspections using the optional sliding probe HFEC inspection method specified in AD 94–15–06. We are issuing this AD to prevent 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 94–15–06

Inspections for Airplanes Having Line Numbers 201 Through 765 Inclusive

(f) For airplanes having line numbers 201 through 765 inclusive: Conduct a high frequency eddy current (HFEC) inspection to detect cracking of the lower lobe lap joints in the vicinity of the wing-to-body fairings, in accordance with Boeing Alert Service Bulletin 747–53A2312, dated June 12, 1989; Revision 1, dated March 29, 1990; Revision 2, dated October 8, 1992; or Revision 3, dated February 8, 2007; except as provided by paragraph (u) of this AD; at the time specified in paragraph (f)(1), (f)(2), (f)(3), or (f)(4) of this AD, as applicable. As of the effective date of this AD, only Revision 3 shall be used. Repeat this inspection thereafter at intervals not to exceed 4,000 landings until the inspection required by paragraph (j) of this AD is accomplished.

(1) For airplanes that have accumulated less than 11,200 total landings as of February 5, 1990 (the effective date of AD 90–01–07, amendment 39–6440, which was superseded by AD 94–15–06): Prior to the accumulation of 11,000 total landings, or within the next 1,000 landings after February 5, 1990, whichever occurs later.

(2) For airplanes that have accumulated 11,200 or more total landings but less than 15,201 total landings as of February 5, 1990: Within the next 1,000 landings after February 5, 1990, or prior to the accumulation of 15,500 total landings, whichever occurs earlier.

(3) For airplanes that have accumulated 15,201 or more total landings but less than 18,200 total landings as of February 5, 1990: Within the next 300 landings after February 5, 1990, or prior to the accumulation of 18,250 total landings, whichever occurs earlier.

(4) For airplanes that have accumulated 18,200 or more landings as of February 5, 1990: Within the next 50 landings after February 5, 1990.

Repair and Modification for Airplanes Having Line Numbers 201 Through 765 Inclusive

(g) For airplanes having line numbers 201 through 765 inclusive: Accomplish the requirements of paragraphs (g)(1) and (g)(2) of this AD.

(1) If any cracking is detected during the inspections required by paragraph (f) of this AD, prior to further flight, repair in accordance with Boeing Alert Service Bulletin 747–53A2312, dated June 12, 1989; Revision 1, dated March 29, 1990; Revision 2, dated October 8, 1992; or Revision 3, dated February 8, 2007; except as provided by paragraph (u) of this AD. As of the effective date of this AD, only Revision 3 shall be used.

(2) Prior to the accumulation of 20,000 total landings or within the next 3,000 landings after February 5, 1990 (the effective date of AD 90–01–07), whichever occurs later, modify the airplane by replacing countersunk fasteners in the upper row of the lower lobe lap joints in the vicinity of the wing-to-body fairings with protruding head fasteners, in accordance with the procedures described in Boeing Alert Service Bulletin 747–53A2312, dated June 12, 1989; Revision 1, dated March 29, 1990; Revision 2, dated October 8, 1992; or Revision 3, dated February 8, 2007; except as provided by paragraph (u) of this AD. As of the effective date of this AD, only Revision 3 shall be used.

Adjustments for Cabin Differential Pressure for Airplanes Having Line Numbers 201 Through 765 Inclusive

(h) For airplanes having line numbers 201 through 765 inclusive: Before the effective date of this AD, for purposes of complying with paragraphs (f) and (g) of this AD, the number of landings may be determined to equal the number of pressurization cycles where the cabin pressure differential was greater than 2.0 psi.

(i) For airplanes having line numbers 201 through 765 inclusive: Before the effective date of this AD, for Model 747SR series airplanes only, based on continued mixed operation of lower cabin differentials, the inspection and modification compliance times specified in paragraphs (f) and (g) of this AD may be multiplied by a 1.2 adjustment factor.

General Visual Inspection for Countersunk Fasteners for All Airplanes

(j) For all airplanes: Prior to the accumulation of 11,000 total landings, or within 1,000 landings after August 24, 1994 (the effective date of AD 94–15–06), whichever occurs later, conduct a general visual inspection, unless previously accomplished within the last 3,000 landings prior to August 24, 1994, to determine if countersunk fasteners have been installed in the lap joints listed in paragraph (j)(1) or (j)(2) of this AD, as applicable, in accordance with the procedures described in Boeing Service Bulletin 747–53A2312, Revision 2, dated October 8, 1992; or Revision 3, dated February 8, 2007; except as provided by paragraph (u) of this AD. As of the effective date of this AD, only Revision 3 shall be used. Accomplishment of this inspection terminates the inspection requirements of paragraph (f) of this AD.

(1) For Model 747–100, –200, –300, –400, and 747SR series airplanes: From body stations (BS) 741 to 1000 at Stringers (S–)34L, S–34R, S–39L, S–39R, S–44L, and S–44R, and from BS 1480 to 1741 at S–34L, S–34R, S–40L, and S–40R.

(2) For Model 747SP series airplanes: From BS 520 to 1000 at S–34L, S–34R, S–39L, S–39R, S–44L, and S–44R, and from BS 1480 to 1741 at S–34L, S–34R, S–40L, and S–40R.

Corrective Action for Countersunk Fasteners for All Airplanes

(k) For all airplanes: If no countersunk fastener is found in the upper row of a lap joint during the inspection required by paragraph (j) of this AD, no further action is required by this AD for that lap joint.

(l) For all airplanes: If any countersunk fastener is found in the upper row of a lap joint during the inspection required by paragraph (j) of this AD, prior to further flight, perform a high frequency eddy current (HFEC) inspection to detect cracking at all fastener locations in the lap joint where a countersunk fastener was found, in accordance with the procedures described in Boeing Service Bulletin 747–53A2312, Revision 2, dated October 8, 1992; or Revision 3, dated February 8, 2007; except as provided by paragraph (u) of this AD. As of the effective date of this AD, only Revision 3 shall be used.

Repetitive Inspections

(m) If no cracking is detected during any inspection required by paragraphs (l) and (q) of this AD, at any fastener location where a countersunk fastener was found, repeat the HFEC inspection thereafter at intervals not to exceed 4,000 landings, in accordance with the procedures described in Boeing Service Bulletin 747–53A2312, Revision 2, dated October 8, 1992; or Revision 3, dated February 8, 2007; except as provided by paragraph (u) of this AD. As of the effective date of this AD, only Revision 3 shall be used. As an alternative to the HFEC inspection, operators may perform a detailed inspection to detect cracking at any fastener location where a countersunk fastener was found, in accordance with the procedures described in Boeing Service Bulletin 747–53A2312, Revision 3, dated February 8, 2007; except as provided by paragraph (u) of this AD. Perform the detailed inspection within the next 4,000 landings after the HFEC inspection required by paragraph (l) of this AD, and repeat the inspection thereafter at intervals not to exceed 500 landings. At any of the subsequent inspection cycles, operator may use either inspection method provided that the corresponding inspection interval is used to determine the compliance time of the next inspection.

(n) If cracking is detected during any inspection required by paragraph (l), (m), (p), or (q) of this AD, at any fastener location where a countersunk fastener was found, prior to further flight, repair and modify that lap joint in accordance with Boeing Service Bulletin 747–53A2312, Revision 2, dated October 8, 1992; or Revision 3, dated February 8, 2007; except as provided by paragraph (u) of this AD. As of the effective date of this AD, only Revision 3 shall be used. Accomplishment of this repair and modification terminates the repetitive inspections required by paragraph (m) of this AD for that lap joint.

Modification of Countersunk Fasteners for All Airplanes

(o) For all airplanes: Prior to the accumulation of 20,000 total landings or within 1,000 landings after August 24, 1994, whichever occurs later, modify all fastener locations where a countersunk fastener was found during the inspections required by paragraph (j) of this AD, in accordance with the procedures described in Boeing Service Bulletin 747–53A2312, Revision 2, dated October 8, 1992; or Revision 3, dated February 8, 2007; except as provided by paragraph (u) of this AD. As of the effective date of this AD, only Revision 3 shall be used. For purposes of complying with the requirements of this paragraph, fastener locations that were previously modified in accordance with paragraph (g) or (n) of this AD do not need to be modified again. Accomplishment of this modification terminates the repetitive inspections required by paragraph (m) of this AD for the modified fastener locations.

Post-Modification Inspections for All Airplanes

(p) For all airplanes: Prior to the accumulation of 10,000 total landings following the modification required by paragraph (g), (n), (o), (q) or (s) of this AD, perform an HFEC inspection to detect cracking at all fastener locations where a countersunk fastener was found, and repeat this inspection thereafter at intervals not to exceed 4,000 landings, in accordance with the procedures described in Boeing Service Bulletin 747–53A2312, Revision 2, dated October 8, 1992; or Revision 3, dated February 8, 2007; except as provided by paragraph (u) of this AD. As of the effective date of this AD, only Revision 3 shall be used.

New Requirements of This AD

General Visual Inspection for Countersunk Fasteners and Modification for Model 747SP Airplanes at Stringer S–46L

(q) For Model 747SP series airplanes having line numbers 201 through 814 inclusive, do the actions in paragraphs (q)(1) and (q)(2) of this AD at the times specified in those paragraphs.

(1) Prior to the accumulation of 11,000 total landings, or within 1,000 landings as of the effective date of this AD, whichever occurs later, unless previously accomplished within the last 3,000 landings prior to the effective date of this AD, conduct a general visual inspection of the lap joint from BS 520 to 1000 at stringer S–46L to determine if countersunk fasteners have been installed in the specified area, in accordance with the procedures described in Boeing Service Bulletin 747–53A2312, Revision 2, dated October 8, 1992; or Revision 3, dated February 8, 2007; except as provided by paragraph (u) of this AD.

(i) If no countersunk fastener is found in the upper row of the lap joint during the inspection, no further action is required by this AD for the lap joint.

(ii) If any countersunk fastener is found in the upper row of the lap joint, prior to further flight, perform an HFEC inspection to detect cracking at all fastener locations where a countersunk fastener was found, in accordance with the procedures described in Boeing Service Bulletin 747–53A2312, Revision 3, dated February 8, 2007; except as provided by paragraph (u) of this AD.

A. If no cracking is found, repeat the inspection thereafter in accordance with the requirements of paragraph (m) of this AD.

B. If any cracking is found, prior to further flight, repair and modify the lap joint as required by paragraph (n) of this AD.

(2) Prior to the accumulation of 20,000 total landings, or within 1,000 landings as of the effective date of this AD, whichever occurs later, modify all fastener locations where a countersunk fastener was found, during the inspection required by paragraph (q)(1) of this AD, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 747–53A2312, Revision 2, dated October 8, 1992; or Revision 3, dated February 8, 2007; except as provided by paragraph (u) of this AD. For purposes of complying with the requirements of this AD, fastener locations that were previously modified in accordance with paragraph (n) of this AD do not need to be modified again. Accomplishment of this modification terminates the repetitive inspections required by paragraph (m) of this AD for the modified fastener locations.

Adjustments to Compliance Time: Cabin Differential Pressure

(r) For the purposes of calculating the compliance threshold and repetitive intervals for actions required by paragraphs (f) and (g) of this AD, on or as of the effective date of this AD: All flight cycles, including the number of flight cycles in which cabin differential pressure is at 2.0 psi or less, must be counted when determining the number of flight cycles that have occurred on the airplane, and a 1.2 adjustment factor may not be used. However, for airplanes on which the repetitive intervals for the actions required by paragraph (f) of this AD have been calculated in accordance with paragraph (h) and/or (i) of this AD by excluding the number of flight cycles in which cabin differential pressure is at 2.0 pounds psi or less, and/or by using a 1.2 adjustment factor: Continue to adjust the repetitive intervals in accordance with paragraph (h) and/or (i) of this AD until the next inspection required by paragraph (f) of this AD is accomplished. Thereafter, no adjustment to compliance times based on paragraph (h) and/or (i) of this AD is allowed.

Special One-Time Inspection for Cracking of Certain Airplanes

(s) For airplanes with line numbers 630 through 814 inclusive that meet the conditions specified in paragraphs (s)(1) and (s)(2) of this AD: Within 300 flight cycles as of the effective date of this AD, or within 500 flight cycles after the most recent sliding probe inspection done in accordance with Boeing Alert Service Bulletin 747–53A2312, Revision 1, dated March 29, 1990; or Revision 2, dated October 8, 1992, whichever occurs later, do a special one-time HFEC inspection or a special one-time detailed inspection for cracking, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2312, Revision 3, dated February 8, 2007. If any cracking is found in a lap joint, before further flight, repair and modify that lap joint in accordance with Boeing Service Bulletin

747–53A2312, Revision 3, dated February 8, 2007; except as provided by paragraph (u) of this AD. Accomplishment of this repair and modification terminates the repetitive inspections required by paragraph (m) of this AD for that lap joint. This special one-time inspection is not required for lap joints that have been modified in accordance with paragraph (g), (n), (o), or (q) of this AD.

(1) Airplanes that have not been modified in accordance with paragraph (g) or (o) of this AD.

(2) Airplanes on which the sliding probe HFEC inspection method specified in Boeing Service Bulletin 747–53A2312, Revision 1, dated March 29, 1990; or Revision 2, dated October 8, 1992; was used during the last skin inspection required by AD 94–15–06.

Actions After the Special One-Time Inspection if No Cracking Is Found

(t) For airplanes specified in paragraph (s) of this AD on which no cracking is found during the special one-time inspection, do the applicable repetitive inspections specified in paragraph (t)(1) or (t)(2) of this AD.

(1) If the special one-time inspection was done using the HFEC inspection method in accordance with paragraph (s) of this AD, perform the next inspection required by paragraph (m) of this AD within the next 4,000 flight cycles after doing the inspection required by paragraph (s) of this AD, and repeat the inspection thereafter in accordance with paragraph (m) of this AD.

(2) If the special one-time inspection was done using the detailed inspection method in accordance with paragraph (s) of this AD, perform the next inspection required by paragraph (m) of this AD within the next 500 flight cycles after doing the inspection required by paragraph (s) of this AD, and repeat the inspection thereafter in accordance with paragraph (m) of this AD.

Contacting the Manufacturer

(u) Where Boeing Alert Service Bulletin 747–53A2312, Revision 3, dated February 8, 2007 specifies to contact Boeing for appropriate action for a repair or inspection, before further flight, do the applicable action in paragraph (u)(1) or (u)(2) of this AD.

(1) Do the repair using a method approved in accordance with the procedures specified in paragraph (v) of this AD.

(2) Do the inspection using a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the Manager's approval letter must specifically refer to this AD.

Alternative Methods of Compliance (AMOCs)

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

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures 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.

(3) An AMOC that provides an acceptable level of safety shall be used for any repair required by this AD, if it is approved by an Authorized Representative for the Boeing Commercial Airplanes Delegation Option Authorization Organization who has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) AMOCs approved previously in accordance with AD 94–15–06, are approved as AMOCs for the corresponding provisions of this AD if the AMOC does not involve using the existing sliding probe HFEC skin inspection method specified in Boeing Service Bulletin 747–53A2312, Revision 2, dated October 8, 1992, or an earlier version. In addition, the provisions of paragraph (r) of this AD must be applied to AMOCs approved previously in accordance with AD 94–15–06, amendment 39–8977, where applicable.

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

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–20468 Filed 10–16–07; 8:45 am]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–140206–06]

RIN 1545–BF93

Withholding Procedures Under Section 1441 for Certain Distributions to Which Section 302 Applies

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains proposed regulations regarding a withholding agent's obligation to withhold and report tax under Chapter 3 of the Internal Revenue Code when there is a distribution in redemption of stock of a corporation that is actively traded on an established financial market. Specifically, the proposed regulations provide an escrow procedure that a withholding agent must apply while making the determination under section 302 as to whether the distribution in redemption of the stock held by a foreign shareholder is treated as a dividend subject to withholding, or a distribution in part or full payment in exchange for stock. These regulations would affect corporations that are actively traded on an established financial market and their shareholders. This document also provides a notice of public hearing on these proposed regulations.

DATES: Written or electronic comments must be received by January 16, 2008. Outlines of topics to be discussed at the public hearing scheduled for February 6, 2008 at 10 a.m. must be received by January 16, 2008.

ADDRESSES: Send submissions to CC:PA:LPD:PR (REG–140206–06), room 5203, Internal Revenue Service, PO Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to CC:PA:LPD:PR (REG–140206–06), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC or sent electronically, via the Federal eRulemaking Portal at *www.regulations.gov* (IRS REG–140206–06). The public hearing will be held in room 2140, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, Kathryn Holman, (202) 622–3440 (not a toll-free number); concerning submissions of comments, the hearing, and/or to be placed on the building access list to attend the hearing, e-mail *Richard.A.Hurst@irscounsel.treas.gov.*

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collections of information contained in this notice of proposed rulemaking have been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)). Comments on the collections of information should be sent to the Office of Management and Budget, Attn: Desk Office for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Internal Revenue Service, Attn: IRS Reports Clearance Officer, SE:W:CAR:MP:T:T:SP, Washington, DC 20224. Comments on the collection of information should be received by January 16, 2008. Comments are specifically requested concerning:

Whether the proposed collection of information is necessary for the proper performance of the functions of the Internal Revenue Service, including whether the information will have practical utility;

The accuracy of the estimated burden associated with the proposed collection of information;

How the quality, utility, and clarity of the information to be collected may be enhanced;

How the burden of complying with the proposed collections of information may be minimized, including through the application of automated collection techniques or other forms of information technology; and

Estimates of capital or start-up costs and costs of operation, maintenance and purchase of service to provide information.

The collection of information in these proposed regulations is in § 1.1441–3(c)(5)(iii). This information is required to allow a U.S. financial institution that is applying the escrow procedure to properly comply with its withholding and reporting obligations under sections 1441, 1442 and 1443 in the case of a distribution made by a corporation with respect to its stock that is actively traded on an established financial market and that requires a determination under section 302 as to whether the distribution is treated as a dividend or a distribution in part or full payment in exchange for stock. The collection of information is mandatory and the respondents are nonresident aliens and foreign corporations.

Estimated total annual reporting burden: 1400 hours.

The estimated annual burden per respondent: 2 hours.

Estimated number of respondents: 700.

Estimated annual frequency of responses: 5 times.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the Office of Management and Budget.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential as required by 26 U.S.C. 6103.

Background

These proposed regulations, REG–140206–06, provide guidance regarding the withholding and reporting obligations of a withholding agent under Chapter 3 of the Internal Revenue Code (Code) in the case of a distribution in redemption of the stock of a corporation that is actively traded on an established financial market within the meaning of § 1.1092(d)–1 (publicly traded). In general the proposed regulations contemplate a transaction where a publicly traded corporation offers to purchase stock from its shareholders (a self tender), where the amount of stock purchased and the shareholders involved in the transaction (the participating shareholders) depend on a number of factors, including each shareholder's willingness to sell some or all of its stock, and the terms set forth in the offer. The regulations would also apply to transactions described in section 304(a)(2).

In the case of a self-tender, a corporation may purchase stock from some or all of its shareholders and, as a result, each participating shareholder's percentage ownership interest in the corporation may increase, decrease, or remain the same. Although the corporation's self tender offer is denominated as an offer to purchase shares, the tax consequences to the corporation and any participating shareholder of the payment to such a shareholder, as described in this preamble, depend on several factors. Further, where the participating shareholder is a foreign person, withholding under Chapter 3 of the Code may or may not be required.

Sections 1441 and 1442 and § 1.1441–1(b)(1) generally require a person that makes a payment of an ''amount subject to withholding'' to a beneficial owner that is a foreign person to deduct and withhold 30 percent of the payment unless the payor can reliably associate the payment with documentation upon which the payor can rely to treat the payment as made to a beneficial owner that is a U.S. person or as made to a beneficial owner that is a foreign person entitled to a reduced rate of withholding under the Code, regulations or an income tax treaty.

Section 1.1441–2(a) provides that the term *amounts subject to withholding* means amounts from sources within the United States that constitute fixed or determinable annual or periodical income (FDAP) described in § 1.1441–2(b) or other amounts subject to withholding described in § 1.1441–2(c).

Section 1.1441–2(b)(1) provides that FDAP includes all income described in section 61 of the Code, unless the item of income is described in § 1.1441–2(b)(2). Section 1.1441–2(b)(2)(i) generally excludes from FDAP gains derived from the sale of property. Thus, a distribution to a shareholder that is treated as gain from the sale of stock is excluded from FDAP. Further, to the extent a distribution is a return of capital, it is not gross income under section 61, and thus also is not FDAP.

Section 302 provides rules for determining when a distribution in redemption of stock is treated as a distribution in part or full payment in exchange for stock. That section generally requires a comparison of a shareholder's overall interest in the corporation before the distribution and its overall interest in such corporation after the distribution. See section 302(b). In conducting the comparison, the constructive ownership rules of section 318 generally apply. If the shareholder's interest in the corporation has been sufficiently reduced, then the distribution is treated as a payment in exchange for the shareholder's stock under section 302(a). If the shareholder's interest in the corporation has not been sufficiently reduced, the tax consequences of the distribution are determined under section 301, and such distribution is a dividend to the shareholder to the extent the distribution is out of the distributing corporation's earnings and profits, then applied against and reduce the adjusted basis of the stock, and finally treated as gain from the sale or exchange of property. See section 301(c).

When a publicly held corporation makes a distribution in redemption of its stock, a determination must be made under section 302 with respect to each shareholder as to whether the redemption is treated as a distribution of property to which section 301 applies (potentially constituting a dividend in whole or in part) or as a distribution in part or full payment in exchange for stock. However, the information necessary for each shareholder to make such a determination generally is not available until after the transaction is completed because the redemption of stock held by other shareholders must be taken into account. Further, because of the application of the constructive ownership rules of section 318, when a distribution is made to a foreign shareholder, a withholding agent will often not be in the best position to make a determination as to whether the distribution to the foreign shareholder should be treated as a payment in exchange for the shareholder's stock or a dividend.

There are two revenue rulings that consider the issue of whether the interest of a shareholder in a publicly held corporation has been sufficiently reduced as a result of a distribution to effect exchange treatment under section 302(a).

In Rev. Rul. 76–385, 1976–2 CB 92, See § 601.601(d)(2)(ii)(*b*), the IRS ruled that a shareholder who actually and constructively owned 0.0001118% of a publicly traded corporation's stock

before a redemption, but only constructively owned 0.0001081% after the redemption, had experienced a ''meaningful reduction in proportionate interest'' in the corporation under the principles of *United States* v. *Davis,* 397 U.S. 301 (1970), rehearing denied, 397 U.S. 107 (1970). The shareholder's interest in the corporation after the redemption therefore was approximately 96.7% of the shareholder's interest before the redemption, taking constructive ownership into account. Nevertheless, the reduction was considered meaningful, and so the distribution to the shareholder was treated as not essentially equivalent to a dividend under section 302(b)(1) and as a payment in exchange for the shareholder's stock under section 302(a).

Consistent with Rev. Rul. 76–385, in Rev. Rul. 81–289, 1981–2 CB 82, See § 601.601(d)(2)(ii)(*b*), the IRS ruled that a shareholder who owned 0.2% of the common stock of a publicly traded company before a redemption, and 0.2% of the common stock in the company after the redemption, did not satisfy the ''meaningful reduction'' standard of *United States* v. *Davis,* and that the redemption did not qualify for exchange treatment under section 302(a).

Under the analysis adopted in these revenue rulings, each minority shareholder who participates in a self tender must compute its percentage ownership of the total outstanding stock of the corporation before and after the transaction. If after the transaction the shareholder's percentage ownership is less than it was before the transaction, the shareholder generally has experienced a ''meaningful reduction'' in the shareholder's proportionate interest in the corporation, and the transaction, at least with respect to that shareholder, is considered a distribution in exchange for the stock under section 302(a) and not a distribution of property to which section 301 applies. This result occurs even if another participating shareholder in the same self tender experiences no change or an increase in its percentage ownership of the corporation, and, therefore, is considered to receive a distribution of property to which section 301 applies. See also section 302(b)(2), (3), and (4).

Section 1.1441–3(c) requires a corporation making a distribution with respect to its stock to a foreign shareholder, as well as any intermediary (such as a broker) making a payment of such a distribution, to withhold on the entire amount of the distribution, unless it elects to reduce the amount of withholding under § 1.1441–3(c). Section 1.1441–3(c)(2)(i)(B) provides that a distributing corporation or intermediary may elect to not withhold on a distribution to the extent it represents a distribution in part or full payment in exchange for stock. Section 1.1441–3(c)(2)(i) provides that a corporation or intermediary makes the election by reducing the amount of withholding at the time that the payment is made. However, a withholding agent cannot avail itself of this election unless it knows the extent to which a distribution represents a payment in exchange for stock under section 302(a). As previously noted, in the context of a distribution in redemption of stock held in a publicly traded corporation, the withholding agent generally will not have this information unless, at the time of the redemption, it has obtained information from each participating shareholder regarding actual and constructive ownership of stock for purposes of the foregoing analysis.

The Treasury Department and the IRS are aware that, in the context of transactions involving distributions in redemption of stock held by foreign persons where such stock is actively traded on an established financial market, the means of compliance with sections 1441, 1442, and 1443 is varied. The Treasury Department and the IRS believe that the discretion permitted by the current regulations, and the resulting different treatment of similar transactions is not appropriate. Accordingly, these proposed regulations provide the procedure (''escrow procedure'') to be followed by U.S. withholding agents to satisfy the withholding, reporting and deposit requirements of the regulations under sections 1441, 1442, and 1443 with respect to any payment of a corporate distribution in redemption of stock made to a foreign account holder with respect to certain self tenders.

Explanation of Provisions

The proposed regulations set forth an escrow procedure for withholding agents to follow in the case of a payment made after December 31, 2008 of a corporate distribution in redemption of stock that is actively traded on an established financial market within the meaning of § 1.1092(d)–1 (section 302 payment).

In general, the proposed regulations require a U.S. financial institution (withholding agent) to set aside in an escrow account 30 percent (or the applicable dividend rate provided under a treaty) of the amount of the section 302 payment. The withholding agent is then required to provide information to the foreign beneficial owner regarding the distribution, including the total number of the distributing corporation's shares outstanding before and after the distribution. The withholding agent must also provide a written statement explaining the conditions under which the section 302 payment will be treated as a dividend or a payment in exchange for stock (including an explanation of the constructive ownership rules under section 318). In the written explanation provided to the foreign beneficial owner, the withholding agent must request that the beneficial owner provide a written certification to the withholding agent within 60 days as to whether the distribution is either a dividend or a payment in exchange for stock.

The certification to be provided by the foreign beneficial owner must contain, among other requirements, the beneficial owner's name and account number, a certification that the distribution is a payment in exchange for stock or is a dividend, and the number of shares actually and constructively owned by the beneficial owner before and after the distribution. The beneficial owner's certification must be signed under penalties of perjury.

A withholding agent may generally rely on a certification received from a foreign beneficial owner in determining its section 1441 obligations with respect to payments for such beneficial owner's stock. However, if the withholding agent knows or has reason to know that the certification is unreliable or incorrect, or the withholding agent does not receive a certification from a foreign beneficial owner, the withholding agent is required to treat the amount set aside in escrow as tax withheld on the 61st day, and deposit that amount pursuant to the applicable regulations.

Although a qualified intermediary (QI) may, and a withholding foreign partnership and a withholding foreign trust (WP/WT) must, assume primary withholding responsibility under section 1441 and receive payments without any withholding by the U.S. financial institution, under the proposed regulations, in the case of a section 302 payment, the QI or WP/WT cannot assume primary withholding responsibility and receive the payment in gross. The QI or WP/WT must apply the procedure described in this preamble and provide the U.S. financial institution with a withholding statement that details the appropriate rate of withholding and information reporting for amounts paid to the QI or WP/WT. In addition, if there is a chain of QIs or WPs/WTs this procedure must be

followed at each level in the chain. The U.S. financial institution shall treat beneficial owners that are U.S. non-exempt recipients, and that hold stock in the distributing corporation through QIs, WPs/WTs, NQIs and flow-throughs, in accordance with the section 302 payment certifications obtained from those U.S. non-exempt recipients and shall instruct foreign intermediaries and foreign flow-through entities to do the same.

These proposed regulations would apply for redemptions of stock that are made after December 31, 2008. However, a withholding agent may, at its option, rely on these proposed regulations for a redemption of stock that occurs before January 1, 2009.

The Treasury Department and the IRS are aware that withholding agents serve various customer bases: some may maintain accounts for a small number of account holders, others may maintain accounts for a much greater number of account holders. Comments are requested on alternatives to the escrow procedure described in this proposed regulation for withholding agents that maintain accounts for large numbers of customers.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required.

It has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations.

These regulations impose a collection of information on small entities, and the Regulatory Flexibility Act (5 U.S.C. chapter 6) applies. This rule regulates securities brokerages that have foreign customers that respond to a tender offer by a U.S. publicly traded corporation to purchase some of its stock from its shareholders. The Small Business Administration (SBA) has established size standards for types of economic activities which are classified based on the North American Industry Classification Codes (NAICS). The regulations specifying size standards are set forth in Title 13, Code of Federal Regulations, part 121 (13 CFR part 121), Small Business Size Regulations. The NAICS Code for a small securities brokerage is specified at 13 CFR 121.201. Pursuant to subsector 523120 of the NAICS, a small securities brokerage is one with receipts of less than 6.5 million dollars. According to NAICS 523120, U.S. Census Bureau, Statistics of U.S. Business (2002), there are a total of 7,886 securities brokerages of which 7,113 generate revenue less than $5 million and 224 generate revenue between $5 million and $10 million. It is estimated that 7,213 of the securities brokerages are considered small businesses. The IRS requests information regarding the number of transactions these small securities brokerages engage in each year involving self tenders by public corporations. In the case of a tender offer by a publicly held corporation, it is estimated that a brokerage clerk would spend two hours preparing the paperwork and verifying the computations required to accurately withhold with respect to foreign customers. According to the Bureau of Labor Statistics, the mean hourly wage of a brokerage clerk is $18.34, so it is estimated that it will cost a small securities brokerage $36.68 per transaction. This cost is not significant when compared to the annual revenue of the small securities brokerage. Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605, the Chief Counsel certifies that this rule will not have a significant economic impact on a substantial number of small entities. The IRS invites specific comments on the economic impact of compliance from members of the public who believe there will be a significant economic impact on small businesses that are regulated by this rule. Pursuant to section 7805(f) of the Internal Revenue Code, this regulation has been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small businesses.

Comments and Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written (a signed original and eight (8) copies) or electronic comments that are submitted timely to the IRS. The IRS and the Treasury Department request comments on the clarity of the proposed rules and how they can be made easier to understand. All comments will be available for public inspection and copying.

A public hearing has been scheduled for February 6, 2008, beginning at 10 a.m. in room 2140 of the Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Due to building security procedures, visitors must enter at the 12th street entrance. In addition, all visitors must present photo identification to enter the building. Because of access restrictions, visitors will not be admitted beyond the immediate entrance area more than 30 minutes before the hearing starts. For information about having your name placed on the building access list to attend the hearing, see the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

The rules of 26 CFR 601.601(a)(3) apply to the hearing. Persons who wish to present oral comments at the hearing must submit electronic or written comments, and an outline of the topics to be discussed, and the time to be devoted to each topic (signed original and eight (8) copies) by January 16, 2008. A period of 10 minutes will be allotted to each person for making comments. An agenda showing the scheduling of the speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing.

Drafting Information

The principal author of these proposed regulations is Kathryn Holman, Office of Associate Chief Counsel (International). However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

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

Authority: 26 U.S.C. 7805 * * *

Par. 2. Section 1.1441–3 is amended as follows:

1. A sentence is added at the end of paragraph (c)(2)(i)(B).
2. Paragraph (c)(5) is added.
3. A sentence is added at the end of paragraph (d)(1).

The additions read as follows.

§ 1.1441–3 Determination of amounts to be withheld.

* * * * *

(c) * * *

(2) * * *

(i) * * *

(B) * * * The preceding sentence shall not apply to a public section 302 distribution to which paragraph (c)(5) applies.

* * * * *

(5) *Special rules for certain distributions to which section 302 applies*—(i) *Withholding*

responsibility—(A) *General rule.* A corporation that makes a public section 302 distribution, or any intermediary (described in § 1.1441–1(c)(13)) making a payment of such a distribution, is required to withhold under section 1441, 1442 or 1443 on the entire amount of the distribution unless the provisions of paragraph (c)(5)(iii) of this section have been applied. The provisions of paragraph (c)(2)(i)(B) or (d)(1) of this section do not apply to a public section 302 distribution.

(B) *Effective/applicability date.* The rules of this paragraph (c)(5) apply to public section 302 distributions made after December 31, 2008.

(ii) *Definitions.* Solely for purposes of this paragraph (c)(5), the following definitions shall apply:

(A) *Public section 302 distribution* means a distribution by a corporation in redemption of its stock for which there is an established financial market within the meaning of § 1.1092(d)–1.

(B) *Section 302 payment* means payment of a public section 302 distribution.

(C) *Distributing corporation* means a corporation making or treated as making a public section 302 distribution.

(iii) *Escrow procedure*—(A) *Application*—(*1*) *In general.* The escrow procedure in this paragraph (c)(5)(iii) may be applied only by an intermediary (described in § 1.1441–1(c)(13)) that is a U.S. financial institution. A U.S. financial institution making a section 302 payment to a foreign account holder, and applying this escrow procedure, is not required to withhold on the entire amount of a section 302 payment under the general rule of paragraph (c)(5)(i).

(B) *Escrow account*—(*1*) *In general.* A U.S. financial institution shall set aside in an escrow account on the date it receives a section 302 payment from a distributing corporation with respect to stock of a foreign account holder 30 percent (or the applicable dividend rate provided by a tax treaty for a qualifying foreign account holder) of the amount and shall credit the foreign account holder's account with the balance of the section 302 payment.

(*2*) Qualified intermediaries. The amount set aside, under paragraph (c)(5)(iii)(B)(*1*) of this section shall include 30 percent (or the applicable dividend rate provided by a treaty) of the amount paid to any qualified intermediary (QI) (whether or not the QI has assumed primary withholding responsibility) and to any withholding foreign partnership or withholding foreign trust (WP/WT).

(C) *Request for section 302 payment certification.* On or before the date it receives the section 302 payment, the U.S. financial institution shall provide the following information and instructions, in writing, to the foreign beneficial owner—

(*1*) The total number of distributing corporation's shares outstanding before and after the public section 302 distribution;

(*2*) An explanation of the conditions under which the section 302 payment will be treated as a dividend or a payment in exchange for stock for Federal income tax purposes (including an explanation of any applicable constructive ownership rules); and

(*3*) A request that the beneficial owner of the account provide a certification (section 302 payment certification), within 60 days of the section 302 payment, stating whether the section 302 payment is either a dividend or a payment in exchange for stock under the Internal Revenue Code.

(D) *Content of section 302 payment certification.* The section 302 payment certification must include the following information:

(*1*) The beneficial owner's name and account number.

(*2*) The distributing corporation's name.

(*3*) The total shares of the distributing corporation outstanding immediately before and immediately after the public section 302 distribution.

(*4*) A certification from the beneficial owner that either—

(*i*) The section 302 payment is a payment in exchange for stock because the beneficial owner's proportionate interest has been reduced but not completely terminated;

(*ii*) The section 302 payment is a payment in exchange for stock because the beneficial owner's interest in the distributing corporation is completely terminated; or

(*iii*) The section 302 payment is a dividend.

(*5*) With respect to the certifications in paragraph (c)(5)(iii)(D)(*4*)(*i*) and (*ii*) of this section, the number of shares actually and constructively owned by the beneficial owner before and after the distribution and the beneficial owner's percentage ownership before and after the distribution.

(*6*) A penalties of perjury statement.

(*7*) The signature of the beneficial owner and date of signature.

(E) *Receipt of section 302 payment certification*—(*1*) *Payment in exchange for stock.* If, within the 60-day period described in paragraph (c)(5)(iii)(C)(*3*), the U.S. financial institution receives from the foreign beneficial owner a section 302 payment certification stating that the section 302 payment is a payment in exchange for stock, and if the U.S. financial institution does not know or have reason to know that the information in the section 302 payment certification is unreliable or incorrect, the U.S. financial institution shall credit the account with the amount set aside with respect to the beneficial owner who provides the certification. The entire amount paid (including the amount initially set aside) shall be reported as capital gains on Form 1042–S Foreign Person's U.S. Source Income Subject to Withholding.

(*2*) *Unreliable or incorrect exchange certification.* If the U.S. financial institution knows or has reason to know that the information in the section 302 payment certification is unreliable or incorrect, the U.S. financial institution shall treat the payment as a payment for which no section 302 payment certification has been received and shall follow the withholding and reporting procedures in paragraph (c)(5)(iii)(E)(*4*) of this section.

(*3*) *Dividend.* If, within the 60-day period, the U.S. financial institution receives a section 302 payment certification from the foreign beneficial owner stating that the section 302 payment is a dividend, the U.S. financial institution shall treat the amount set aside as tax withheld as of the time it receives the section 302 payment certification, and shall deposit that amount pursuant to the applicable regulations. The entire amount paid shall be reported on Form 1042–S as dividends.

(*4*) *No timely certification received.* If, within the 60-day period, the U.S. financial institution does not receive a section 302 payment certification, or is treated under paragraph (c)(5)(iii)(E)(*2*) of this section as not receiving a section 302 payment certification, the U.S. financial institution shall treat the amount set aside as tax withheld as of the 61st day, and shall deposit that amount pursuant to the applicable regulations. The entire amount paid shall be reported on Form 1042–S as dividends.

(*5*) *Late certification.* If, after the 60-day period has expired, the U.S. financial institution receives a section 302 payment certification from a foreign beneficial owner that the section 302 payment is a payment in exchange for stock and the conditions stated in § 1.1461–2(a) are satisfied, the U.S. financial institution may apply the refund or offset procedures of that paragraph.

(*6*) *Determination of incorrect treatment.* If, after the 60-day period has expired, the U.S. financial institution determines that the section 302 payment

was incorrectly treated as a distribution in exchange for stock, the procedures set forth regarding underwithholding in § 1.1461–2(b) are applicable.

(*7*) *Undocumented beneficial owners.* The U.S. financial institution shall withhold at 30 percent on the entire amount paid to a beneficial owner that is not properly documented under §§ 1.1441–1, 1.1441–5, etc. and that is presumed to be a foreign person, whether or not the U.S. financial institution has received a section 302 payment certification from such beneficial owner. The U.S. financial institution shall report the entire amount paid on Form 1042–S as dividends.

(F) *Amounts in excess of section 302 payment.* If the amount the U.S. financial institution credits to the account of the foreign beneficial owner from the escrow account includes an amount in excess of the section 302 payment, such as interest accrued on the escrowed funds, the U.S. financial institution shall report and withhold on such excess amount in accordance with the rules under Chapter 3 of the Internal Revenue Code.

(G) *U.S. non-exempt recipients.* The U.S. financial institution shall treat beneficial owners that are U.S. non-exempt recipients, and that hold stock in the distributing corporation through QIs, WPs/WTs, NQIs and flow-throughs, in accordance with the section 302 payment certifications obtained from those U.S. non-exempt recipients and shall instruct foreign intermediaries and foreign flow-through entities to do the same.

(H) *Notice to distributing corporation.* The U.S. financial institution shall notify the distributing corporation, in writing, by the filing date of Form 1042–S, of the aggregate amount of the section 302 payment that the U.S. financial institution has reported on Forms 1042–S as capital gains, and the aggregate amount of the section 302 payment that it has reported on Forms 1042–S as dividends.

(I) *Application of Escrow Procedure to Qualified Intermediaries.* As provided in paragraph (c)(5)(iii)(A) of this section, only the U.S. financial institution may establish an escrow account and the amounts set aside in the escrow account shall include 30 percent (or the applicable treaty rate applicable to dividends) on payments made to a direct account holder that is a QI (including a QI that has assumed primary withholding responsibility). Under the procedure described in paragraph (c)(5)(iii)(I)(*3*), a QI shall provide the U.S. financial institution with a withholding statement as required in the QI Agreement. If there is a chain of QIs, each QI in the chain shall apply the procedure. The procedures described in this paragraph (I) shall be applied to withholding foreign partnerships and withholding foreign trusts within the meaning of §§ 1.1441–5(c)(2) and (e)(5)(v), respectively, in the same manner as the procedures apply to a QI.

(*1*) *Request for section 302 payment certification.* The U.S. financial institution shall provide the information and instructions described in paragraph (c)(5)(iii)(C) of this section to the QI, and the QI shall provide the same information and instructions to its account holders including account holders that are U.S. non-exempt recipients.

(*2*) *Content of section 302 payment certification.* The content of the section 302 payment certification shall include the information described in paragraph (c)(5)(iii)(D) of this section.

(*3*) *Receipt of section 302 payment certification*—(*i*) Payment in exchange for stock. If, within the 60-day period described in paragraph (c)(5)(iii)(C), the QI receives from the beneficial owner a section 302 payment certification stating that the section 302 payment is a payment in exchange for stock and if the QI does not know or have reason to know that the information in the section 302 payment certification is unreliable or incorrect, the QI shall reflect such treatment in its withholding statement provided to the U.S. financial institution, and, based upon the withholding statement, the U.S. financial institution shall release payment from its escrow and the QI shall credit the beneficial owner's account with the amount set aside by the U.S. financial institution with respect to the beneficial owner who provided the certification. The entire amount paid (including the amount initially set aside) shall be reported on the QI's pooled basis Form 1042–S as capital gains.

(*ii*) *Unreliable or incorrect exchange certification.* If the QI knows or has reason to know that the information in the section 302 payment certification is unreliable or incorrect, the QI shall treat the payment as a payment for which no section 302 payment certification has been received and shall follow the withholding and reporting procedures in paragraph (c)(5)(iii)(I)(*3*)(*iv*) of this section.

(*iii*) *Dividend.* If, within the 60-day period, QI receives a section 302 payment certification stating that the section 302 payment is a dividend, the QI shall reflect such treatment in its withholding statement and shall treat the payment as a dividend for purposes of its reporting and withholding responsibilities under the QI agreement. The entire amount paid shall be reported on its pooled basis Form 1042–S as dividends.

(*iv*) *No timely certification received.* If, within the 60-day period, the QI does not receive a section 302 payment certification, or is treated under paragraph (c)(5)(iii)(I)(*3*)(*ii*) of this section as not receiving a section 302 payment certification, the QI shall reflect such treatment in its withholding statement provided to the U.S. financial institution and shall treat the payment as a dividend for purposes of its reporting and withholding responsibilities under the QI agreement. The entire amount paid shall be reported on its pooled basis Form 1042–S as dividends.

(*v*) *Late certification.* If, after the 60-day period has expired, the QI receives a section 302 payment certification from a beneficial owner that the section 302 payment is a payment in exchange for stock and the conditions stated in the QI agreement regarding the refund and offset procedures are satisfied, the QI may apply such refund or offset procedures.

(*vi*) *Determination of incorrect treatment.* If, after the 60-day period has expired, the QI determines that the section 302 payment was incorrectly treated as a distribution in exchange for stock, the procedures set forth regarding adjustments for underwithholding in the QI agreement are applicable.

(*vii*) *Undocumented beneficial owners.* The QI shall withhold at 30 percent on the entire amount paid to a beneficial owner that is not properly documented and that is presumed to be a foreign person, whether or not the QI has received a section 302 payment certification from such beneficial owner. The QI shall report the entire amount paid on its pooled basis Form 1042–S as dividends.

(*4*) *U.S. non-exempt recipients.* The QI shall treat direct account holders that are U.S. non-exempt recipients, and that hold stock in the distributing corporation, in accordance with the section 302 payment certifications obtained from those U.S. non-exempt recipients and shall instruct foreign intermediaries and foreign flow-through entities to do the same.

(J) *Intermediaries that are not qualified intermediaries.* If the U.S. financial institution has an account holder that is an intermediary that is not a QI (''NQI''), the U.S. financial institution shall apply the rules of paragraph (c)(5)(iii)(J)(*1*) through (*4*) of this section. Where the provisions of

this paragraph (J) refer only to the U.S. financial institution, they shall apply in the same manner to a QI or WP/WT and where they refer to an NQI, they shall apply in the same manner to a flow-through that is not a WP or WT.

(*1*) The U.S. financial institution shall provide the information and instructions described in paragraph (c)(5)(iii)(C) of this section to the NQI and the NQI shall provide the same information and instructions to its account holders.

(*2*) The content of the section 302 payment certification shall include the information described in paragraph (c)(5)(iii)(D) of this section.

(*3*) The NQI shall provide the section 302 payment certification to the U.S. financial institution together with the otherwise required documentation and a withholding statement made in accordance with the section 302 payment certification.

(*4*) The U.S. financial institution shall treat the section 302 payment as a dividend or a payment in exchange for stock based on the information and documentation provided to it under paragraph (c)(5)(iii)(J)(*3*) of this section. The U.S. financial institution shall withhold and report on a specific payee basis in accordance with this information.

(d) * * * (1) * * * This paragraph does not apply to a public section 302 distribution to which paragraph (c)(5) applies.

* * * * *

Linda E. Stiff,

Deputy Commissioner for Services and Enforcement.

[FR Doc. E7–20504 Filed 10–16–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–114125–07]

RIN 1545–BG57

Compensation for Labor or Personal Services: Artists and Athletes

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed changes to existing final regulations regarding the source of compensation for labor or personal services. The proposed changes are needed to clarify the determination of source of compensation of a person, including an artist or athlete, who is compensated for labor or personal services performed at specific events. These proposed regulations affect such an individual.

DATES: Written or electronic comments and requests for a public hearing must be received by January 15, 2008.

ADDRESSES: Send submissions to: CC:PA:LPD:PR (REG–114125–07), room 5203, Internal Revenue Service, PO Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to: CC:PA:LPD:PR (REG–114125–07), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC, or sent electronically via the Federal eRulemaking Portal at *http://www.regulations.gov* (IRS–REG–114125–07).

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, David Bergkuist at (202) 622–3850; concerning the submissions of comments and requests for a hearing, Regina Johnson at (202) 622–7180 (not toll free numbers).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments under 26 CFR part 1 under section 861 of the Internal Revenue Code (Code). On July 14, 2005, final regulations that revised and amended § 1.861–4 were published in the **Federal Register** (70 FR 40663) as TD 9212. In these final regulations, § 1.861–4(b)(2)(ii)(C)(*3*) was reserved with respect to compensation for labor or personal services performed partly within and partly without the United States by an artist or an athlete who is an employee.

Section 861(a)(3) of the Internal Revenue Code provides that, subject to certain exceptions, compensation for labor or personal services performed in the United States is gross income from sources within the United States. See also § 1.861–4(a) of the regulations. Section 862(a)(3) of the Code provides that compensation for labor or personal services performed without the United States is gross income from sources without the United States. Section 1.861–4(b) provides rules for determining the source of compensation for labor or personal services performed partly within and partly without the United States. Section 1.861–4(b)(2)(i) provides rules for determining the source of compensation for labor or personal services performed partly within and partly without the United States by an individual other than as an employee. Section 1.861–4(b)(2)(ii) provides rules for determining the source of compensation for labor or personal services performed partly within and partly without the United States by an individual as an employee.

Under § 1.861–4(b)(2)(ii), if an individual performs labor or personal services as an employee, the source of the individual's compensation is generally determined on a time basis, with certain fringe benefits sourced on a geographic basis. An individual may determine the source of his or her compensation as an employee for labor or personal services performed partly within and partly without the United States under an alternative basis if the individual establishes to the satisfaction of the Commissioner that, under the facts and circumstances of the particular case, the alternative basis more properly determines the source of the compensation than the general rules of § 1.861–4(b)(2)(ii). See § 1.861–4(b)(2)(ii)(C)(*1*)(*i*). In addition, the Commissioner may, under the facts and circumstances of the particular case, determine the source of compensation that is received by an individual as an employee under an alternative basis if such compensation is not for a specific time period, provided that the Commissioner's alternative basis determines the source of compensation in a more reasonable manner than the basis used by the individual.

The final regulations at § 1.861–4(b)(2)(ii)(C)(*3*) provided a reservation with respect to the source of compensation for labor or personal services performed partly within and partly without the United States by an artist or athlete who is an employee. The preamble of TD 9212 indicated that it was intended that the rule for artists and athletes who are employees, when issued, would require such individuals to determine the proper source of their compensation for labor or personal services on the basis that most correctly reflects the proper source of income under the facts and circumstances of the particular case, consistent with current law.

Explanation of Provisions

The proposed regulations would set forth a new ''events basis'' rule in § 1.861–4(b)(2)(ii)(G) and make certain other clarifying changes to the existing final regulations. The proposed regulations also would remove § 1.861–4(b)(2)(ii)(C)(*3*), which reserved with respect to artists and athletes.

The amount of income received by a person, including an individual who is an artist or an athlete, that is properly

treated as compensation from the performance of labor or personal services is determined based on all of the facts and circumstances of the particular case. Proposed § 1.861–4(b)(2)(ii)(G) specifies that the amount of compensation for labor or personal services determined on an event basis is the amount of the person's compensation which, based on the facts and circumstances, is attributable to the labor or personal services performed at the location of a specific event.

The IRS and the Treasury Department have determined that the proper source of compensation received by a person, including an individual who is an artist or athlete, specifically for performing labor or personal services at an event is the location of the event. A basis that purports to determine the source of compensation from the performance of labor or personal services at a specific event, whether on a time basis or otherwise, by taking into account the location of labor or personal services performed in preparation for the performance of labor or personal services at the specific event will generally not be the basis that most correctly determines the source of the compensation. This rule applies to situations covered by § 1.861–4(a) and (b).

Under § 1.861–4(a), the source of compensation for labor or personal services performed wholly within the United States is generally from sources within the United States. Therefore, if a person, including an individual who is an artist or an athlete, is specifically compensated for performing labor or personal services at an event in the United States, the source of such compensation is wholly within the United States because the labor or personal services were performed wholly at an event within the United States. The proposed regulations state that a basis that purports to determine the source of such income on a time basis by taking into account the location of labor or personal services performed in preparation for the performance of labor or personal services at the specific event will generally not be a more reasonable basis for determining source of the compensation. The proposed regulations add an example to § 1.861–4(c) to illustrate the application of this rule.

Section 1.861–4(b) applies to instances in which a person is compensated for performing labor or personal services at multiple events, only some of which are within the United States, and at least a portion of the person's compensation cannot be specifically attributed to the person's performance of labor or personal services at a specific location. If the person is not an individual who is compensated as an employee, the source of compensation for labor or personal services is determined on the basis that most correctly reflects the proper source of that income under the facts and circumstances of the particular case. See § 1.861–4(b)(1) and (2)(i). If a person is compensated specifically for labor or personal services performed at multiple events, the basis that most correctly reflects the proper source of that income under the facts and circumstances of the particular case will generally be the location of the events. In addition, a basis that purports to determine the source of such income on a time basis by taking into account the location of labor or personal services performed in preparation for the performance of labor or personal services at the specific event will generally not be the basis that most correctly reflects the proper source of the compensation under proposed § 1.861–4(b)(2)(ii)(G).

The Commissioner may, under the facts and circumstances of the particular case, determine the source of compensation that is received by an individual as an employee under an alternative basis if such compensation is not for a specific time period, provided that the Commissioner's alternative basis determines the source of compensation in a more reasonable manner than the basis used by the individual. Compensation specifically for labor or personal services performed at a specific event is not compensation for a specific time period. The basis that most correctly reflects the proper source of that income will generally be the location of the event under proposed § 1.861–4(b)(2)(ii)(G). In addition, a basis that purports to determine the source of such income on a facts and circumstances basis by taking into account the location of labor or personal services performed in preparation for the performance of labor or personal services at the specific event will generally not more properly determine the source of the compensation under proposed § 1.861–4(b)(2)(ii)(G).

These proposed regulations provide examples to illustrate the event basis for determining the source of compensation of an individual, including an artist or athlete, who is compensated specifically for performing labor or personal services at an event.

The revisions to § 1.861–4(b)(1), (b)(2)(i), and (b)(ii)(C)(*1*)(*i*) and (*ii*) which refer to the event basis; the revisions in § 1.861–4(b)(2)(ii)(C)(*3*), (b)(2)(ii)(E), and (b)(2)(ii)(F), (b)(2)(ii)(G), and (c); and new *Examples 7* through *11* of § 1.861–4(c) would be effective for taxable years beginning after the date final regulations are published in the **Federal Register**.

Special Analysis

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations. Because these regulations do not impose a collection of information on small entities, the provisions of the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking has been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Requests for a Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written (a signed original and eight (8) copies) or electronic comment that is submitted timely to the IRS. The Treasury Department and the IRS request comments on the clarity of the proposed rules and how they can be made easier to understand. All comments will be available for public inspection and copying. A hearing will be scheduled if requested in writing by any person that timely submits written comments. If a public hearing is scheduled, notice of the date, time, and place for a public hearing will be published in the **Federal Register**.

Drafting Information

The principal author of these proposed regulations is David Bergkuist, Office of the Associate Chief Counsel (International). However, other personnel from the IRS and the Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

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

Authority: 26 U.S.C. 7805 * * *

Par. 2. Section 1.861–4 is amended by:

1. Removing the heading for paragraph (b)(1)(i).
2. Redesignating paragraph (b)(1)(i) as paragraph (b)(1).
3. In the last sentence of newly designated paragraph (b)(1), adding the language ''or on the event basis as defined in paragraph (b)(2)(ii)(G) of this section,'' after the language ''paragraph (b)(2)(ii)(E) of this section,''.
4. In the last sentence of paragraph (b)(2)(i), adding the language ''or on the event basis as defined in paragraph (b)(2)(ii)(G) of this section,'' after the language ''paragraph (b)(2)(ii)(E) of this section,''.
5. In the first sentence of paragraph (b)(2)(ii)(C)(*1*)(*i*), adding the language '', including an event basis as defined in paragraph (b)(2)(ii)(G) of this section,'' after the language ''alternative basis'' wherever the language ''alternative basis'' appears in the sentence.
6. In the first sentence of paragraph (b)(2)(ii)(C)(*1*)(*ii*), adding the language ''event basis as defined in paragraph (b)(2)(ii)(G) of this section or other'' after the language ''partly without the United States under an''.
7. Removing paragraph (b)(2)(ii)(C)(*3*).
8. In the first sentence of paragraph (b)(2)(ii)(E), removing the language ''individual's'' and adding the language ''person's'' in its place, removing the language ''individual'' and adding the language ''person'' in its place, and removing the language ''his or hers'' and adding the language ''such person's'' in its place.
9. In the second sentence of paragraph (b)(2)(ii)(F), removing the language ''an individual'' and adding the language ''a person'' in its place.
10. Redesignating paragraphs (c) and (d) as new paragraphs (d) and (e), respectively.
11. Redesignating paragraph (b)(2)(ii)(G) as new paragraph (c).
12. Adding a new paragraph (b)(2)(ii)(G).
13. In the introductory language of newly-designated paragraph (c), removing the language ''paragraph (b)(2)(ii)'' and adding the language ''section'' in its place.
14. Adding new *Examples 7, 8, 9, and 10* to newly-designated paragraph (c).
15. Redesignating paragraph (b)(1)(ii) *Example*, as new *Example 11* in newly-designated paragraph (c), revising the paragraph heading and removing paragraph (b)(1)(ii).
16. Adding a new sentence at the end of newly-designated paragraph (e) and revising the paragraph heading.

The additions read as follows:

§ 1.861–4 Compensation for labor or personal services.

* * * * *

(b) * * *

(2) * * *

(ii) * * *

(G) *Event basis.* The amount of compensation for labor or personal services determined on an event basis is the amount of the person's compensation which, based on the facts and circumstances, is attributable to the labor or personal services performed at the location of a specific event. The source of compensation for labor or personal services determined on an event basis is the location of the specific event. A basis that purports to determine the source of compensation from the performance of labor or personal services at a specific event, whether on a time basis or otherwise, by taking into account the location of labor or personal services performed in preparation for the performance of labor or personal services at the specific event will generally not be the basis that most correctly determines the source of the compensation.

(c) *Examples.* * * *

Example 7. P, a citizen and resident of Country A, is paid by Company Z to make a presentation in the United States in 2009. In 2010, Company Z pays P to make 10 presentations, four of which are in the United States and six of which are outside the United States. P is compensated separately by Company Z for each presentation. For some presentations P receives a flat fee from Company Z. For the remaining presentations P receives compensation that is based on a formula. Under the facts and circumstances of the particular case, the source of the compensation for each presentation is most correctly reflected on an event basis, as defined in paragraph (b)(2)(ii)(G) of this section. Because P is compensated separately for each presentation, the source of P's compensation from Company Z for the 2009 presentation within the United States and the four 2010 presentations in the United States will be from sources in the United States. The amounts will be determined based on the flat fee or the formula as contractually determined.

Example 8. (i) *Facts.* Group B, a Country N corporation, is a musical group. All of the members of Group B are citizens and residents of Country N. Group B has an employment arrangement with Corp Y, a Country N corporation, to perform as directed by Corp Y. Corp Y and a tour promoter enter into a contract to provide the services of Group B to perform in musical concerts in the United States and Country M during a 45-day period. Under the contract, Group B performs concerts in 15 cities, 10 of which are in the United States. Prior to entering the United States, Group B spends 60 days rehearsing and preparing in Country N. Under the contract with Corp Y, Group B receives a flat fee of $10,000,000 for performing in all 15 cities. The fee is based on expected revenues from the musical concerts. Each concert is expected to require a similar amount and type of labor or personal services by Group B. At the end of the tour, an analysis of the revenues from all of the concerts shows that 80% of the total revenues from the tour were from the performances within the United States.

(ii) *Analysis.* Under the facts and circumstances basis of paragraph (b)(1) of this section, the source of the compensation received under the contract is most correctly reflected on an event basis, as defined in paragraph (b)(2)(ii)(G) of this section, with amounts determined based on the relative gross receipts attributable to the performances within and without the United States. Thus, of the $10,000,000 of compensation included in Group B's gross income, $8,000,000 ($10,000,000 × .80) is attributable to labor or personal services performed by Group B within the United States and $2,000,000 ($10,000,000 × .20) is attributable to the labor or personal services performed by Group B without the United States.

Example 9. (i) *Facts.* A, a citizen and resident of Country M, is an employee of Corp X, a Country M corporation. During 2008, Corp X is contractually obligated to provide A's services to perform in a specific athletic event in the United States. Under A's employment contract with Corp X, A is required to perform at a professional level that requires training and other preparation prior to the event. A undertakes all of this preparation in Country M. Solely as a result of A's performance at the athletic event in the United States, A receives $2,000,000 from Corp X.

(ii) *Analysis.* The entire $2,000,000 received by A for performing labor or personal services at the athletic event in the United States is income from sources within the United States on an event basis as defined in paragraph (b)(2)(ii)(G) of this section. A's compensation is attributable entirely to labor or personal services performed within the United States at the athletic event. It is inappropriate to conclude that the source of A's compensation for labor or personal services is performed partly within and partly without the United States simply because A's preparation for the athletic event involved activities in Country M.

Example 10. (i) *Facts.* X, a citizen and resident of Country M, is employed under a standard player's contract by a professional sports team (Team) that plays its games both within and without the United States during its season. The term of the contract is for twelve months beginning on October 1. Under the contract, X's salary could be paid in semi-monthly installments beginning with the first game of the regular season and ending with the final game played by the Team. Alternatively, because the regular

playing season was shorter than the one-year period covered by the contract, X had the option to receive his salary over a twelve-month period. X elected this option. In addition, during the period of this employment contract, X, as an employee of Team, was required to practice at the direction of the Team as well as to participate in games. During 2008, X participated in all practices and games of Team and received a salary. Team qualified for postseason games in 2008. X also received in 2008 additional amounts for playing in preseason and postseason games for the Team.

(ii) *Analysis.* The salary paid to X by the Team is considered to be personal services compensation of X that X received as an employee of the Team. The source of this compensation within the United States is determined under the time basis method described in paragraph (b)(2)(ii)(A) of this section and accordingly is determined based upon the number of days X performed services for the Team within the United States during 2008 over the total number of days that X performed services for the Team during 2008. The source of the additional amounts X received for playing in preseason and postseason games is determined under the event basis method described in paragraph (b)(2)(ii)(G) of this section and accordingly is determined based on the location where each such preseason or postseason game was played.

Example 11. * * *

* * * * *

(e) *Effective/applicability date.* * * * The revisions in paragraphs (b)(1), (b)(2)(i), and (b)(2)(ii)(C)(*1*)(*i*) and (*ii*) of this section which refer to the event basis; the revisions of paragraphs (b)(2)(ii)(C)(3), (b)(2)(ii)(E), (b)(2)(ii)(F), (b)(2)(ii)(G), and (c) of this section; and *Examples 7* through *11* of paragraph (c) of this section apply to taxable years beginning after the date final regulations are published in the **Federal Register**.

Linda E. Stiff,

Deputy Commissioner for Services and Enforcement.

[FR Doc. E7–20496 Filed 10–16–07; 8:45 am]

BILLING CODE 4830–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2702

Freedom of Information Act Procedural Rules

AGENCY: Federal Mine Safety and Health Review Commission.

ACTION: Proposed rule.

SUMMARY: The Federal Mine Safety and Health Review Commission (the ''Commission'') is an independent adjudicatory agency that provides hearings and appellate review of cases arising under the Federal Mine Safety and Health Act of 1977 (the ''Mine Act''). Hearings are held before the Commission's Administrative Law Judges, and appellate review is provided by a five-member Review Commission appointed by the President and confirmed by the Senate. The Commission is proposing to revise its rules implementing the Freedom of Information Act (''FOIA'') in light of its experience under the rules, the need to update its fee schedules, and changes in implementing the FOIA mandated by Executive Order 13,392.

DATES: Comments must be submitted on or before November 16, 2007.

ADDRESSES: Comments and questions may be mailed to Michael A. McCord, General Counsel, Office of the General Counsel, Federal Mine Safety and Health Review Commission, 601 New Jersey Avenue, NW., Suite 9500, Washington, DC 20001, or sent via facsimile to 202–434–9944.

FOR FURTHER INFORMATION CONTACT: Michael A. McCord, General Counsel, Office of the General Counsel, 601 New Jersey Avenue, NW., Suite 9500, Washington, DC 20001; telephone 202–434–9935; fax 202–434–9944.

SUPPLEMENTARY INFORMATION:

I. Background

The Commission last made substantive changes to its rules implementing the FOIA in 1997. 62 FR 55,332, Oct. 24, 1997. Since those last rule revisions, the Commission has expanded its use of electronic records, making more relevant the amendments to the FOIA in 1996 that addressed electronic recordkeeping in federal agencies. Additionally, on December 14, 2005, President George W. Bush signed Executive Order 13,392, which mandated changes in practices among federal agencies to ensure timely and effective responses to the public's requests for information. 70 FR 75,373. Further, based on its years of experience in implementing the FOIA, the Commission determined that certain changes in its FOIA rules were also necessary to better reflect agency practice under the rules and to maximize the Commission's utilization of the internet to disseminate information. Finally, there had not been a comprehensive review of the Commission's fee schedule in over ten years, and the present rulemaking is an appropriate time to update and revise those fees.

II. Section-by-Section Analysis

Set forth below is an analysis of proposed changes to the Commission's rules.

Part 2702—Regulations Implementing the Freedom of Information Act

29 CFR 2702.1

The Commission is proposing to clarify 29 CFR 2702.1. First, 29 CFR 2702.1 explains that ''all designated information'' be made readily available to the public, but it is not clear by whom and under what authority the information would be ''designated.'' The Commission proposes revising this language to clarify that the type of information that would be made available to the public is information subject to disclosure pursuant to FOIA and the Commission's FOIA rules and not otherwise protected by law.

Secondly, the last sentence in 29 CFR 2702.1 states that the scope of the Commission's FOIA regulations may be limited to requests for information that is not presently the ''subject of litigation before the Commission.'' 29 CFR 2702.1. As currently written, the rule could be read to exclude discovery records from the Commission's disclosure obligation under FOIA. In fact, however, such records could be subject to disclosure pursuant to FOIA, unless they fall under one of the nine exemptions provided in the statute.

The Commission proposes revising 29 CFR 2702.1 to clarify that the scope of its FOIA rules is limited to records or information of the agency or within its custody. The proposed rule also includes language stating that the Commission's FOIA rules do not affect discovery in adversary proceedings before the Commission, which are governed by the Commission's Rules of Procedure, 29 CFR part 2700.

Finally, the Commission proposes amending 29 CFR 2702.1 to include a reference to the Commission's Web site as an alternative means of obtaining the Commission's FOIA Guide.

29 CFR 2702.3

Initial Requests

On December 14, 2005, the President issued Executive Order 13,392, which contained several statements of government-wide FOIA policy as well as several additional planning and reporting requirements. The Executive Order requires agencies to appoint a Chief FOIA Officer who has ''agency-wide responsibility for efficient and appropriate compliance with the FOIA.'' *See* Executive Order 13,392, sec. 2(b)(I). Under the Commission's current rule, the Executive Director makes the initial determination on a FOIA request with the consent of a majority of the Commissioners. 29 CFR 2702.3(b). Pursuant to the Executive Order, the

Commission's current practice is that the Chief FOIA Officer, instead of the Executive Director, responds to initial FOIA requests without consulting with the Commissioners. The Commission's designation of a Chief FOIA Officer and the transfer of FOIA responsibilities to that titled position complies with the requirements of Executive Order 13,392.

Accordingly, the Commission proposes revising paragraphs (a) and (b) to conform with these administrative changes, reflecting the current practice of initial requests being handled by the Chief FOIA Officer instead of the Executive Director. In addition, the Commission proposes revising paragraph (b) to delete the requirement that a majority of the Commission must consent to the Chief FOIA Officer's initial determination of a request.

Appeals

FOIA refers to ''the right of [a] person to appeal to the head of the agency any adverse determination.'' 5 U.S.C. 552(a)(6)(A)(I). Under the Commission's current FOIA rules, appeals are to be made to the Chairman, who independently makes a determination on appeal. As previously noted, under the Commission's current FOIA rules, initial determinations of FOIA requests are made with the consent of the Commissioners. Thus, under the current rules, the Chairman would be involved in both the initial determination and the determination on appeal.

The Commission believes that the statutory language of 5 U.S.C. 552(a)(6)(A)(I) does not mandate that FOIA appeals be decided only by the Commission's Chairman. The House Committee on Government Reform has noted that while ''an appeal is filed by sending a letter to the head of the agency, * * * [a]t most agencies, decisions on FOIA appeals have been delegated to other agency officials.'' House of Representatives Committee on Government Reform, *A Citizen's Guide on Using the Freedom of Information Act and the Privacy Act of 1974 to Request Government Records* (Second Report), H.R. Rep. No. 226, at 21 & n.32, 109th Cong. (2005).

Accordingly, the Commission proposes revising paragraph (b) to reflect that appeals from the Chief FOIA Officer's initial determinations on FOIA requests should go to the Commission, with a majority vote of the sitting Commissioners determining the disposition of the appeal. The Commission does not believe that FOIA mandates that a quorum of Commissioners is required to consider and decide appeals of FOIA requests, as is required for adjudication under the Mine Act. 30 U.S.C. 823(c). The proposed rule provides that, in the event of a tie vote, the Chief FOIA Officer's determination would be affirmed.

Denials

The Commission also proposes revising paragraph (f), which currently states only that when a request is denied, the Commission will attempt to provide an estimate of the volume of records denied. When an agency denies a record request, it must comply with additional statutory requirements: First, after denying a FOIA appeal, the agency must notify the requester of his or her right to judicial review, 5 U.S.C. 552(a)(6)(A)(ii); and second, the agency must state the names and titles or positions of each person responsible for the denial of a FOIA request. 5 U.S.C. 552(a)(6)(C)(I).

The Commission's current regulations do not address these two requirements. The Commission proposes revising its paragraph (f) to state that a denial of a request include a requester's right to judicial appeal and the names and titles or positions of each person denying the FOIA request.

Other Revisions

The Commission proposes adding headings to the paragraphs of 29 CFR 2702.3 to make it easier for a reader to locate important information governing the Commission's processing of FOIA requests.

29 CFR 2702.4

Under FOIA, each agency must make available for public inspection and copying (without the need for a formal FOIA request) in a reading room the following items: Final opinions and orders issued in the adjudication of administrative cases; policy statements and interpretations that have been adopted by the agency but which were not published in the **Federal Register**; administrative staff manuals that affect members of the public; and records processed and disclosed in response to a FOIA request that the agency determines have or will become the subject of similar requests for substantially the same records (often referred to as ''FOIA-processed records''). *See* 5 U.S.C. 552(a)(2). Records in all four categories must be indexed in order to facilitate the public's access to them. The index must be published and distributed at least quarterly unless an agency determines by order published in the **Federal Register** that the publication would be unnecessary and impracticable. Any records that are ''promptly published and offered for sale'' do not need to be included in the reading room. 5 U.S.C. 552(a)(2).

The E–FOIA amendments of 1996 require each agency to make the records created by it on or after November 1, 1996, in all four categories described above, available to the public by electronic means. 5 U.S.C. 552(a)(2). The index of the FOIA-processed records must be made available electronically. Electronic reading rooms must be operational by November 1, 1997.

The Commission proposes revising 29 CFR 2702.4 to refer to a Commission on-site reading room, to state that the four categories of documents as described in 5 U.S.C. 552(a)(2) of the FOIA may be made available at that reading room, and to refer to the Commission's electronic reading room available on its Web site at *http://www.fmshrc.gov*. A more detailed listing of materials available in the Commission's reading rooms is provided in the Commission's FOIA Guide, also available on its Web site.

29 CFR 2702.6

The fees the Commission charges for searching, reviewing, and duplicating records pursuant to FOIA requests are set forth in 29 CFR 2702.6. The Commission believes it is appropriate to update its fee schedule, which was last revised in 1997, to ensure that the fees represent ''reasonable standard charges'' as required by FOIA. 5 U.S.C. 552(a)(4)(A)(ii). Revisions are also necessary to comply with guidelines promulgated by the Office of Management and Budget, Uniform Freedom of Information Act Fee Schedule and Guidelines, 52 FR 10,012, 10,018, Mar. 27, 1987 (''OMB Guidance''), which states that an agency must charge fees that recoup the full allowable direct costs that it incurs. Because salaries have changed significantly since 1997, the Commission concludes that an amendment of the fee schedule is clearly necessary.

Accordingly, the Commission proposes to revise its search and review fees to state that it will charge at the salary rates (basic pay plus 16 percent) of the employees making the search or providing the review. This is consistent with the language of the OMB Guidance. The Commission also proposes to include in the rule the address of its Web site, where the specific hourly rates will be listed.

The Commission's current fee regulation also states that if search charges are likely to be more than $25, the Commission shall notify the

requester of the estimated amount of fees, unless the requester has indicated in advance a willingness to pay fees as high as those anticipated. 29 CFR 2704.6(a). This language originated in the Commission's 1988 interim FOIA rule, 53 FR 737, 739, Jan. 12, 1988, published almost twenty years ago. The Commission proposes increasing the $25 figure to $50.

In addition, the Commission proposes a revision to the statement in the current rule that ''[t]ime spent on unsuccessful searches shall be fully charged.'' 29 CFR 2702.6(a). The term ''unsuccessful'' is ambiguous, and requires clarification. Pursuant to the OMB Guidance, the Commission proposes clarifying that fees shall be charged even if the documents are not located or if they are located but withheld on the basis of an exemption. Also, the Commission proposes that the reference in 29 CFR 2702.6(b) to the Executive Director should be changed to the Chief FOIA Officer for the reasons stated in the discussion above regarding proposed revisions to 29 CFR 2702.3.

The Commission also proposes inserting language in paragraph (c) which states that the Commission shall charge the actual cost, including operator time, of production for copies prepared by computer (such as tapes or printouts). This is consistent with language in the OMB Guidance and would replace the current language in paragraph (a) stating that the fee for computer printouts shall be $.40 per page. The Commission proposes moving information about fees for computer copies to paragraph (c) (duplicating fee) from paragraph (a) (search fee) because it believes that a fee for computer copies is more similar to a duplicating fee than a search fee. The Commission also proposes adding language to paragraph (c) stating that for other methods of reproduction or duplication, it will charge the actual direct costs of producing the documents. This is also consistent with the OMB Guidance.

29 CFR 2702.7

The Committee proposes revising paragraph (a). That provision states that fees of less than $10 shall be waived, in essence because it is not cost effective for the Commission to collect sums smaller than $10. 29 CFR 2702.7(a). This figure was first utilized in an interim FOIA rule published by the Commission in 1988. 53 FR 737, 739, Jan. 12, 1988. Taking inflation into account, the Commission proposes amending this figure to $20.

The Commission also proposes revising paragraph (b)(2) to reflect that the Chief FOIA Officer, rather than the Executive Director, shall decide whether a waiver or reduction of fees is warranted. Similarly, the Commission proposes that the rule be amended to state that the Commission, rather than the Chairman, decide appeals regarding fee issues. This is consistent with the proposal that the language of 29 CFR 2702.3 be changed to require that an appeal from the Chief FOIA Officer's initial substantive determination should be decided by the full Commission, rather than the Chairman.

III. Matters of Regulatory Procedure

The Commission is an independent regulatory agency, and as such, is not subject to the requirement of Executive Order 12866, Sept. 30, 1993; 58 FR 51,735, Oct. 4, 1993.

The Commission has determined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that these rules will not have a significant economic impact on a substantial number of small entities. Therefore, a Regulatory Flexibility Statement and Analysis has not been prepared.

The Commission has determined that the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) does not apply because these rules do not contain any information collection requirements that require the approval of the OMB.

List of Subjects in 29 CFR Part 2702

Freedom of information.

For the reasons stated in the preamble, the Federal Mine Safety and Health Review Commission proposes to amend 29 CFR part 2702 as follows:

PART 2702—REGULATIONS IMPLEMENTING THE FREEDOM OF INFORMATION ACT

1. The authority citation for part 2702 continues to read as follows:

Authority: Sec. 113, Federal Mine Safety and Health Act of 1977, Pub. L. 95–164 (30 U.S.C. 801 *et seq.*); 5 U.S.C. 552; E.O. 13392, 70 FR 75373.

2. Revise section 2702.1 to read as follows:

§ 2702.1 Purpose and scope.

The Federal Mine Safety and Health Review Commission (Commission) is an independent agency with authority to adjudicate contests between the Mine Safety and Health Administration of the U.S. Department of Labor and private parties, as well as certain disputes solely between private parties, arising under the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 *et seq.* The purpose of these rules is to establish procedures for implementing the Freedom of Information Act, 5 U.S.C. 552, as amended by the Electronic Freedom of Information Act Amendments of 1996, Pub. L. 104–231, 110 Stat. 3048; to provide guidance for those seeking to obtain information from the Commission; and to make all information subject to disclosure pursuant to this subchapter and FOIA and not otherwise protected by law readily available to the public. Additional guidance on obtaining information from the Commission can be found in the document entitled ''Reference Guide for Obtaining Information from the Federal Mine Safety and Health Review Commission,'' which is available upon request from the Commission and on the Commission's Web site (*http://www.fmshrc.gov*). These rules apply only to records or information of the Commission or in the Commission's custody. This part does not affect discovery in adversary proceedings before the Commission. Discovery is governed by the Commission's Rules of Procedure in 29 CFR part 2700.

3. In section 2702.3, add paragraph headings to paragraphs (a) through (g), revise the first sentence of paragraph (a), revise paragraph (b), and revise paragraph (f) to read as follows:

§ 2702.3 Requests for information.

(a) *Content of Request.* All requests for information should be in writing and should be mailed or delivered to Chief FOIA Officer, Federal Mine Safety and Health Review Commission, 601 New Jersey Avenue, NW., Suite 9500, Washington, DC 20001–2021. * * *

(b) *Response to Request.* A determination whether to comply with the request will be made by the Chief FOIA Officer. Except in unusual circumstances, as described in paragraph (c) of this section the determination will be made within 20 working days of receipt. Appeals of adverse decisions may be made, in writing, to the Chairman of the Commission, at the same address, within 20 working days. Determination of appeals will be made by a majority vote of sitting Commissioners within 20 working days after receipt. In the event of a tie vote of those Commissioners, the Chief FOIA Officer's initial determination will be deemed approved by the Commission. If the records to be disclosed are not provided with the initial letter setting forth the determination as to the request, the records will be sent as soon as possible thereafter.

(c) *Processing of Request.* * * *

(d) *Additional Time to Respond to Request.* * * *

(e) *Expedited Processing of Request.* * * *

(f) *Denial of Request.* In denying a request for records, in whole or in part, the Commission shall state the reason for denial, set forth the name and title or position of the person responsible for the denial of the request, make a reasonable effort to estimate the volume of the records denied, and provide this estimate to the person making the request, unless providing such an estimate would harm an interest protected by the exemption pursuant to which the request is denied, and, if an appeal is denied, notify the requester of the right to obtain judicial review of the Commission's action under 5 U.S.C. 552(a)(4)(B)–(G).

(g) *Partial Response to Request.* * * *

4. In section 2702.4, remove the introductory text and paragraphs (c) and (d) and revise paragraphs (a) and (b) to read as follows:

§ 2702.4 Materials available.

(a) *FOIA Reading Room.* Materials which may be made publicly available for inspection and copying at the Commission's on-site FOIA Reading Room, 601 New Jersey Ave., NW., Suite 9500, Washington, DC, include, but are not limited to:

(1) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(2) Those statements of policy and interpretations which have been adopted by the agency and are not published in the **Federal Register**;

(3) Administrative staff manuals and instructions to staff that affect a member of the public;

(4) Copies of all records, regardless of form or format, which have been released to any person under this subpart and which, because of the nature of their subject matter, the Commission determines have become or are likely to become the subject of subsequent requests for substantially the same records; and

(5) A general index of records referred to under this paragraph.

(b) *E–FOIA Reading Room.* Materials created on or after November 1, 1996 under paragraphs (a)(1) through (5) of this section may also be accessed electronically through the Commission's Web site at *http://www.fmshrc.gov.*

5. Revise section 2702.6 to read as follows:

§ 2702.6 Fee schedule.

(a) *Search fee.* The fee for searching for information and records shall be the salary rate (that is, basic pay plus 16%) of the employee making the search. This hourly rate is listed on the Commission's Web site at *http://www.fmshrc.gov.* Fees for searches of computerized records shall be the actual cost to the Commission but shall not exceed $300 per hour. This fee includes machine time and that of the operator and clerical personnel. If search charges are likely to exceed $50, the requester shall be notified of the estimated amount of fees, unless the requester has indicated in advance his willingness to pay fees as high as those anticipated. Fees may be charged even if the documents are not located or if they are located but withheld on the basis of an exemption.

(b) *Review fee.* The review fee shall be charged for the initial examination by the Chief FOIA Officer of documents located in response to a request in order to determine if they may be withheld from disclosure, and for the deletion of portions that are exempt from disclosure, but shall not be charged for review by the Chairman or the Commissioners. See § 2702.3. The review fee is the salary rate (that is, basic pay plus 16%) of the employee reviewing the records. This hourly rate is listed on the Commission's Web site at *http://www.fmshrc.gov.*

(c) *Duplicating fee.* The copy fee for each page of paper up to 8½″x14″ shall be $.15 per copy per page. Any private sector services required will be assessed at the charge to the Commission. The fee for copying photographs and other nonstandard documents will be the actual direct cost incurred by the Commission. For copies prepared by computer, such as tapes or printouts, the Commission shall charge the actual cost, including operator time, of production of the tape or printout. For other methods of reproduction or duplication, the Commission will charge the actual direct costs of producing the document(s). If duplication charges are likely to exceed $50, the requester shall be notified of the estimated amount of fees, unless the requester has indicated in advance his willingness to pay fees as high as those anticipated.

6. In § 2702.7, revise paragraph (a) and paragraph (b)(2) to read as follows:

§ 2702.7 No fees; waiver or reduction of fees.

(a) No fees shall be charged to any requester, including commercial use requesters, if the anticipated cost of processing and collecting the fee would be equal or greater than the fee itself. Accordingly, the Commission has determined that fees of less than $20 shall be waived.

(b) * * *

(2) The Chief FOIA Officer, upon request, shall determine whether a waiver or reduction of fees is warranted. Requests shall be made concurrently with requests for information under Sec. 2702.3. In accordance with the procedures set forth in Sec. 2702.3, appeals of adverse decisions may be made to the Commission within 5 working days. Determination of appeals will be made by the Commission within 10 working days of receipt.

Dated: October 11, 2007.

Michael F. Duffy,

Chairman, Federal Mine Safety and Health Review Commission.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AU84

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Berberis nevinii (Nevin's barberry)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period, revisions to proposed critical habitat, notice of availability of draft economic analysis, and amended Required Determinations.

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 *Berberis nevinii* (Nevin's barberry) under the Endangered Species Act of 1973, as amended (Act). We are also using this comment period to announce revisions to proposed critical habitat subunits 1B, 1D, and 1E as described in the proposed rule published in the **Federal Register** on February 6, 2007, and announce the availability of the draft economic analysis for the proposed critical habitat designation and an amended Required Determinations section of the proposal. The draft economic analysis estimates potential costs to be approximately $169,000 to $172,000 in undiscounted dollars over a 20-year period in areas proposed as critical habitat and approximately $1.7 to $433.5 million in undiscounted dollars over a 20-year period (or 40-year period for impacts related to management of Vail Lake) in areas proposed for exclusion from critical habitat under section 4(b)(2) of

the Act. We are reopening the comment period to allow all interested parties to comment simultaneously on the proposed rule, our revisions to the proposed rule, the associated draft economic analysis, and the amended Required Determinations section. Comments previously submitted need not be resubmitted as they will be incorporated into the public record as part of this comment period and will be fully considered in preparation of the final rule.

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

ADDRESSES: You may submit written comments and materials to us by any one of the following methods:

(1) *E-mail:* Please submit electronic comments to *fw8cfwocomments@fws.gov*. Include ''Nevin's barberry'' in the subject line. For more information, please see the Public Comments Solicited section under **SUPPLEMENTARY INFORMATION**.

(2) *Facsimile:* You may fax your comments to 760/431–5901.

(3) *U.S. mail or hand-delivery:* You may submit written comments and information to Jim Bartel, Field Supervisor, Carlsbad Fish and Wildlife Office, 6010 Hidden Valley Road, Carlsbad, CA 92011.

(4) *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.

FOR FURTHER INFORMATION CONTACT: Jim Bartel, Field Supervisor, Carlsbad Fish and Wildlife Office, at the address listed in the **ADDRESSES** section (telephone: 760/431–9440). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Public Comments Solicited

We will accept written comments and information during this reopened comment period on the proposed critical habitat designation for *Berberis nevinii* published in the **Federal Register** on February 6, 2007 (72 FR 5552), the revisions to proposed critical habitat described herein (see Revisions to Proposed Critical Habitat section), and the draft economic analysis of the revised proposed designation. We will consider information and recommendations from all interested parties. We are particularly interested in comments concerning:

(1) Critical Habitat Subunits 1B, 1D, and 1E as revised in this notice (see Revisions to Proposed Critical Habitat section).

(2) The reasons why habitat should or should not be designated as critical habitat under section 4 of the Act (16 U.S.C. 1531 *et seq.*), including whether the benefit of designation would outweigh threats to the species caused by the designation such that the designation of critical habitat is prudent.

(3) Specific information on the amount and distribution of *Berberis nevinii* habitat; what habitat or habitat features are essential to the conservation of this species and why; which areas occupied at the time of listing containing these features should be included in the critical habitat designation and why; and which areas not occupied at the time of listing but currently occupied should be included in the final designation and why.

(4) The geographical extent, number of plants, and/or reproductive status of native *Berberis nevinii* occurrences, particularly those in the Loma Linda Hills area (vicinity of San Timoteo Canyon and Scott Canyon) in San Bernardino County and those in western Riverside County (including in the vicinity of Vail Lake, the Agua Tibia Mountain foothills on the Cleveland National Forest (CNF), in the Soboba Badlands east of the San Jacinto Wildlife Area, the Jurupa Hills area, and near the City of Temecula).

(5) Specific information on three historical *Berberis nevinii* records from Los Angeles County—two from the Arroyo Seco near the City of Pasadena (California Natural Diversity Database (CNDDB) element occurrences 8 and 9) and one from the Big Tujunga Wash near San Fernando (CNDDB element occurrence 10)—such as whether the species still exists in these areas and where.

(6) Whether any areas not currently known to be occupied by *Berberis nevinii*, but essential to the conservation of the species, should be included in the designation.

(7) Information that demonstrates a species-specific pollinator-plant relationship for *Berberis nevinii*; information on seed dispersal mechanisms and dispersal distance for *B. nevinii*; whether seed banks exist for this species and, if so, for how long and under what conditions; and whether such information should be applied to or considered a primary constituent element for the species.

(8) Land use designations and current or planned activities in the mapped critical habitat subunits and their possible impact on proposed critical habitat.

(9) Our proposed exclusion of *Berberis nevinii* habitat covered under the approved Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) and whether the benefits of excluding these areas outweigh the benefits of their inclusion under section 4(b)(2) of the Act (see 72 FR 5552, ''Relationship of Critical Habitat to Approved Habitat Conservation Plans (HCPs)—Exclusion Under Section 4(b)(2) of the Act'' section for details on the Western Riverside County MSHCP). If the Secretary determines the benefits of including these lands outweigh the benefits of excluding them, they will not be excluded from final critical habitat.

(10) Additional information regarding management plans covering lands managed by the Bureau of Land Management (BLM) on Oak Mountain and by the U.S. Forest Service (USFS) on the CNF, and whether these plans provide specific management for *Berberis nevinii* such that consideration of exclusion of these lands under section 4(b)(2) of the Act would be appropriate.

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

(12) Information on the extent to which any State and local environmental protection measures referred to in the draft economic analysis may have been adopted largely as a result of the listing of *Berberis nevinii*.

(13) Information on whether the draft economic analysis identifies all State and local costs attributable to the proposed critical habitat designation, and information on any costs that have been inadvertently overlooked.

(14) Information on whether the draft economic analysis makes appropriate assumptions regarding current practices and likely regulatory changes imposed as a result of the designation of critical habitat.

(15) Information on whether the draft economic analysis correctly assesses the effect on regional costs associated with any land use controls that may derive from the designation of critical habitat.

(16) Information on whether there are any quantifiable economic benefits that could result from the designation of critical habitat.

(17) Information on areas that could potentially be disproportionately impacted by designation of critical habitat for *Berberis nevinii*.

(18) Any foreseeable economic, national security, or other potential impacts resulting from the proposed designation, and, in particular, any impacts on small entities, and the benefits of including or excluding areas that exhibit these impacts.

(19) Information on whether the draft economic analysis appropriately

identifies all costs that could result from the designation.

(20) Economic data on the incremental effects that would result from designating any particular area as critical habitat, since it is our intent to include the incremental costs attributed to the revised critical habitat designation in the final economic analysis.

(21) Information on whether our approach to critical habitat designation could be improved or modified in any way to provide for greater public participation and understanding, or to assist us in accommodating public concern and comments.

Pursuant to section 4(b)(2) of the Act, an area may be excluded from critical habitat if it is determined that the benefits of such exclusion outweigh the benefits of including a particular area as critical habitat, unless the failure to designate such area as critical habitat will result in the extinction of the species. We may exclude an area from designated critical habitat based on economic impacts, national security, or any other relevant impact.

All previous comments and information submitted during the initial comment period from February 6, 2007, to April 9, 2007, on the proposed rule (72 FR 5552) need not be resubmitted as they will be incorporated into the public record as part of this comment period and will be fully considered in preparation of the final rule. If you wish to comment, you may submit your comments and materials concerning proposed rule, draft economic analysis, or the amended Required Determinations provided in this document by any one of several methods (see **ADDRESSES**). Our final designation of critical habitat will take into consideration all written comments and any additional information we have received during both comment periods. On the basis of public comment on this analysis, the revised critical habitat proposal, and the final economic analysis, we may, during the development of our final determination, find that areas proposed are not essential, are appropriate for exclusion under section 4(b)(2) of the Act, or are not appropriate for exclusion.

You may submit your comments and material concerning the above actions by any one of several methods (see **ADDRESSES**). If you use e-mail to submit your comments, please include ''Attn: Nevin's barberry'' in your e-mail subject header, preferably with your name and return address in the body of your message. If you do not receive a confirmation from the system that we have received your e-mail, contact us directly by calling our Carlsbad Fish and Wildlife Office at (760) 431–9440.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

You may obtain copies of the proposed rule and draft economic analysis by mail from the Carlsbad Fish and Wildlife Office (see **ADDRESSES**) or by visiting our website at *http://www.fws.gov/carlsbad/.*

Background

On August 10, 2004, the Center for Biological Diversity and California Native Plant Society challenged our failure to designate critical habitat for *Berberis nevinii* and four other plant species (*Center for Biological Diversity et al.* v. *Gale Norton, Secretary of the Department of the Interior et al.*, C–04–3240 JL, N. D. Cal.). In a court approved settlement agreement, the Service agreed to propose critical habitat for *B. nevinii*, if prudent, on or before January 30, 2007, and finalize the designation on or before January 30, 2008. On February 6, 2007, we published a proposed rule to withdraw our previous not prudent finding and designate critical habitat for *B. nevinii* (72 FR 5552), identifying approximately 417 acres (ac) (169 hectares (ha)) in Riverside County, California, that met the definition of critical habitat for this species. Of this, we proposed to exclude 385 ac (156 ha) of non-Federal land from the final designation under section 4(b)(2) of the Act because these lands are protected by an approved Habitat Conservation Plan (HCP) (see 72 FR 5552, ''Relationship of Critical Habitat to Approved Habitat Conservation Plans—Exclusion Under Section 4(b)(2) of the Act'' section for details), leaving a proposed final designation of 32 ac (13 ha) of Federal land.

We are now proposing revisions to three of the proposed critical habitat subunits: 1B, 1D, and 1E (see ''Revisions to Proposed Critical Habitat'' section); accordingly, approximately 361 ac (146 ha) in Riverside County, California, meets the definition of critical habitat for this species, a reduction of 56 ac (23 ha). Of this, we propose to exclude approximately 344 ac (139 ha) of non-Federal land protected by an approved HCP from the final designation under section 4(b)(2) of the Act. These 344 ac (139 ha) are a subset of the 385 ac (156 ha) proposed for exclusion in the proposed rule. Other than these changes, the proposed rule of February 6, 2007, remains intact.

Critical habitat is defined in section 3 of the Act as the specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features essential to the conservation of the species and that may require special management considerations or protection, and specific areas outside the geographical area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. If the proposed rule as revised herein is made final, section 7 of the Act will prohibit destruction or adverse modification of critical habitat by any activity funded, authorized, or carried out by any Federal agency. Federal agencies proposing actions affecting areas designated as critical habitat must consult with us on the effects of their proposed actions, pursuant to section 7(a)(2) of the Act.

Draft Economic Analysis

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 impact, impact on national security, or any other relevant impact of specifying any particular area as critical habitat. We have prepared a draft economic analysis of the proposed critical habitat designation based on the February 6, 2007, proposed rule to designate critical habitat for *Berberis nevinii* (72 FR 5552) and subsequent revisions to the proposed rule described herein (see Revisions to Proposed Critical Habitat).

The draft economic analysis is intended to quantify the economic impacts of all potential conservation efforts for *Berberis nevinii*; some of these costs will likely be incurred regardless of whether critical habitat is designated. Potential economic impacts in areas proposed as critical habitat are estimated over a 20-year period, whereas estimated economic impacts in areas proposed for exclusion from critical habitat follow various timeframes, depending on the activity (e.g., a 5-year period for economic impacts related to administration, a 20-year period for economic impacts related to development, and a 40-year period for economic impacts related to management of Vail Lake). The draft economic analysis estimates potential costs to be approximately $169,000 to

$172,000 in undiscounted dollars over a 20-year period in areas proposed as critical habitat and approximately $1.7 to $433.5 million in undiscounted dollars over a 20-year period (or 40-year period for impacts related to management of Vail Lake) in areas proposed for exclusion from critical habitat under section 4(b)(2) of the Act. These impacts would only occur if the area proposed for exclusion is instead designated as critical habitat. The cost estimates are based on revisions to the proposed designation of critical habitat described in this notice and include costs coextensive with listing and recovery.

Discounted future costs in areas proposed as critical habitat are estimated to be approximately $136,000 to $139,000 ($10,000 annualized) at a 3 percent discount rate or approximately $107,000 to $110,000 ($11,000 annualized) at a 7 percent discount rate. Discounted future costs in areas proposed for exclusion from critical habitat are estimated to be approximately $1.2 to $232.5 million at a 3 percent discount rate ($82,000 to $10.1 million annualized) or approximately $0.9 to $118.1 million at a 7 percent discount rate ($81,000 to $8.9 million annualized). For areas proposed for exclusion, the economic analysis provides an analysis of potential economic impacts related to residential/urban development, management of Vail Lake, and administration, with the timeframe for analysis varying based on the activity (1–5 years, 6–20 years, and 21–40 years). Estimated discounted future costs (3 percent discount rate) associated with management of Vail Lake range from zero to $12.2 million for the 2008 through 2012 timeframe, from zero to $117.4 million for the 2013 through 2027 timeframe, and from zero to $99.7 million for the 2028 through 2047 timeframe. Similarly, estimated discounted future costs (3 percent discount rate) associated with development range from $333,000 to $967,000 for the 2008 through 2012 timeframe and from $873,000 to $2.3 million for the 2013 through 2027 timeframe in areas proposed for exclusion from critical habitat. Lastly, the discounted future cost (3 percent discount rate) associated with administration is estimated at $19,000 for the 2008 through 2012 timeframe in these same subunits.

The draft economic analysis considers the potential economic effects of actions relating to the conservation of *Berberis nevinii*, including costs associated with sections 4, 7, and 10 of the Act, and including those attributable to the designation of 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 *B. nevinii* in areas containing features essential to the conservation of the species. The draft 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 (such as lost economic opportunities associated with restrictions on land use).

This analysis also addresses how potential economic impacts are likely to be distributed, including an assessment of any local or regional impacts of habitat conservation and the potential effects of conservation activities on government agencies, private businesses, and individuals. The analysis measures lost economic efficiency associated with residential and commercial development and public projects and activities, such as economic impacts on water management and transportation projects, Federal lands, small entities, and the energy industry. This information can be used by decision-makers to assess whether the effects of the designation might unduly burden a particular group or economic sector. Finally, this draft analysis looks retrospectively at costs that have been incurred since the date *Berberis nevinii* was listed as endangered (October 13, 1998; 63 FR 54956), and considers those costs that may occur in the years following the designation of critical habitat, with the timeframes for this analysis varying by activity. Because the draft economic analysis considers the potential economic effects of all actions relating to the conservation of *B. nevinii*, including costs associated with sections 4, 7, and 10 of the Act and those attributable to designating critical habitat, this may result in an overestimate of the potential economic impacts of the designation.

As stated earlier, we are soliciting data and comments from the public on this draft economic analysis, as well as on all aspects of the proposal. We may revise the proposal or its supporting documents to incorporate or address new information received during the comment period. In particular, we may exclude an area from critical habitat if we determine 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.

Changes to the Proposed Rule

By this notice, we are also advising the public of revisions to three of the subunits described in the February 6, 2007, proposed rule (72 FR 5552): Subunit 1B (Agua Tibia Mountain Foothills), Subunit 1D (North of Vail Lake), and Subunit 1E (South of Vail Lake/Peninsula).

During the first comment period for the proposed rule, we were informed by Cleveland National Forest (CNF) that proposed Subunit 1B (Agua Tibia Mountain Foothills), which we had identified as including approximately 17 ac (7 ha) of USFS land and approximately 5 ac (2 ha) of adjacent private land, was inaccurately mapped because it was based on inexact location information for the *Berberis nevinii* occurrence on CNF lands. Hence, we are revising the location and boundaries of proposed critical habitat Subunit 1B to reflect new location information provided by the CNF, and we are now proposing to designate less than 3 ac (1 ha) of Federal (CNF) land in Subunit 1B, rather than the approximately 22 ac (9 ha) of Federal and private land identified in the proposed rule. We delineated critical habitat based on the criteria outlined in the February 6, 2007, proposed rule, which resulted in this subunit no longer including any private land. Revised Subunit 1B was occupied at the time of listing and contains the primary constituent elements (PCEs), those physical or biological features essential to conservation of the species.

We also reevaluated proposed critical habitat subunits bordering Vail Lake based on updated aerial photographs and Vail Lake storage/volume data provided by Rancho California Water District (RCWD) for the economic analysis. We removed areas along the shoreline from subunits 1D (North of Vail Lake) and 1E (South of Vail Lake/Peninsula) that do not contain the PCEs required by *Berberis nevinii* and are not occupied by the species due to lake-level fluctuations and recurrent, episodic inundation, sometimes for relatively long periods of time. We removed approximately 1 ac (1 ha) from proposed Subunit 1D and approximately 34 ac (14 ha) from proposed Subunit 1E, leaving approximately 21 ac (8 ha) and approximately 217 ac (88 ha) in proposed subunits 1D and 1E, respectively.

When delineating proposed critical habitat (72 FR 5552), we tried to exclude areas from proposed subunits near Vail Lake that were identified as being under water, and therefore did not contain the PCEs. We based subunit delineations in

the proposed rule on USGS 1-meter resolution color-balanced, color infrared aerial photography acquired in May/June 2002 for the Vail Lake area, western Riverside County. Based on information provided by RCWD for the draft economic analysis, the lake was storing between approximately 19,750 acre-feet (May 1, 2002) and 19,180 acre-feet (June 30, 2002) of water during this time period. However, water levels at Vail Lake can fluctuate greatly, depending on the amount of local runoff reaching the lake, both within any given year and annually, frequently exceeding the 2002 water levels for relatively long periods of time. The RCWD, the entity that owns and operates/manages Vail Dam and Vail Lake, has a surface water storage permit in the lake for up to 40,000 acre-feet from November 1 to April 30, annually. Thus, we revised proposed critical habitat boundaries for subunits bordering Vail Lake based on lake levels at RCWD's permitted storage capacity, resulting in boundary changes to proposed subunits 1D and 1E.

Water volume in Vail Lake has been known to exceed 40,000 acre-feet, even filling and surpassing lake storage capacity (50,000 acre-feet) with water flowing over the spillway. The creation of Vail Lake in 1948 may have resulted in the loss of some *Berberis nevinii* individuals; however, the occurrences that are now located closest to Vail Lake have not been inundated or affected by rising water levels and fluctuations in the recent past (Boyd 2007). Thus, the revisions to proposed critical habitat subunits 1D and 1E are not likely to result in *B. nevinii* individuals in this area falling outside the revised subunit boundaries. These revisions will, on the other hand, more accurately represent *B. nevinii* habitat in subunits 1D and 1E.

Table 1 contains the corrected area values based on revisions to proposed critical habitat subunits 1B, 1D, and 1E. The revisions to these three proposed subunits change the legal description published in the February 6, 2007, proposed rule. This notice republishes the legal descriptions for subunits 1B, 1D, and 1E based on the revisions described herein, along with a map depicting the revised location of proposed critical habitat for *Berberis nevinii*.

TABLE 1.—AREAS PROPOSED AS CRITICAL HABITAT FOR BERBERIS NEVINII AND AREAS BEING CONSIDERED FOR EXCLUSION FROM THE FINAL CRITICAL HABITAT DESIGNATION UNDER SECTION 4(B)(2) OF THE ACT

[Area is displayed in acres (ac) (hectares (ha)).]

Critical habitat unit	Land ownership	Area proposed as critical habitat	Area proposed for exclusion from final critical habitat	Area proposed as final critical habitat
1. Agua Tibia/Vail Lake				
1A. Big Oak Mountain Summit.	BLM	14.8 ac (6.0 ha)	0 ac (0 ha)	14.8 ac (6.0 ha).
1B. Agua Tibia Mountain Foothills.	USFS	2.5 ac (1.0 ha)	0 ac (0 ha)	2.5 ac (1.0 ha).
1C. South Flank Big Oak Mountain.	Private	86.5 ac (35.0 ha)	86.5 ac (35.0 ha)	0 ac (0 ha).
1D. North of Vail Lake	Private [1]	20.8 ac (8.4 ha)	20.8 ac (8.4 ha)	0 ac (0 ha).
1E. South of Vail Lake/Peninsula.	Private [1]	216.7 ac (87.7 ha)	216.7 ac (87.7 ha)	0 ac (0 ha).
1F. Temecula Creek East	Private	19.8 ac (8.0 ha)	19.8 ac (8.0 ha)	0 ac (0 ha).
Total		361.1 ac (146.1 ha)	343.8 ac (139.1 ha)	17.3 ac (7.0 ha).

[1] Private lands in Subunits 1D and 1E include a total of 2.8 ac (1.1 ha) owned by the Rancho California Water District.

Below, we present brief descriptions of the revised proposed subunits and reasons why they meet the definition of critical habitat for *Berberis nevinii*. These revised subunit descriptions replace those provided in the February 6, 2007, proposed rule (72 FR 5552).

Unit Descriptions

Subunit 1B: Agua Tibia Mountain Foothills

Subunit 1B consists of approximately 3 ac (1 ha) of federally-owned land managed by the USFS on the CNF near the Agua Tibia Wilderness Area in southern Riverside County, California. Five *Berberis nevinii* individuals are known from this area and are located at the edge of a stream channel (PCE 1) growing in association with coast live oak and riparian woodland species (PCE 3). Nearby chaparral includes such species as *Quercus berberidifolia*, *Adenostoma fasciculatum*, and *Haplopappus squarrosus*, and nearby desert species include *Yucca schidigera* (CNDDB 2006). These *B. nevinii* plants are growing under a canopy of *Quercus agrifolia* and *Platanus racemosa* with the following species: Heteromeles arbutifolia, Q. berberidifolia, Elymus condensatus, *Mimulus aurantiacus, Lonicera subspicata*, *Pterostegia drymarioides*, and *Epilobium canum.* Soils in this area are classified as rough broken land and Visalia gravelly sandy loam, with 5 to 9 percent slopes (PCE 2) (Service GIS data 2007).

We are proposing this subunit as critical habitat because it contains features essential to conservation of *Berberis nevinii* and it contains a relatively large natural occurrence of the species. Additionally, Service personnel visited this site in June 2006 while *B. nevinii* was in fruit and found that several of the fruits had three to four seeds, which may be significant for a species that appears to rarely set seed. *Berberis nevinii* occupied this subunit at the time of listing, as identified in the final listing rule (63 FR 54956, October 13, 1998).

The *Berberis nevinii* occurrence on the CNF is not as well protected as the occurrence on the Angeles National Forest (USFS 2005, p. 238). The primary threats to *B. nevinii* habitat in this area are human recreation (off-highway vehicle use, shooting); wildland fire, including an increased risk of fire ignition due to the proximity of State Highway 79 (USFS 2005, pp. 232, 237); fuels and fire management activities (USFS 2005, p. 237); and invasive, nonnative plants, including potential short-term adverse effects associated with control efforts (USFS 2005, p. 234). The CNF occurrence burned in 1996 followed by vigorous resprouting (USFS 2005, p. 237), and this location has also shown signs of disturbance from road

activities, with unauthorized use of off-highway vehicles occurring close to but not within the area occupied by the species (USFS 2005, p. 235). Nonetheless, the magnitude of impacts associated with roads and recreational activity in this area appears to be low (USFS 2005, p. 238). Also, the USFS does not anticipate substantial camping and hiking-related impacts to *B. nevinii* habitat, and these impacts will be avoided or mitigated by use of Forest Plan standards (USFS 2005, p. 234).

The February 6, 2007, proposed rule (72 FR 5552) identified the proximity of Highway 79 as a potential threat to the *Berberis nevinii* occurrence and habitat on the CNF, in part due to proposed highway widening and realignment activities. However, we no longer anticipate that these activities, if or when they occur, will affect Subunit 1B as the revised subunit is now more than one-tenth mile (160 meters) south of the highway. Invasive, nonnative plants and their management may also impact the *B. nevinii* occurrence and habitat at this site. Based on the weed management strategy in the USFS' Revised Land Management Plan for the four Southern California National Forests (USFS 2005), the CNF anticipates an eradication effort of the nonnative Arundo and other invasive grasses present in this subunit.

One of the greatest threats to occupied habitat and the PCEs contained therein on the CNF is from wildland fire and the management of fire and fuels (i.e., fire suppression and prevention activities). The Wildland-Urban Interface (WUI) Defense Zone overlaps about 43 percent of occupied habitat on the CNF (USFS 2005, p. 237; Service 2005, p. 127). Some plants or habitat within the WUI Defense Zone could be removed or degraded under the Revised Land and Resource Management Plan due to fuel removal for fire protection or overly frequent fuel treatments (Service 2005, p. 127). Special management considerations or protection of the PCEs may be required to minimize disturbance to the vegetation and soils within this subunit; control invasive, nonnative plants; and maintain the natural fire regime of the area.

Subunit 1B is included in the Western Riverside County Multiple Species Habitat Conservation Plan's (MSHCP) Conservation Area as existing Public/Quasi-Public (PQP) Conserved Lands. Since the CNF is not a signatory to the MSHCP and is not required to comply with the MSHCP's conservation measures, we are not proposing lands within this subunit for exclusion under section 4(b)(2) of the Act (see 72 FR 5552, ''Exclusions under Section 4(b)(2) of the Act for *Berberis nevinii*'' section for a detailed discussion).

During the first comment period for the proposed rule, we were informed that the Species Management Guide for *Mahonia* [*Berberis*] *nevinii* (Gray) Fedde (Mistretta and Brown 1989) developed for the Angeles National Forest was subsequently adopted by the CNF (Fege 1992, p. 1; Holtrop 2007, p. 2). Additionally, the CNF informed us that the species account for *Berberis nevinii* developed to support the environmental analysis for the USFS Land Management Plans for four southern California National Forests (USFS 2005) is meant to provide guidance for conservation and management of *B. nevinii* on USFS lands (Young 2007). However, these documents provide general guidance only and do not direct decisions regarding USFS site-specific project proposals. Additionally, these documents do not provide specific recommendations for the *B. nevinii* occurrence on the CNF. Therefore, as stated in the February 6, 2007, proposed rule (72 FR 5552), we are not proposing USFS lands within this subunit for exclusion under section 4(b)(2) of the Act based on these plans.

Subunit 1D: North of Vail Lake

Subunit 1D consists of approximately 21 ac (8 ha) of private land located immediately north of Vail Lake in southern Riverside County, California. The *Berberis nevinii* occurrence at this location is mapped along a canyon just above the high water line of Vail Lake, and consists of seven plants based on a 1989 survey (CNNDB 2006). *Berberis nevinii* individuals in this area are found in sandy and gravelly soils in a drainage bottom (PCE 1 and 2). The vegetation community is classified as coastal scrub and valley foothill riparian (PCE 3) (Service GIS data 2006). At this site, *B. nevinii* is associated with *Adenostoma fasciculatum*, *Arctostaphylos glauca*, *Rhus integrifolia*, *Juniperus californica*, and *Rhamnus crocea*; to the north is a large grove of *Prosopis glandulosa* (CNDDB 2006). Soils in this area are classified as badland (PCE 2) (Service GIS data 2006).

We are proposing this subunit as critical habitat because it contains the features essential to conservation of *Berberis nevinii*, and it contains a relatively large natural occurrence of the species (CNDDB 2006). This subunit is important for conserving *B. nevinii* as it is one of several relatively large occurrences in the Vail Lake area and thus has a greater potential for regeneration by seed. *Berberis nevinii* occupied this subunit at the time of listing, as identified in the final listing rule (63 FR 54956, October 13, 1998).

The primary threat to *Berberis nevinii* habitat in this area that may require special management considerations or protection of the PCEs is urban/residential development. This subunit, as well as subunits 1C, 1E, and 1F, consists entirely of private land that may be developed, excluding flood easement lands held by the RCWD. This and the other subunits just mentioned fall within the Criteria Area of the Western Riverside County MSHCP and are targeted, in whole or in part, for acquisition and inclusion in the MSHCP Conservation Area as Additional Reserve Lands. Regardless, indirect effects of urban development could threaten *B. nevinii* habitat in this area, including human recreation activities; erosion; incursion or spread of invasive, nonnative plants; and changes to the natural fire regime (i.e., increased ignitions and fire frequency and shortened fire return intervals) that can lead to type conversion of shrublands to annual grasslands. Rising lake levels may also pose a threat, though the occurrences closest to Vail Lake have not been inundated or affected by rising water levels and fluctuations in the recent past (Boyd 2007).

We are proposing to exclude the private lands within this subunit from the final designation of critical habitat for *Berberis nevinii* based on conservation measures for the species in the MSHCP (see 72 FR 5552, ''Relationship of Critical Habitat to Approved Habitat Conservation Plans (HCPs)—Exclusion Under Section 4(b)(2) of the Act—Western Riverside County Multiple Species Habitat Conservation Plan'' section for a detailed discussion).

Subunit 1E: South of Vail Lake/Peninsula

Subunit 1E consists of approximately 217 ac (88 ha) of private land located on the south and southwest side of Vail Lake in southern Riverside County, California. This site has the largest known natural occurrence of *Berberis nevinii*, collectively consisting of 134 plants based on a 1987 survey (Boyd 1987, pp. 7, 61–72; CNDDB 2006). These plants are located in several stands along both sides of the southwest arm of Vail Lake, the south shore and peninsula, and part of the west shore of the southeast arm of Vail Lake. *Berberis nevinii* individuals in this area are found in canyons, in a wash of 15 percent slope, and on north-facing ridges and slopes between 35 and 70 percent slope (PCE 1) (Boyd 1987, p. 61–72; CNDDB 2006), primarily in

association with coastal scrub, mixed chaparral, and valley foothill riparian communities (PCE 3) (Service GIS data 2006). Associated species include, but are not limited to: *Artemisia californica, Adenostoma fasciculatum, Eriogonum fasciculatum, Salvia mellifera, Rhamnus crocea, Rhus ovata, Encelia farinosa, Baccharis glutinosa,* and *Yucca* sp. (Boyd 1987, p. 61–72). Soils in this area are classified as sandy loams (Arlington and Greenfield fine sandy loams, 8 to 15 percent slopes, eroded; Cajalco rocky fine sandy loam, 15 to 50 percent slopes, eroded; Hanford coarse sandy loam, 8 to 15 percent slopes, eroded; Lodi rocky loam, 25 to 50 percent slopes, eroded; Monserate sandy loam, 8 to 15 percent slopes, eroded; Monserate sandy loam, 15 to 25 percent slopes, severely eroded; Pachappa fine sandy loam, 2 to 8 percent slopes, eroded), gullied land, riverwash, and rough broken land (PCE 2) (Service GIS data 2006).

We are proposing this subunit as critical habitat because it contains features essential to conservation of *Berberis nevinii*, and it contains the largest known natural occurrence of the species (CNDDB 2006). This location also contains the bulk of known individuals in the Vail Lake/Oak Mountain area. Additionally, we interpret that reproduction has occurred at this site in the past based on the presence of several size (age) classes during Nishida's 1987 survey of the area (Boyd 1987, p. 62). *Berberis nevinii* occupied this subunit at the time of listing, as identified in the final listing rule (63 FR 54956, October 13, 1998).

The primary threat to *Berberis nevinii* habitat in this area that may require special management considerations or protection of the PCEs is urban/residential development. This subunit, as well as subunits 1C, 1D, and 1F, consists entirely of private land that may be developed, excluding areas held as flood easement by the RCWD. This and the other subunits just mentioned fall within the Criteria Area of the Western Riverside County MSHCP and are targeted, in whole or in part, for acquisition and inclusion in the MSHCP Conservation Area as Additional Reserve Lands. Regardless, indirect effects of urban development—including human recreation activities; erosion; incursion or spread of invasive, nonnative plants (including annual grasses, *Tamarix* sp., *Nicotiana glauca*, and others); and changes to the natural fire regime (i.e., increased ignitions and fire frequency and shortened fire return intervals) that can lead to type conversion of shrublands to annual grasslands—could threaten *B. nevinii* habitat in this area.

This *Berberis nevinii* occurrence has burned in the past, and regeneration by stump sprouting has been observed (CNDDB 2006). Part of this area is fairly inaccessible, except by boat; however, other parts are in close proximity to roads, equestrian trails, and the boat launch area (Boyd 1987, pp. 61–72; CNDDB 2006), and thus may be more heavily impacted by recreational activities. Rising lake levels were also identified as a potential threat to this occurrence by Nishida (Boyd 1987, pp. 61–72; CNNDB 2006), though the occurrences closest to Vail Lake have not been inundated or affected by rising water levels and fluctuations in the recent past (Boyd 2007).

We are proposing to exclude the private lands within this subunit from the final designation of critical habitat for *Berberis nevinii* based on conservation measures for the species in the Western Riverside County MSHCP (see 72 FR 5552, ''Relationship of Critical Habitat to Approved Habitat Conservation Plans (HCPs)—Exclusion Under Section 4(b)(2) of the Act—Western Riverside County Multiple Species Habitat Conservation Plan'' section for a detailed discussion).

Required Determinations—Amended

In our February 6, 2007, proposed rule (72 FR 5552), we indicated that we would defer 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 (E.O.) 13132, E.O. 12988, the Paperwork Reduction 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 E.O. 12866 and the Regulatory Flexibility Act, E.O. 13211, E.O. 12630, and the Unfunded Mandates Reform Act.

Regulatory Planning and Review

In accordance with E.O. 12866, this document is a significant rule because it may raise novel legal and policy issues. Based on our draft economic analysis of the proposed designation of critical habitat for *Berberis nevinii*, costs related to conservation activities for *B. nevinii* pursuant to sections 4, 7, and 10 of the Act are estimated to be approximately $169,000 to $172,000 in undiscounted dollars over a 20-year period in areas proposed as critical habitat and approximately $1.7 to $433.5 million in undiscounted dollars over a 20-year period (or 40-year period for impacts related to management of Vail Lake) in areas proposed for exclusion from critical habitat. These impacts would only occur if the area proposed for exclusion is instead designated as critical habitat. These cost estimates are based on revisions to the proposed designation of critical habitat described in this notice and includes costs coextensive with listing and recovery.

Discounted future costs in areas proposed as critical habitat are estimated to be approximately $136,000 to $139,000 ($10,000 annualized) at a 3 percent discount rate or approximately $107,000 to $110,000 ($11,000 annualized) at a 7 percent discount rate. Discounted future costs in areas proposed for exclusion from critical habitat are estimated to be approximately $1.2 to $232.5 million at a 3 percent discount rate ($82,000 to $10.1 million annualized) or approximately $0.9 to $118.1 million at a 7 percent discount rate ($81,000 to $8.9 million annualized). For areas proposed for exclusion, estimated discounted future costs (3 percent discount rate) associated with management of Vail Lake range from zero to $12.2 million for the 2008 through 2012 timeframe, from zero to $117.4 million for the 2013 through 2027 timeframe, and from zero to $99.7 million for the 2028 through 2047 timeframe. Similarly, estimated discounted future costs (3 percent discount rate) associated with development range from $333,000 to $967,000 for the 2008 through 2012 timeframe and from $873,000 to $2.3 million for the 2013 through 2027 timeframe in areas proposed for exclusion from critical habitat. Lastly, the discounted future cost (3 percent discount rate) associated with administration is estimated at $19,000 for the 2008 through 2012 timeframe in these same subunits.

Therefore, based on our draft economic analysis, we have determined that the proposed designation of critical habitat for *Berberis nevinii* would not result in an annual effect on the economy of $100 million or more or affect the economy in a material way. Due to the necessary timeline for publication in the **Federal Register**, the Office of Management and Budget

(OMB) has not formally reviewed the proposed rule or accompanying economic analysis.

Further, E.O. 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 designation of critical habitat is a statutory requirement pursuant to the Act, we must then evaluate alternative regulatory approaches, where feasible, when promulgating a designation of critical habitat.

In developing our designations of critical habitat, we consider economic impacts, impacts to national security, and other relevant impacts pursuant to 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 providing 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 thereof, in a designation constitutes our regulatory alternative analysis.

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

Under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 et seq.), as amended by the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 802(2)) (SBREFA), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations, and small 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. Based upon our draft economic analysis of the proposed designation, we provide our analysis for determining whether the proposed rule would result in a significant economic impact on a substantial number of small entities. Based on comments received, this determination is subject to revision as part of the final rulemaking.

According to the Small Business Administration (SBA), small entities include small organizations, such as independent nonprofit organizations; small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents; and 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 the proposed designation of critical habitat for *Berberis nevinii* would affect a substantial number of small entities, we considered the number of small entities affected within particular types of economic activities, such as residential and commercial development. We considered each industry or category individually to determine if certification is appropriate. 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 thus 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.

If this proposed critical habitat designation is made final, Federal agencies must consult with us under section 7 of the Act 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.

In our draft economic analysis of the proposed critical habitat designation, we evaluated the potential economic effects on small business entities resulting from conservation actions related to the listing of *Berberis nevinii* and proposed designation of its critical habitat.

Impacts of conservation activities are not anticipated to affect small entities in the following categories: Fire management on Federal lands; invasive, nonnative plant species management on Federal lands; recreation management on Federal lands; and surveying, monitoring, and other activities on Federal lands. As described in Chapters 4 through 6 of the draft economic analysis, the cost associated with modifications to activities on Federal lands will be borne by the USFS and BLM. The Federal Government is not considered a small entity by the SBA. As described in Chapter 3 of the draft economic analysis, potential impacts related to management of Vail Lake will be borne entirely by the RCWD and account for the majority of the total anticipated upper-bound future impacts in areas proposed for exclusion from the final designation of critical habitat (up to $429.1 million over the next 40 years in undiscounted dollars). The RCWD is not considered a small entity/governmental jurisdiction by the SBA because it services a population exceeding the criteria for a ''small entity.'' Additionally, transportation projects that are reasonably foreseeable within the 20-year analysis period are not anticipated to impact areas proposed as critical habitat. Only impacts to land development activities (Chapter 2) are expected to be borne by small entities. Accordingly, the small business analysis (Appendix B of the economic analysis) focuses on the economic impacts of land development activities on private lands.

Seventy percent of the development-related impacts are expected to be borne by private landowners ($2.3 million), with the remainder borne by local government (25 percent or $810,000) and State and Federal government (5 percent or $180,000). Three private landowners in Riverside County will be directly impacted by the proposed regulation, with one landowner owning the majority (approximately 85 percent or 291 ac (118 ha)) of the 341 ac (138 ha) of private (non-RCWD) lands proposed as critical habitat. Chapter 2 of the draft economic analysis concludes that some residential/commercial development is likely in or adjacent to proposed critical habitat on private lands near Vail Lake. Current zoning laws limit the type of development that may take place on these private lands to one single-family home per 10 ac (4 ha) or 20 ac (8 ha), depending on specific zoning. Also, RCWD's flood easement for Vail Lake precludes development from approximately 34 ac (14 ha) of private land within proposed critical

habitat adjacent to Vail Lake. Lastly, the topography (steepness) of much of this area makes it unlikely that the land will be used for dense development in the future. Still, the likelihood and eventual density of houses in or near proposed critical habitat, and whether such development will pose a threat to *Berberis nevinii* habitat is unknown.

The private land proposed as critical habitat for *Berberis nevinii* is located within the Criteria Area of the Western Riverside County MSHCP and is targeted, in whole or in part, for acquisition and inclusion in the MSHCP Conservation Area as Additional Reserve Lands. Based on the MSHCP, the economic analysis assumes 90 percent or approximately 277 ac (112 ha) of the privately-owned land within potential critical habitat and outside RCWD's flood easement (which is approximately 307 of 341 ac (or 124 of 138 ha) of private land) will be targeted for acquisition as Additional Reserve Lands, with compensation to the private landowners. The economic analysis considers the cost of land acquisition, reserve management (including fire, invasive species, and recreation management), biological monitoring, adaptive management, and program administration for preserving these 277 ac (112 ha) of private land with long-term conservation value for *B. nevinii* as the total economic impact of the proposed critical habitat designation as it relates to development. The total economic impact for these activities over the next 20 years is estimated to range from $1.6 to $4.4 million in undiscounted dollars, or $1.2 to $3.3 million per year and $0.8 to $2.3 million per year at the 3 percent and 7 percent discount rate, respectively.

Every small land subdivision and construction business in the MSHCP Plan Area is expected to be indirectly affected by conservation efforts for *Berberis nevinii* due to mitigation and density bonus fees that will be required for all new development. The economic analysis estimates that there are 3,146 small land subdivision and building construction businesses in Riverside County, but it is unknown how many of these are within the MSHCP Plan Area, which encompasses only the western part of the County. However, it is expected that these small entities would pass any additional costs associated with conservation measures to the consumer (i.e., the purchaser of the finished building), and thus we do not anticipate that this proposed regulation will result in a significant impact to a substantial number of small business entities. Please refer to our draft economic analysis of the proposed critical habitat designation for a more detailed discussion of potential economic impacts.

In summary, we have considered whether this proposed rule would result in a significant economic effect on a substantial number of small entities. For the above reasons and based on currently available information, we certify that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. Therefore, an initial regulatory flexibility analysis is not required.

Executive Order 13211—Energy Supply, Distribution, and Use

On May 18, 2001, the President issued 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 designation of critical habitat for *Berberis nevinii* is considered a significant regulatory action under E.O. 12866 due to its potentially raising novel legal and policy issues. OMB has provided guidance for implementing this Executive Order that outlines nine outcomes that may constitute ''a significant adverse effect'' when compared without the regulatory action under consideration. The draft economic analysis finds that none of these criteria are relevant to this analysis. Thus, based on information in the draft economic analysis, energy-related impacts associated with *B. nevinii* conservation activities within proposed critical habitat are not expected. As such, the proposed designation of critical habitat is not expected to significantly affect energy supplies, distribution, or use, and a Statement of Energy Effects is not 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.'' It also excludes ''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, 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) We do not believe that this rule will significantly or uniquely affect small governments. As discussed in the draft economic analysis, anticipated future impacts in areas proposed for final designation as critical habitat will be borne by the Federal Government; in areas proposed for exclusion from the final designation, the majority of the

total anticipated upper-bound future impacts will be borne by the RCWD, with private landowners, local government, and Federal and State governments bearing the rest. The Federal government is not considered a small governmental jurisdiction or entity by the SBA, and neither is the RCWD because it services a population exceeding the criteria for a ''small entity.'' Consequently, we do not believe that critical habitat designation would significantly or uniquely affect small government entities. As such, a Small Government Agency Plan is not required.

Executive Order 12630—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 *Berberis nevinii* in a takings implications assessment. The takings implications assessment concludes that this proposed designation of critical habitat for *B. nevinii* does not pose significant takings implications.

References Cited

A complete list of all references cited in this rulemaking is available upon request from the Field Supervisor, Carlsbad Fish and Wildlife Office (see **ADDRESSES**).

Authors

The primary authors of this notice are the staff of the Nevada Fish and Wildlife Office and the Carlsbad Fish and Wildlife Office.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

Accordingly, we propose to further amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as proposed to be amended at 72 FR 5552, February 6, 2007, as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. Critical habitat for *Berberis nevinii* (Nevin's barberry) in § 17.96(a), which was proposed to be added on February 6, 2007, at 72 FR 5552, is proposed to be amended by revising paragraphs (5)(ii), (5)(iv), and (5)(v), and by revising Map 1 in paragraph (5)(vii), as follows:

§ 17.96 Critical habitat—plants.

(a) *Flowering plants.*

* * * * *

Family Berberidaceae: *Berberis nevinii* (Nevin's barberry)

* * * * *

(5) Unit 1. Agua Tibia/Vail Lake, Riverside County, California.

* * * * *

(ii) Subunit 1B for *Berberis nevinii,* Agua Tibia Mountain Foothills Subunit, Riverside County, California. From USGS 1:24,000 quadrangle Vail Lake, lands bounded by the following UTM NAD27 coordinates (E, N): 504200, 3702900; 504300, 3702900; 504300, 3702800; 504200, 3702800; thence returning to 504200, 3702900.

* * * * *

(iv) Subunit 1D for *Berberis nevinii,* North of Vail Lake Subunit, Riverside County, California. From USGS 1:24,000 quadrangles Sage and Vail Lake, lands bounded by the following UTM NAD27 coordinates (E, N): 502600, 3706600; 502900, 3706600; 502900, 3706300; 502626, 3706300; thence follow the 1,461 foot Vail lake contour to 502600, 3706368; thence returning to 502600, 3706600.

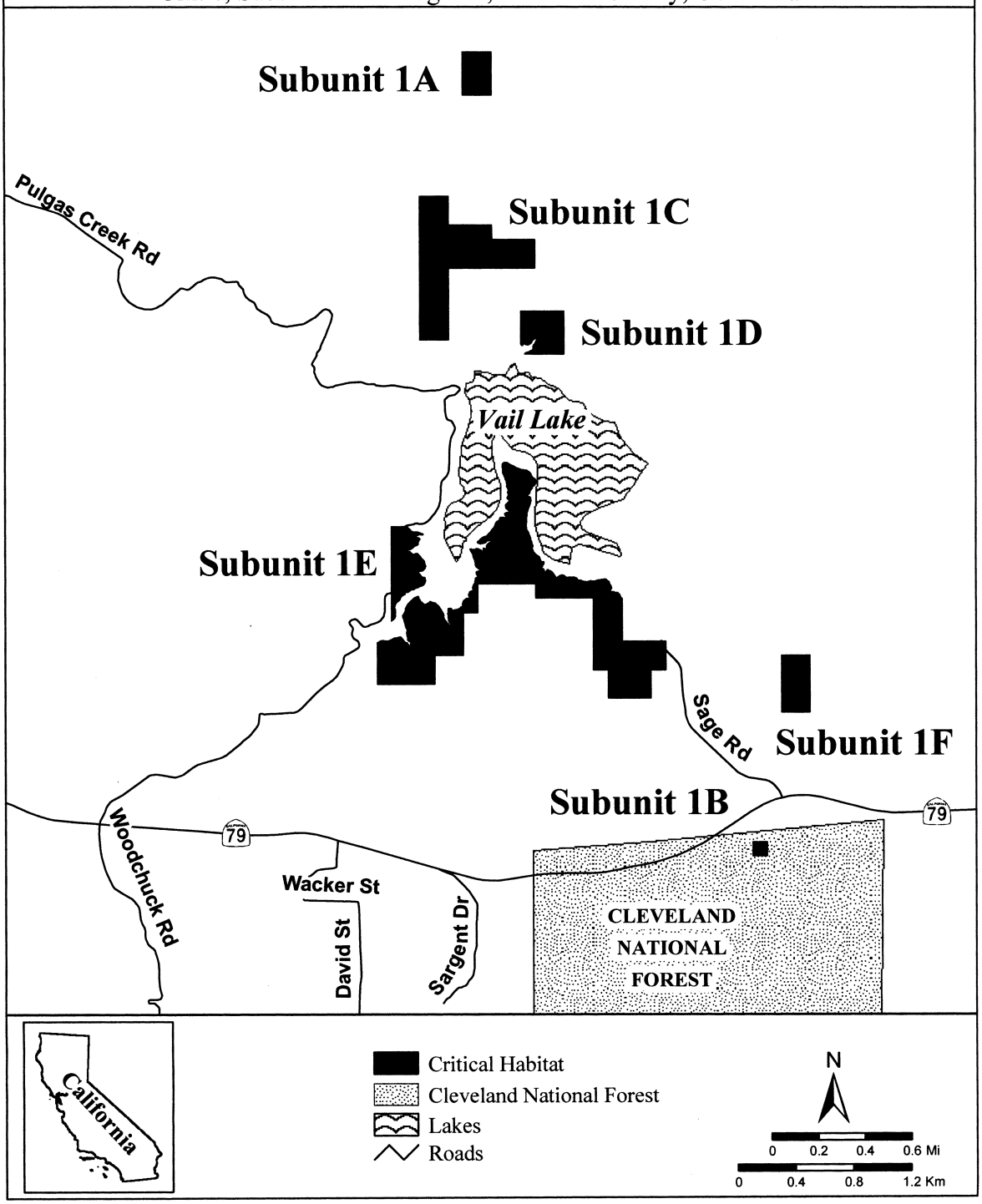
(v) Subunit 1E for *Berberis nevinii,* South of Vail Lake/Peninsula Subunit, Riverside County, California. From USGS 1:24,000 quadrangle Vail Lake, lands bounded by the following UTM NAD27 coordinates (E, N): 503300, 3704300; 503600, 3704300; 503600, 3704100; 503500, 3704100; 503500, 3703900; 503200, 3703900; 503200, 3704100; 503100, 3704100; 503100, 3704600; 502700, 3704600; 502700, 3704700; 502300, 3704700; 502300, 3704500; 502200, 3704500; 502200, 3704200; 502000, 3704200; 502000, 3704000; 501600, 3704000; 501600, 3704290; thence follow the 1,461 foot Vail lake contour to 503300, 3704595; thence returning to 503300, 3704300. Continuing to lands bounded by the following UTM NAD27 coordinates (E, N): 501700, 3705100; 501812.94, 3705100; thence follow the 1,461 foot Vail lake contour to 501700, 370444.25; thence returning to 501700, 3705100.

* * * * *

(vii) Map of Subunits 1A through 1F (Map 1) follows:

BILLING CODE 4310–55–P

Map of
Critical Habitat for *Berberis nevinii* (Nevin's barberry)
Unit 1, Subunits 1A through 1F, Riverside County, California



* * * * *

Dated: October 5, 2007.

David M. Verhey,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 07–5063 Filed 10–16–07; 8:45 am]

BILLING CODE 4310–55–C

Notices

Federal Register

Vol. 72, No. 200

Wednesday, October 17, 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.

AFRICAN DEVELOPMENT FOUNDATION

Sunshine Act Meeting

MEETING: African Development Foundation, Board of Directors Meeting.

TIME: Tuesday, October 23, 2007, 9 a.m. to 3 p.m.

PLACE: African Development Foundation, Conference Room, 1400 I Street, NW., Suite 1000, Washington, DC 20005.

DATE: Tuesday, October 23, 2007.

STATUS:

1. Closed session, October 23, 2007, 9 a.m. to 10:30 a.m.; and,
2. Open session, October 23, 2007, 10:30 a.m. to 3 p.m.

Due to security requirements and limited seating, all individuals wishing to attend the open session of the meeting must notify Doris Martin, General Counsel, at (202) 673–3916 or *mrivard@usadf.gov* of your request to attend by 9 a.m. on Friday, October 19, 2007.

Lloyd O. Pierson,

President.

[FR Doc. 07–5148 Filed 10–15–07; 1:19 pm]

BILLING CODE 6117–01–P

DEPARTMENT OF AGRICULTURE

Forest Service

Establishment of Rose Purchase Unit, Calhoun County, AL

AGENCY: Forest Service, USDA.

ACTION: Notice of establishment of purchase unit.

SUMMARY: On August 17, 2006, the Under Secretary of Natural Resources and Environment created the Rose Purchase Unit. This purchase unit comprises 160 acres, more or less, within Calhoun County, Alabama. Establishment of this purchase unit was effective August 17, 2006.

ADDRESSES: A copy of the map showing the purchase unit is on file and available for public inspection in the Office of the Director, Lands Staff, 4th Floor—South, Sidney R. Yates Federal Building, Forest Service, USDA, 201 14th Street, SW., Washington, DC 20250, between the hours of 8:30 a.m. and 4:30 p.m., Eastern Standard Time, Monday through Friday. Visitors are encouraged to call ahead to (202) 205–1248 to facilitate entry to the building.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339) between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Gregory C. Smith, Director, Lands Staff, Forest Service, USDA, 1400 Independence Ave., SW., Mailstop 1124, Washington, DC 20250–003, Telephone: (202) 205–1248.

SUPPLEMENTARY INFORMATION: The following described lands lying adjacent to or proximate to the Talladega National Forest are suitable for the protection of the watersheds of navigable streams and for other purposes in accordance with Section 6 of the Weeks Act of 1911 (16 U.S.C 515). Therefore, in furtherance of the authority of the Secretary of Agriculture pursuant to the Weeks Act of 1911, as amended, including Section 17 of the National Forest Management Act of 1976 (Pub. L. 94–588; 90 Statute 2961), these lands are hereby designated and established as the Rose Purchase Unit.

Lands lying in Township 13 South, Range 9 East, Calhoun County, Huntsville Meridian, Alabama and more particularly described as:

Section 28: E½ SW¼ (also known as Rose Tract T–477) containing 80 acres more or less.

Section 28: W½ SW¼ (also known as Hugh Bennett Tract T–459r) containing 80 acres more or less.

Containing 160 total acres more or less.

Dated: October 9, 2007.

Gloria Manning,

Associate Deputy Chief, National Forest System.

[FR Doc. E7–20429 Filed 10–16–07; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Forestry Research Advisory Council

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Forestry Research Advisory Council will meet in Berkeley, California, November 15–16, 2007. The purpose of the meeting is to discuss emerging issues in forestry research.

DATES: The meeting will be held November 15–16, 2007. On November 15 the meeting will be from 8 a.m. to 4:30 p.m, and on November 16 from 8–noon.

ADDRESSES: The meeting on 11/15 will be held at the International House, 2299 Piedmont Ave., and on 11/16 at the Women's Faculty Club on the University of California Campus in Berkeley, California. Individuals who wish to speak at the meeting or to propose agenda items must send their names and proposals to Daina Apple, Designated Federal Officer, Forestry Research Advisory Council, USDA Forest Service Research and Development, 1400 Independence Ave., SW., Washington, DC 20250–1120. Individuals also may fax their names and proposed agenda items to (202) 205–1530.

FOR FURTHER INFORMATION CONTACT: Daina Apple, Forest Service Office of the Deputy Chief for Research and Development, (202) 205–1665.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Council discussion is limited to Forest Service, Cooperative State Research Education, and Extension Service staff and Council members. Persons wishing to bring forestry research matters to the attention of the Council may file written statements with the Council staff before or after the meeting.

Dated: October 11, 2007.

Ann M. Bartuska

Deputy Chief, Research and Development.

[FR Doc. E7–20472 Filed 10–16–07; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: Business and Professional Classification Report.

Form Number(s): SQ–CLASS.

OMB Control Number: 0607–0189.

Type of Request: Revision of a currently approved collection.

Burden Hours: 10,835.

Number of Respondents: 50,000.

Average Hours per Response: 13 minutes.

Needs and Uses: The Economic Census represents the primary source of facts about the structure and function of the U.S. economy, providing essential information to government and business to help guide sound decisions. Conducted every five years, the data help build the foundation for Gross Domestic Product (GDP) and other indicators of economic performance. Critical to its conduct is the accuracy and reliability of the Business Register data which provides the Economic Census with its establishment enumeration list. Equally important is that the status of these establishments and related industry codes be as up-to-date as possible. The primary purpose of the ''Business and Professional Classification Report'' or SQ–CLASS is to meet this need for the retail, wholesale, and services sectors. Firms will be mailed five-year Economic Census forms specifically tailored to their industry based on the classification information we collect using the SQ–CLASS.

In addition, the SQ–CLASS report is used to collect information needed to keep the retail, wholesale, and services samples current with the business universe. Because of rapid changes in the marketplace caused by the emergence of new businesses, the death of others, and changes in company organization, the Census Bureau canvasses a sample of new Employer Identification Numbers (EINs) obtained from the Internal Revenue Service (IRS) and the Social Security Administration (SSA).

Each firm selected in this sample is canvassed once for data on the establishment(s) associated with the new EIN. The completed SQ–CLASS form provides sales, receipts, or revenue; company organization; new or refined NAICS codes; and other key information needed for sampling to maintain proper coverage of the universe.

Based on the collected information, EINs meeting the criteria for inclusion in the Census Bureau's retail, wholesale, or service surveys are subjected to second sampling. The retail and wholesale EINs selected in this second sampling are placed on a panel to report in our monthly surveys. Additional panels of selected units are included in the annual surveys. The selected service EINs report on an annual and/or quarterly basis.

Given the Census-related usage of this collection, and the crucial need to collect accurate classification information, we are requesting mandatory authority to conduct this survey under Title 13, United States Code, Sections 131 and 193. Section 193 provides the specific authority to collect supplementary statistics related to the conduct of the census on a mandatory basis.

There are only minimal changes to the form and instruction sheet. The wording of the questions and instructions for both sales and inventory will be reworded to be in line with the Census Bureau's monthly and annual surveys. These changes will not increase burden and will provide for consistency within the economic surveys at the Census Bureau. The letter to respondents, which accompanies the SQ–CLASS has been revised to reflect the mandatory nature of the collection.

The Census Bureau selects a first phase sample of EINs recently assigned by the IRS. Selected EINs are mailed a SQ–CLASS form to determine a measure of size (based on sales, receipts, or revenue); company organization; establishment information; and wholesale inventories and type of operation data. Retail, wholesale, or service EINs that are not affiliated with previously selected units are subjected to second phase sampling, with selected sampling units added to a survey panel. This methodology updates the current retail, wholesale, and service samples with a sample of new firms entering the business sector. The information obtained from the SQ–CLASS form is also used for tabulating small businesses in succeeding economic censuses (because small businesses are not mailed an economic census report form) and for the Census Bureau's Annual County Business Patterns Programs.

Although no statistical tables are prepared or published, the operations of this business birth survey directly and critically affect the quality of the estimates published for the Current Retail and Inventory Surveys (OMB Approval 0607–0717), Advance Monthly Retail Trade and Food Services Survey (OMB Approval 0607–0104), Monthly Wholesale Trade Survey (OMB 0607–0190), Services Annual Survey (OMB Approval 0607–0422), Annual Retail Trade Survey (OMB Approval 0607–0013), Annual Trade Survey (OMB Approval 0607–0195), and Quarterly Service Survey (OMB Approval 0607–0907). Indeed, all of these surveys would be seriously deficient without these business birth survey operations that keep their sample universe current.

Affected Public: Business or other for-profit organizations; Not-for-profit institutions.

Frequency: One time.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 U.S.C., Sections 131 & 193.

OMB Desk Officer: Brian Harris-Kojetin, (202) 395–7314.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dhynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Brian Harris-Kojetin, OMB Desk Officer either by fax (202–395–7245) or e-mail (*bharrisk@omb.eop.gov*).

Dated: October 11, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7–20428 Filed 10–16–07; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: 2008 Panel of the Survey of Income and Program Participation, Core Questions and Wave 1 Topical Modules.

Form Number(s): SIPP 28105(L) Director's Letter; SIPP/CAPI Automated

Instrument; and SIPP 28003 Reminder Card.

OMB Control Number: None.

Type of Request: New collection.

Burden Hours: 95,535.

Number of Respondents: 94,500.

Average Hours Per Response: 30 minutes.

Needs and Uses: The U.S. Census Bureau requests authorization from the Office of Management and Budget (OMB) to conduct the 2008 Panel of the Survey of Income and Program Participation (SIPP). This clearance request is to accommodate the core instrument for the life of the 2008 Panel, the topical modules for the Wave 1 (February through May 2008) interviews, and the reinterview instrument, which will be used during the life of the 2008 Panel. The reinterview instrument will be used for quality control analysis of data collected by the SIPP field representatives (FRs).

The SIPP represents a source of information for a wide variety of topics and allows information for separate topics to be integrated to form a single and unified database so that the interaction between tax, transfer, and other government and private policies can be examined. Government domestic policy formulators depend heavily upon the SIPP information concerning the distribution of income received directly as money or indirectly as in-kind benefits and the effect of tax and transfer programs on this distribution. They also need improved and expanded data on the income and general economic and financial situation of the U.S. population. The SIPP has provided these kinds of data on a continuing basis since 1983, permitting levels of economic well-being and changes in these levels to be measured over time.

The survey is molded around a central ''core'' of labor force and income questions that remain fixed throughout the life of a panel. The core is supplemented with questions designed to answer specific needs, such as estimating eligibility for government programs, examining pension and health care coverage, and analyzing individual net worth. These supplemental questions are included with the core and are referred to as ''topical modules.''

The topical modules for the 2008 Panel Wave 1 are Recipiency History and Employment History. These topical modules were previously conducted in the SIPP 2004 Panel Wave 1 instrument. The 2008 Panel Wave 1 interviews will be conducted beginning February 1, 2008 and concluding on May 31, 2008.

The SIPP is designed as a continuing series of national panels of interviewed households that are introduced every few years, with each panel having durations of 3 to 4 years. The 2008 Panel is scheduled for three years and will include nine waves, which will begin February 1, 2008. All household members 15 years old or over are interviewed using regular proxy-respondent rules. They are interviewed a total of nine times (nine waves), at 4-month intervals, making the SIPP a longitudinal survey. Sample people (all household members present at the time of the first interview) who move within the country and reasonably close to a SIPP primary sampling unit (PSU) will be followed and interviewed at their new address. Individuals 15 years old or over who enter the household after Wave 1 will be interviewed; however, if these people move, they are not followed unless they happen to move along with a Wave 1 sample individual.

Data provided by the SIPP are being used by economic policymakers, the Congress, state and local governments, and federal agencies that administer social welfare or transfer payment programs, such as the Department of Health and Human Services and the Department of Agriculture.

The knowledge gained from these ''core'' items will be of limited value without information about how the respondents reached their status at the time of the Wave 1 interview. The core, therefore, is also supplemented with questions designed to answer specific needs, such as estimating eligibility for government programs, examining pension and health care coverage, and analyzing financing of postsecondary education. These supplemental questions are included with the core and are referred to as ''topical modules.'' The questions in these topical modules will help us reduce, if not eliminate, the ''left-censoring'' analysis problem that occurs in nearly all longitudinal surveys and cited as a serious concern by our data users. Left-censoring refers to the experiences of individuals (or other units of longitudinal analysis) prior to the start of the longitudinal study period.

The questions for these topical modules address major policy and program concerns. Each component is intended to provide explanatory data describing likely relationships between earlier life-course experiences and current socioeconomic status. Personal history data, when linked with data derived from the panel interviews, yield a powerful set of explanatory indicators, which help analysts more fully understand associations between social, demographic, and economic events.

The following is a description of the topical modules for Wave 1 and their uses:

Recipiency History

The Recipiency History topical module will help determine if and for how long people not currently receiving benefits from selected programs received such aid. Data from these questions will measure the extent to which individuals and households have depended on government transfer programs and will help evaluate the effectiveness of the programs.

Employment History

The Employment History topical module will enable us to analyze individuals' past labor force patterns and relate them to their current employment status and their degree of reliance on government programs.

Affected Public: Individuals or households.

Frequency: Every 4 months.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C. Section 182.

OMB Desk Officer: Brian Harris-Kojetin, (202) 395–7314.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Brian Harris-Kojetin, OMB Desk Officer either by fax (202–395–7245) or e-mail (*bharrisk@omb.eop.gov*).

Dated: October 11, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7–20431 Filed 10–16–07; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce (DOC) will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: 2007 Survey of Business Owners and Self-Employed Persons (SBO).

Form Number(s): SBO–1.

OMB Control Number: None.

Type of Request: New collection.

Burden Hours: 240,000.

Number of Respondents: 2,400,000.

Average Hours Per Response: 12 minutes.

Needs and Uses: The 2007 Survey of Business Owners and Self-Employed Persons (SBO) will provide the only comprehensive, regularly collected source of information on selected economic and demographic characteristics for businesses and business owners by gender, Hispanic or Latino origin, and race. It is conducted as part of the economic census program, which is required by law to be taken every five years.

The SBO collects data on the gender, Hispanic or Latino origin, and race for up to four persons owning the majority of rights, equity, or interest in the business. These data are needed to evaluate the extent and growth of business ownership by minorities and women in order to provide a framework for assessing and directing federal, state, and local government programs designed to promote the activities of disadvantaged groups.

Government program officials, industry organization leaders, economic and social analysts, and business entrepreneurs routinely use the SBO statistics. Examples of data use include those by:

- The Small Business Administration (SBA) and the Minority Business Development Agency (DOC/MBDA) to assess business assistance needs and allocate available program resources.
- Local government commissions on small and disadvantaged businesses to establish and evaluate contract procurement practices.
- Federal, state and local government agencies as a framework for planning, directing and assessing programs that promote the activities of disadvantaged groups.
- A national women-owned business trade association to assess women-owned businesses by industry and area, and educate other industry associations, corporations and government entities.
- Consultants and researchers to analyze long-term economic and demographic shifts, and differences in ownership and performance among geographic areas.
- Individual business owners to analyze their operations in comparison to similar firms, compute their market share, and assess their growth and future prospects.

The businesses which reported any business activity on any one of the following Internal Revenue Service (IRS) tax forms will be eligible for survey selection: 1040 (Schedule C), ''Profit or Loss from Business'' (Sole Proprietorship); 1065, ''U.S. Return of Partnership Income''; 941, ''Employer's Quarterly Federal Tax Return''; 944 ''Employer's Annual Federal Tax Return;'' or any one of the 1,120 corporate tax forms.

Affected Public: Business or other for-profit organizations; Not-for-profit institutions.

Frequency: Every 5 years.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 of the United States Code (U.S.C.), Sections 131, 193, and 224.

OMB Desk Officer: Brian Harris-Kojetin, (202) 395–7314.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Brian Harris-Kojetin, OMB Desk Officer, fax (202–395–7245) or e-mail (*bharrisk@omb.eop.gov*).

Dated: October 11, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7–20435 Filed 10–16–07; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

Proposed Information Collection; Comment Request; Special American Business Internship Training (SABIT) Program: Applications and Questionnaires

AGENCY: International Trade Administration.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before December 17, 2007.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Tracy M. Rollins, (202) 482–0073, *tracy.rollins@mail.doc.gov*, fax (202) 482–2443.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Special American Business Internship Training (SABIT) Programs of the Department of Commerce's International Trade Administration (ITA), are a key element in the U.S. Government's efforts to support the economic transition of Eurasia (the former Soviet Union). SABIT develops and implements one-month training programs for groups of up to 18 professionals from Eurasia. They are trained by U.S. companies in various business practices and principles. This unique private sector-U.S. Government partnership was created in order to tap the U.S. private sector's expertise in assisting Eurasia's transition to a market economy while boosting U.S.-Eurasian long-term trade.

The participant applications and feedback (exit) surveys are needed to enable SABIT to find the most qualified people for the training programs and to track the success of the program as regards to trade between the U.S. and the countries of Eurasia, as well as to improve the content and administration of the programs.

The closing date for applications and supplemental materials is based upon the starting date of the program and is published, with the application, on the program's Russian-language Web site at *www.sabitprogram.org.* Pursuant to section 632(a) of the Foreign Assistance Act of 1961, as amended (the ''Act''), funding for the program will be provided by the Agency for International Development (AID).

SABIT is not requesting renewal of all the forms in this collection, the Insurance Form and Grant Application for U.S. Companies will be discontinued.

II. Method of Collection

Applications are sent to program candidates via facsimile or mail upon

request. Applications are also posted on the SABIT Russian language Web site at *http://www.sabitprogram.org.*

Feedback surveys are given to participating U.S. companies and Eurasian participants at the completion of programs. End-of-Internship forms are given to individual participating U.S. companies hosting internships.

III. Data

OMB Control Number: 0625–0225.

Form Number(s): ITA–4143P–5.

Type of Review: Regular submission.

Affected Public: Individuals or households; Business or other for-profit organizations.

Estimated Number of Respondents: 2,250.

Estimated Time Per Response: Application, 3 hours; feedback form, 1 hour; and end-of-internship form, 2 hours.

Estimated Total Annual Burden Hours: 5,875.

Estimated Total Annual Cost to Public: $60,250.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: October 11, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7–20408 Filed 10–16–07; 8:45 am]

BILLING CODE 3510–HE–P

DEPARTMENT OF COMMERCE

International Trade Administration

Proposed Information Collection; Comment Request; Implementation of Tariff Rate Quota Established Under the Tax Relief and Health Care Act of 2006 for Imports of Certain Cotton Woven Fabrics

AGENCY: International Trade Administration (ITA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burdens, invites the general public and other Federal agencies to take this opportunity to comment on the continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 35068(2)(A)).

DATES: Written comments must be submitted on or before December 17, 2007.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Request for additional information or copies of the information collection instrument and instructions should be directed to: Laurie Mease, Room 3100, 14th and Constitution Avenue, NW., Washington, DC 20230; Phone number: (202) 482–2043 and fax number: (202) 482–2859; or via the Internet at *Laurie_Mease@ita.doc.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Tax Relief and Heath Care Act of 2006 (''the Act'') contains provisions to assist the men's and boys'' cotton shirting industry. Among these provisions, the Act creates an annual tariff rate quota (TRQ) providing for temporary reductions through December 31, 2009, in the import duties of cotton woven fabrics suitable for making men's and boys' cotton shirts (new Harmonized Tariff Schedule of the United States (HTS) headings 9902.52.08, 9902.52.09, 9902.52.10, 9902.52.11, 9902.52.12, 9902.52.13, 9902.52.14, 9902.52.15, 9902.52.16, 9902.52.17, 9902.52.18, and 9902.52.19). The reduction in duty is limited to 85 percent of the total square meter equivalents of all imported woven fabrics of cotton containing 85 percent or more by weight cotton used by manufacturers in cutting and sewing men's and boy's cotton shirts in the United States and purchased by such manufacturer during calendar year 2000.

Section 406(b)(1) of the Act requires the Secretary of Commerce to fairly allocate the tariff rate quota. More specifically, the Secretary of Commerce must issue licenses and ensure that the tariff rate quota is fairly allocated to eligible manufacturers under such headings 9902.52.08 through 9902.52.19. The TRQ is effective for goods entered or withdrawn from warehouse for consumption, on or after January 1, 2007, and will remain in force through 2009. The TRQ will be allocated each year and a TRQ allocation will be valid only in the year for which it is issued.

The Department of Commerce published regulations establishing procedures for allocation of the tariff rate quotas (72 FR 141, 15 CFR part 336). The Department must collect certain information in order to fairly allocate the TRQ to eligible persons. The Office of Management and Budget (OMB) has approved this information collection request (OMB Number 0625–0260) with an expiration date of December 31, 2007. This request for comment is for the proposed information collection after December 31, 2007.

II. Method of Collection

The information collection forms will be provided via the Internet (*http://web.ita.doc.gov/tacgi/cottontrq.nsf/trqapp*) and by mail to requesting firms.

III. Data

OMB Number: 0625–0260.

Form Number: ITA–4156P.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 10.

Estimated Time Per Response: 1 hour.

Estimated Total Annual Burden Hours: 10.

Estimated Total Annual Costs: $500.

IV. Request for Comments

Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and costs) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be

collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: October 11, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7–20436 Filed 10–16–07; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

A–570–836

Glycine from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Rescission, in Part

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

SUMMARY: On April 12, 2007, the Department of Commerce (''the Department'') published in the **Federal Register** the *Preliminary Results* of the administrative review of the antidumping duty order on glycine from the People's Republic of China (''PRC''). *See Glycine from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Rescission, in Part,* 72 FR 18457 (April 12, 2007) (''*Preliminary Results*''). We gave interested parties an opportunity to comment on the *Preliminary Results*. Based upon our analysis of the comments and information received, we made changes to the margin calculations for the final results. We find that certain manufacturers/exporters sold subject merchandise at less than normal value during the period of review (''POR'') March 1, 2005, through February 28, 2006.

EFFECTIVE DATE: October 17, 2007.

FOR FURTHER INFORMATION CONTACT: Matthew Renkey, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington DC 20230; telephone: (202) 482–2312.

SUPPLEMENTARY INFORMATION:

Background

The following events have occurred subsequent to the publication of the *Preliminary Results*. On April 27, 2007, we extended the deadline for submitting surrogate value (''SV'') information by 30 days, to June 1, 2007. On June 1, 2007, parties [1] submitted SV comments, and between June 4 and June 11, 2007, parties submitted rebuttal comments, as well as comments objecting to the submission of certain SV information by the other party. On June 14, 2007, we issued a letter stating that all SV information submitted by the parties would remain on the record and issued a supplemental questionnaire to NDCI regarding its ammonia factor of production (''FOP''). In the same letter, we also extended the deadlines for submitting case and rebuttal briefs. On June 25, 2007, NDCI submitted its response regarding its ammonia FOP. GSC did not file rebuttal comments to NDCI's June 25, 2007, response. On July 16, 2007, parties filed their case briefs, and on July 23, 2007, parties filed their rebuttal briefs. On July 27, 2007, we extended the time limit for the completion of the final results of this review until October 9, 2007. *See Glycine from the People's Republic of China: Extension of Time Limit for the Final Results of the 2005–2006 Administrative Review*, 72 FR 41292 (July 27, 2007). On October 2, 2007, we issued a letter rejecting as new factual information the surrogate value information filed by GSC on June 11, 2007, and requested that parties re–file their case and rebuttal briefs without reference to that submission by October 4, 2007. On October 3, 2007, GSC filed a letter objecting to the Department's letter of October 2, 2007. On October 4, 2007, the Department issued a letter providing an opportunity for NDCI to respond to GSC's letter of October 3, 2007. In the same letter, the Department also stated that parties did not need to re–file their case and rebuttal briefs until they received further notice. On October 5, 2007, NDCI filed a letter stating that the Department was correct to reject the surrogate value information GSC submitted on June 11, 2007, and that the Department should also reject GSC's October 3, 2007 letter.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this review are addressed in the Antidumping Duty Order on Glycine from the People's Republic of China: Issues and Decision Memorandum for the 2005–2006 Administrative Review, dated October 9, 2007 (''Issues and Decision Memo''), which is hereby adopted by this notice. A list of the issues which parties raised and to which we respond in the Issues and Decision Memo is attached to this notice as an Appendix. The Issues and Decision Memo is a public document and is on file in the Central Records Unit CRU, Main Commerce Building, Room B–099, and is accessible on the Web at http://ia.ita.doc.gov/frn/. The paper copy and electronic version of the memorandum are identical in content.

Changes Since the Preliminary Results

Based on our analysis of information on the record of this review, and comments received from the interested parties, we have made changes to the margin calculations for the respondent.

We have changed two of the SVs used in the *Preliminary Results*. The values that were modified for these final results are those for ammonia and the surrogate financial ratios. For further details *see* Issues and Decision Memo at Comments 1 and 2 and Antidumping Duty Administrative Review of Glycine from the People's Republic of China: Surrogate Values for the Final Results, dated October 9, 2007. In addition, we have incorporated, where applicable, post–preliminary clarifications and calculation corrections. For further details on these changes, *see* Issues and Decision Memo at Comments 4 and 7.[2]

Scope of the Order

The product covered by the order is glycine, which is a free–flowing crystalline material, like salt or sugar. Glycine is produced at varying levels of purity and is used as a sweetener/taste enhancer, a buffering agent, reabsorbable amino acid, chemical intermediate, and a metal complexing agent. This review covers glycine of all purity levels. Glycine is currently classified under subheading 2922.49.4020 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and Customs purposes, the written description of the merchandise under the order is dispositive.

[1] The domestic interested party participating in this review is Geo Specialty Chemicals, Inc. (''GSC''), and the respondent party participating in this review is Nantong Dongchang Chemical Industry Corp. (''NDCI'').

[2] The specific calculation changes for NDCI can be found in the Memorandum to the File, Administrative Review of Glycine from the People's Republic of China: Analysis for the Final Results of Nantong Dongchang Chemical Industry Corp., dated October 9, 2007.

Partial Recession of the Administrative Review

In the *Preliminary Results*, the Department issued a notice of intent to rescind the administrative review with respect to Baoding Mantong Fine Chemistry Co., Ltd. (''Baoding Mantong'') because we found no evidence that it made shipments of subject merchandise during the POR. The Department received no comments on this issue, and we did not receive any further information since the issuance of the *Preliminary Results* that provides a basis for a reconsideration of this determination. Therefore, the Department is rescinding this administrative review with respect to Baoding Mantong.

Separate Rates

In our *Preliminary Results*, we determined that NDCI met the criteria for the application of a separate rate. We have not received any information or comments since the issuance of the *Preliminary Results* that provides a basis for reconsideration of this determination. Therefore, the Department continues to find that NDCI meets the criteria for a separate rate.

Final Results of the Review

The Department has determined that the following final dumping margin exists for the period March 1, 2005, through February 28, 2006:

GLYCINE FROM THE PRC

Manufacturer/Exporter	Weighted–Average Margin (Percent)
Nantong Dongchang Chemical Industry Corp.	38.67

The Department will disclose calculations performed for these final results to the parties within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Assessment Rates

Upon issuance of the final results, the Department will determine, and U.S. Customs and Border Protection (''CBP'') shall assess, antidumping duties on all appropriate entries. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of the final results of review. Pursuant to 19 CFR 351.212(b)(1), we will calculate importer–specific (or customer) *ad valorem* duty assessment rates based on the ratio of the total amount of the dumping margins calculated for the examined sales to the total entered value of those same sales. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review if any importer–specific assessment rate calculated in the final results of this review is above *de minimis*.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of these final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Tariff Act of 1930, as amended (''the Act''): (1) for subject merchandise exported by Nantong Dongchang, the cash–deposit rate will be that established in the final results of review; (2) for previously reviewed or investigated exporters not listed above that have separate rates, the cash–deposit rate will continue to be the exporter–specific rate published for the most recent period; (3) for all PRC exporters of subject merchandise, which have not been found to be entitled to a separate rate, the cash–deposit rate will be the PRC–wide rate of 155.89 percent; (4) for all non–PRC exporters of subject merchandise that have not received their own rate, the cash–deposit rate will be the rate applicable to the PRC exporter that supplied that non–PRC exporter. These deposit requirements shall remain in effect until further notice.

Notification of Interested Parties

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the review period. Pursuant to 19 CFR 351.402(f)(3), failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the disposition of proprietary information disclosed under APO as explained in the administrative protective order itself. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This notice of the final results of this administrative review is issued and published in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.213 and 351.221(b)(5).

Dated: October 9, 2007.

David M. Spooner,

Assistant Secretary for Import Administration.

Appendix I

I. ISSUES & DECISION MEMORANDUM COMMENTS:

Comment 1: Ammonia Surrogate Value
Comment 2: Selection of Surrogate Financial Companies
Comment 3: Chlorine Surrogate Value
Comment 4: U.S. Inland Freight Valuation
Comment 5: Zeroing
Comment 6: CBP Assessment
Comment 7: Ministerial Errors

[FR Doc. E7–20452 Filed 10–16–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Northwest Region Federal Fisheries Permits

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before *December 17, 2007*.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Kevin Ford, (206) 526–6115 or *Kevin.Ford@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

The National Marine Fisheries Service (NMFS) Northwest Region manages the

U.S. groundfish fisheries of the Exclusive Economic Zone (EEZ) off Washington, Oregon and California under the Pacific Coast Fishery Management Plan. In its consideration of a groundfish trawl rationalization program, the Pacific Fishery Management Council (PFMC) has requested that NMFS collect detailed information for owners of trawl endorsed limited entry permits in order to develop an appropriate policy. The recent reauthorization of the Mangnuson-Stevens Fishery Conservation and Management Act (MSA) placed a deadline on the PFMC to complete its consideration of the trawl rationalization program. Further, the MSA (Section 303A(5)(B)(ii)) requires that the Secretary of Commerce consider procedures to address concerns over excessive geographic and/or other consolidation in harvesting and processing sectors of the fishery. NMFS would request that all trawl endorsed permit owners who are business entities to provide the names of individuals who have an ownership interest in the entity and the percentage of interest held in the entity by such individuals. This information would be requested annually on a voluntary basis.

In addition, NMFS would revise its existing sablefish ownership interest form to request that all business entities who own or hold a sablefish permit to provide the percentage of ownership interest each individual has in the business entity. This information about the percentage of ownership interest by an individual would be requested on a voluntary basis.

II. Method of Collection

Paper applications would be provided to potential respondents and the methods of submission would include fax or mail.

III. Data

OMB Number: 0648–0203.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Not-for-profit institutions; and business or other for-profits organizations.

Estimated Number of Respondents: 90.

Estimated Time per Response: 30 minutes to prepare and mail response.

Estimated Total Annual Burden Hours: 45 hours.

Estimated Total Annual Cost to Public: $64,677.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: October 11, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7–20410 Filed 10–16–07; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Northeast Region Vessel Identification Requirements

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before December 17, 2007.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Ryan Silva, 978–281–9300 or *Ryan.Silva@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

Regulations at 50 CFR 648.8 and 697.8 require that owners of vessels over 25 ft. (7.6 m) in registered length that have Federal permits to fish in the Northeast Region display the vessel's name and official number. The name and number must be of a specific size at specified locations. The display of the identifying characters aids in fishery law enforcement.

II. Method of Collection

No information is submitted to NOAA, National Marine Fisheries Service (NMFS) as a result of this collection. The vessel name must be affixed to the port and starboard sides of the bow and, if possible, on its stern. The official number must be displayed on the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck so as to be clearly visible from enforcement vessels and aircraft.

III. Data

OMB Number: 0648–0350.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Individuals or households; business or other for-profit organizations.

Estimated Number of Respondents: 6,000.

Estimated Time per Response: 45 minutes.

Estimated Total Annual Burden Hours: 4,500 hours.

Estimated Total Annual Cost to Public: $60,000.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: October 11, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7–20411 Filed 10–16–07; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[FY2009–FY2014]

National Centers for Coastal Ocean Science Human Dimensions Strategic Plan

AGENCY: National Centers for Coastal Ocean Science (NCCOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of availability of the NCCOS Human Dimensions Strategic Plan (FY2009–FY2014) and responses to public comments.

SUMMARY: NOAA publishes this notice to announce the availability of the NCCOS Human Dimensions Strategic Plan (FY2009–FY2014) and provide responses to public comments requested through a **Federal Register** Notice (*Notice of availability and solicitation of public comments on the National Centers for Coastal Ocean Science Draft Human Dimensions Strategic Plan (FY2008–FY2013)*, 72 FR 7418–7419 (Feb. 15, 2007)).

DATES: The NCCOS Human Dimensions Strategic Plan is effective FY2009–FY2014.

ADDRESSES: The NCCOS Human Dimensions Strategic Plan (FY2009–FY2014) is available electronically at *http://coastalscience.noaa.gov/human/strategy/NCCOSHDPlan.pdf*. Hard copies of the plan may be obtained by sending a request to *nccos.hd@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Marybeth Bauer, PhD, by e-mail at *nccos.hd@noaa.gov* (preferred) or mail at NOAA National Ocean Service, National Centers for Coastal Ocean Science, 1305 East-West Highway, NOS HQTR Route N/SCI, Silver Spring, MD 20910.

SUPPLEMENTARY INFORMATION: The mission of NCCOS is to provide coastal managers and other decisionmakers with scientific information and tools needed to balance society's environmental, social, and economic goals in mitigating and adapting to ecosystem stressors such as climate change, extreme natural events, pollution, invasive species, and resource use. Humans are integral to ecosystems, and the human dimensions of ecosystems are an integral focus of the science needed to achieve this mission. Understanding the impact of humans on the ocean, the impacts of the ocean on humans, and the human aspects of ocean governance provides the scientific basis for ensuring ocean health and quality of life for this and future generations.

Marine science and policy institutions in the United States and worldwide recognize that a deeper understanding of the human dimensions of ecosystems—human causes, consequences, and responses to ecosystem stress—is needed to foster improved support for coastal and ocean decisionmaking. Examples include the Joint Subcommittee on Ocean Science and Technology, Subcommittee on Integrated Management of Ocean Resources, United States Commission on Ocean Policy, Pew Oceans Commission, and NOAA's External Ecosystem Task Team.

The NCCOS Human Dimensions Strategic Plan (FY2009–FY2014) establishes goals and objectives for fostering improved support of coastal and ocean decisionmaking by integrating human dimensions into the NCCOS's science program. It provides the basis for subsequent development of an implementation plan specifying programmatic elements such as strategies, outcomes, partnerships, and fiscal and human resources needs.

Comments and Responses: On February 15, 2007, NCCOS published a notice of availability and solicitation of public comments on a Draft Human Dimensions Strategic Plan (*Notice of availability and solicitation of public comments on the National Centers for Coastal Ocean Science Draft Human Dimensions Strategic Plan* (*FY2008–FY2013*), 72 FR 7418–7419 (Feb. 15, 2007)). During the 30-day public comment period, NCCOS received the following comments from the City of Craig, Alaska; Consortium for Oceanographic Research and Education; Island Resources Foundation; New Jersey Marine Science Consortium; NOAA's National Marine Fisheries Service, Office of Science and Technology; NOAA's National Ocean Service, Coastal and Ocean Resource Economics Program; NOAA's Office of Oceanic and Atmospheric Research, Office of Weather and Air Quality and Climate Program Office; NOAA's Research Council; and University of Massachusetts-Amherst Human Dimensions of Marine and Coastal Ecosystems Program. In response to comments received, NCCOS revised the Draft Human Dimensions Strategic Plan as follows.

General Comments

Comment 1: Several commenters commended NCCOS on taking this first step toward integrating the human element into coastal management and the required supporting scientific efforts.

Response: NCCOS appreciates this encouragement and advocacy from its coastal science and management partners, and looks forward to working with them to implement human dimensions research priorities.

Comment 2: Several commenters stated that the document is too long and recommended eliminating redundancy.

Response: NCCOS considerably reduced the length of the document and eliminated redundancy. To accommodate diverse levels of interest, NCCOS formatted the plan to describe each strategic objective at four levels of detail: A title, summary statement, concise rationale, and discussion. The discussion sections provide justification and explanation of strategic objectives at a level of detail that NCCOS believes is critical to cultivate a workforce that understands, appreciates, and facilitates the mission value of human dimensions research.

Comment 3: Several commenters stated that the document includes excessive social science jargon.

Response: NCCOS minimized social science jargon. However, NCCOS included and defined key technical terms such as socioeconomic driver, ecosystem service, mitigation, non-market value, and resilience. In doing so, NCCOS is responsive to the finding of the Social Science Review Panel to NOAA's Science Advisory Board that developing social science capacity in NOAA is challenged by ''a lack of formal understanding of what social science is and what its contributions can be, leading to an organizational culture that is not conducive to social science research.'' By including and defining key technical terms, NCCOS aims to foster the human dimensions literacy and common language needed to develop an integral human dimensions focus within its science program.

Comment 5: Several commenters stated that the plan should include programmatic elements such as projects, timelines, fiscal and human resource needs, and deliverables.

Response: As explained in the ''Future Directions'' section of the ''Overview,'' NCCOS wishes to clarify that this plan provides the basis for a

follow-up implementation plan specifying programmatic elements such as those recommended.

Comment 6: Several commenters recommended discussing specific programs, projects, or partnerships.

Response: NCCOS affirms that this level of detail is beyond the scope of this plan, which is intended to establish broad human dimensions research priorities critical to achieve NCCOS' mission.

Comment 7: Several commenters stated that the scope of work outlined in the plan is overly ambitious for its time frame and unrealistic given NOAA budgets.

Response: NCCOS wishes to clarify that this plan does not outline a scope of work. It is intended to provide high-level strategic guidance as a basis for programmatic development responsive to changing fiscal conditions, legislative requirements, and other constraints and opportunities.

Comment 8: One commenter recommended clarifying how this plan will change human behaviors.

Response: NCCOS revised Objective 1.2, ''Human Causes and Socioeconomic Drivers of Ecosystem Stress,'' to emphasize that ''reducing stress on coastal systems generally requires accommodating or encouraging change in human behavioral patterns such as exurban development, agricultural practices, and resource use. Developing effective intervention strategies requires understanding behavioral patterns requiring remediation and their complex natural and socioeconomic drivers.'' In addition, understanding the human impacts of changes in ecosystem services (as discussed in Objectives 1.3, ''Societal Consequences of Policy and Management Options,'' and 2.1, ''Integrative Ecosystem Models and Decision Support Tools'') provides the impetus for behavioral change.

Comment 9: One commenter recommended clarifying how the plan captures the role of climate change in ecosystems.

Response: NCCOS emphasizes that the goals and objectives established in this plan cut across multiple stressors such as climate change, extreme natural events, pollution, invasive species, and resource use. The document discusses specific stressors in so far as needed to illustrate cross-cutting research needs.

Comment 10: One commenter recommended explaining the process used to develop the plan and including an appendix that lists contributors and their contact information. This commenter stated that the National Ocean Service Social Science Team should have been involved in development of the plan.

Response: NCCOS has amended the ''Message from the Director'' to explain that the plan was developed through an internal NCCOS process including content analysis of significant coastal and ocean science and management documents, vetted throughout NOAA, and substantively revised in response to public review and comments solicited through a Federal Register Notice. NCCOS relied upon the NOS Social Science Plan and subsequently requested comments from the National Ocean Service Social Science Team before finalizing the document. NCCOS has provided contact information for comments on the plan.

Comment 11: One commenter expressed concern that the objectives are loosely defined and thus allow flexibility in interpretation of what will be accomplished.

Response: NCCOS intentionally framed its human dimensions research goals and objectives in broad terms to enable flexibility in implementation as NCCOS priorities and capabilities change.

Comment 12: One commenter recommended that the document put greater emphasis on the need to evaluate tradeoffs inherent to ecosystem management.

Response: In the discussion of the ''Human Dimensions of Ecosystems,'' which has been moved from an appendix to the ''Overview,'' NCCOS emphasizes that evaluating tradeoffs is fundamental to coastal management. In addition, NCCOS reconceptualized Objective 1.1, retitled ''Coastal Decisionmaking,'' from (in the draft) the need for stakeholder assessment to (in the final document) the need for decision support tools guiding stakeholder participation in decisionmaking confronting challenges such as tradeoffs.

Comment 13: One commenter noted that the document does not aim to facilitate improved methods for cost-benefit analysis such as new tools to identify, describe, and quantify benefits; improvements on cost assessments; and non-economic analyses that can enhance traditional approaches.

Response: NCCOS revised Objective 1.3, ''Societal Consequences of Policy and Management Option,'' to recommend economic impact analysis as an approach to help decisionmakers anticipate the cononomic consequences of alternative courses of action. As revised, this objective states that methods for putting a dollar figure on the costs and benefits of alternative management actions require improvement, *e.g.,* accounting for the true costs and benefits of alternative actions for non-market values.

Comment 14: One commenter noted that a systems approach is implicit in the document and recommended making it more explicit.

Response: NCCOS is responsive to criticism that the plan is overly theoretical. In an effort to balance simultaneous recommendations for elaboration and elimination of theoretical discussion, NCCOS responded to this recommendation by adding the following text and associated references to the ''Purpose'' section of the ''Overview'': ''Expanding human dimensions research will enhance NCCOS' ecosystem science and foster improved support for coastal and ocean decisionmaking. As early as 1935, ecologists cautioned that limiting analysis to environmental systems is neither scientifically sound nor practically useful (Tansley, 1935). As with any system, understanding an ecosystem requires understanding complex interactions among system components. An ecosystem is defined by interactions between human and environmental systems (elaborated below). Recognizing these interactions, ecology is increasingly adopting a systems approach focusing on coupled social-ecological systems (also called human-environmental systems) (*e.g.,* Collins *et al.,* 2007; Colding *et al.,* 2000; Berkes *et al.,* 1998). Expanding NCCOS' scientific focus from interactions within environmental systems to interactions between couple social-ecological systems will foster holistic ecosystem understanding.''

Comment 15: One commenter stated that as this plan moves to other areas of NOAA (particularly related to fisheries and habitat management), NCCOS needs to ensure that its implementation is properly vetted to ensure fair and balanced use in the regulatory process.

Response: NCCOS addressed this comment in Objective 1.1, ''Coastal Decisionmaking.'' This objective seeks to inform and facilitate decision processes that combine scientific analysis and broad-based stakeholder deliberation to elicit diverse societal values, establish clear objectives linking values to resource outcomes, develop measurable indicators, and examine tradeoffs. In addition, NCCOS notes that this plan has been vetted by public review through a **Federal Register** Notice (72 FR 7418–7419). Finally, NCCOS is part of NOAA and produces science that is used by other parts of NOAA in the context of managing multiple uses of coastal and ocean resources. In producing scientific

information and facilitating its use, NCCOS makes every effort to ensure validity, fairness, and regulatory compliance.

Comments on the Summary

Comment 16: Several commenters recommended rewriting the ''Summary.'' Specifically, commenters recommended eliminating the list of NCCOS and NOAA strategic definitions/missions and summary of goals/objectives established in the plan, and including a statement of purpose in the beginning.

Response: NCCOS created an ''Overview'' section that begins with a statement of purpose, specifies future directions, summarizes key drivers, provides background on the human dimensions of ecosystems, defines human dimensions research, and lists the goals and objectives put forth in the plan. NCCOS believes that the list of goals and objectives is critical to provide an at-a-glance summary of the plan, and has incorporated this list into a considerably shortened ''Summary'' section. NCCOS moved the list of NCCOS and NOAA strategic definitions/missions to Appendix 2.

Comment 17: One commenter recommended including National Ocean Service strategic elements in the list of strategic definitions/missions.

Response: NCCOS added the National Ocean Service mission to this list, which was moved to Appendix 2.

Comments on the Overview

Comment 18: One commenter recommended including a comparative discussion of the terms ''human dimensions'' and ''social science.''

Response: NCCOS added the following text to the ''Human Dimensions Research'' section of the ''Overview'': The distinction between the terms 'human dimensions' and 'social science' often generates confusion. 'Human dimensions' refers conceptually to the roles of humans in ecosystems and resource management. 'Social science' denotes a subset of the disciplines useful for describing, explaining, and predicting these role.''

Comment 19: One commenter suggested giving greater emphasis to NCCOS's role in providing feedback to the greater scientific community on the information needs of coastal managers.

Response: NCCOS expanded its list of customers in the ''National Centers for Coastal and Ocean Science'' section to include the greater coastal and ocean scientific community.

Comment 20: One commenter stated that the discussion of NCCOS's fundamental strategy, the Integrated Assessment, ''sounds like puffery'' without empirical evidence of its value.

Response: NCCOS added a reference to an example Integrated Assessment, *Integrated Assessment of Hypoxia in the Northern Gulf of Mexico* (Committee on Environment and Natural Resources, 2000) to the ''Integrated Assessments'' section of the ''Overview.''

Comment 21: One commenter questioned the use of a fifteen-year-old National Research Council framework for understanding the human dimensions of ecosystems.

Response: NCCOS believes that its adaptation of the National Research Council framework to conceptualize human dimensions of ecosystems (in terms of human causes, consequences, and responses to ecosystem stress) is round and useful. This model resonates with NCCOS scientists because of its simplicity and focus on stressors (an organizing feature of NCCOS' science program). NCCOS will continue to evaluate and develop its approach to conceptualizing the human dimensions of ecosystems and socio-ecological systems.

Comment 22: One commenter recommended a more targeted definition of human dimensions research.

Response: NCCOS believes that the plan itself embodies a targeted definition by providing numerous examples of human dimensions research topics and methods.

Comment 23: One commenter suggested mentioning that discussions with decisionmakers will influence NCCOS' delivery of services.

Response: NCCOS revised the ''Future Directions'' section of the ''Overview'' to emphasize that NCCOS' research agenda will be established through customer-informed strategies that identify complementary human dimensions and environmental research priorities. In addition, in the ''National Centers for Coastal Ocean Science'' section, NCCOS added a statement that ''NOAA created NCCOS in 1999 to strengthen and integrate its coastal programs in ways that encourage strong external partnerships, increase and protect their integrity, and ensure they focus on NOAA's coastal ocean missions.''

Comment 24: One commenter recommended mentioning that this plan updates NCCOS' contribution to the (2005) National Ocean Service Social Science Plan.

Response: NCCOS amended the ''Human Dimensions Research Drivers'' section of the ''Overview'' to state that this plan represents the development of NCCOS' human dimensions vision since its contribution to the (2005) National Ocean Service Social Science Plan.

Comment 25: One commenter recommended providing an update on specific NCCOS projects proposed in the National Ocean Service Social Science Plan. This commenter also recommended discussing how this plan will be integrated into the National Ocean Service Social Science Plan, the NOAA Research Plan, and NOAA's Planning, Programming, Budgeting, and Execution System.

Response: NCCOS affirms that this level of detail is beyond the scope of the plan.

Comment 26: One commenter stated that the figure representing the diversity of disciplines integral to human dimensions research is misleading because it treats these diciplines as ''equally impacting.''

Response: NCCOS believes that the figure clearly represents the diversity of disciplines integral to human dimensions research without making a statement regarding their relative importance.

Comment 27: One commenter stated that the discussion of NCCOS human dimensions accomplishments is defensive in tone. This commenter questioned the apparent historical emphasis on economics and recommended eliminating discussion of ongoing projects and other highlights.

Response: NCCOS wishes to acknowledge its accomplishments in providing human dimensions information critical to supporting coastal and ocean management. These include new capacities, key publications, ongoing projects, and other highlights. NCCOS does not agree that this section should be eliminated. In addition, NCCOS believes that this plan corrects any historical overemphasis on economics by establishing goals and objectives that draw on a wide diversity of mission-critical human dimensions disciplines.

Comment 28: Several commenters recommended including NCCOS' work on the development of a human use/socioeconomic indicator for eutrophication in the discussion of NCCOS human dimensions accomplishments.

Response: NCCOS regrets the omission of this important work from the draft plan, and has added the requested information in the ''NCCOS Human Dimensions Research'' section of the ''Overview.''

Comment 29: One commenter recommended including NCCOS' socioeconomic monitoring work in southeast Florida in the discussion of

NCCOS human dimensions accomplishments.

Response: NCCOS regrets the omission of this important work from the draft plan, and has added the requested information in the ''NCCOS Human Dimensions Research'' section of the ''Overview.''

Comment 30: Several commenters recommended eliminating a reference (to Bergen and Carr, 2003), stating that the article does not provide a balanced description of the Channel Islands marine reserves network planning process.

Response: NCCOS does not support the commenters' judgment that the article cited is not balanced. However, in the course of responding to *Comment 12*, NCCOS eliminated this reference.

Comment 31: One commenter expressed concern that the plan contains ''historical overtones of a need to understand an environment being destroyed by humans (e.g., stressors).'' This commenter stated that such an approach downplays the management opportunities provided by human dimensions understanding.

Response: NCCOS believes that the plan provides many examples of management opportunities facilitated by human dimensions understanding. To ensure that these opportunities are sufficiently emphasized, NCCOS added the following text to the ''Purpose'' section of the ''Overview'': ''* * * Human dimensions understanding enhances coastal decisionmaking and its scientific support. The plan provides many examples. It begins by highlighting the effectiveness of coastal decisionmaking that integrates ecosystem understanding with meaningful stakeholder engagement. Social science offers techniques and approaches, based on an understanding of human and organizational behavior, that help decisionmakers work with diverse stakeholders to define and achieve management priorities in the face of challenges such as conflicting and changing societal values, multi-agency authorities, and scientific uncertainty.'' NCCOS disagrees that the concept of stressors is inappropriate.

Comments on Objective 1.1

Comment 32: One commenter recommended including economic value as a distinct type of value.

Response: NCCOS eliminated the referenced discussion of values to preserve space in the process of revising Objective 1.1, re-titled ''Coastal Decisionmaking,'' as described in *Comment 12.* Instead, the document defines values by providing examples in the ''Human Dimensions of Ecosystems'' section of the ''Overview'', *e.g.,* security from natural disasters, health, good social relations, and freedom to pursue personal and cultural interests (Millennium Ecosystem Assessment, 2005).

Comment 33: One commenter recommended acknowledging that stakeholder values change over time.

Response: NCCOS revised Objective 1.1, re-title ''Coastal Decisionmaking,'' to acknowledge that decisionmakers are challenged by conflicting and changing societal values.

Comment 34: One commenter noted the need to assess preferences for specific management options in addition to values.

Response: NCCOS revised Objective 1.1, re-titled ''Coastal Decisionmaking,'' to acknowledge the importance of assessing stakeholders' preferences for specific management options.

Comment 35: One commenter recommended discussing the relationships among values, norms, user expectations, satisfaction, intentions to behave, management preferences, and attitudes.

Response: NCCOS amended the ''Human Dimensions of Ecosystems'' section of the ''Introduction'' to state that ''stakeholders' values influence their attitudes, intentions, management preferences, satisfaction levels, and norms for behavior. Values differ among individuals, but can be studied at the group level. For example, groups engaging in similar activities at similar locations and rates of participation, and using similar equipment can be expected to share values. Stakeholder values is an important topic of human dimensions research, enabling understanding of: (1) How coastal resource conditions and management decisions are likely to be perceived by different groups; (2) how differing value systems interact to affect coastal resource management planning and effectiveness; and (3) interactions among changing value systems, management decision processes and outcomes, and resource conditions (*e.g.,* Dietz *et al.,* 2005).''

Comments on Objective 1.2

Comment 36: One commenter stated that discussion of Objective 1.2 is vague.

Response: NCCOS agrees that this objective is vague and partly redundant with other objectives established in the plan. For these reasons, NCCOS eliminated the objective and incorporated references cited into other objectives as appropriate.

Comment 37: One commenter recommended eliminating mention of the National Ocean Economics Program, stating that the program ''does not represent good social science'' and will ''seriously compromise the integrity'' of the plan.

Response: NCCOS eliminated this objective for reasons explained in the response to *Comment 36.*

Comments on Objective 1.4

Comment 38: One commenter stated that Objective 1.4 recommends specific research projects whereas the other objectives are more general.

Response: NCCOS does not agree that Objective 1.4 recommends specific research projects. This objective recommends building on NCCOS' success documenting and utilizing traditional and local ecological knowledge to enhance coastal and ocean science.

Comments on Objective 1.5

Comment 39: Several commenters noted that Objective 1.5 is unclear.

Response: NCCOS substantively revised this objective (now reordered as Objective 1.7) to enhance clarity and reduce length. As revised, a large portion of the objective is incorporated into the ''Overview'' (in ''Human Dimensions of Ecosystems'') and Objective 1.1 (''Coastal Decisionmaking''). The second section, ''Ethical Questions Raised by the Implementation and Use of Science,'' has been considerably shortened.

Comment 40: One commenter noted that there is already a wealth of social science research regarding best practices for promoting community development in the context of environmental restoration. This commenter questioned whether social scientists participated in the Coastal Response Research Center workshop discussing this topic.

Response: In an effort to reduce the length of this objective, NCCOS eliminated discussion of specific conclusions from this workshop. However, NCCOS notes that social scientists were present at the workshop. These participants were aware of the wealth of social science research related to community development, and played an important role in introducing restoration practitioners to the topic.

Comments on Objective 1.6

Comment 41: One commenter stated that the distinction between organizations and institutions (quoted from the International Human Dimensions Program) is ''conceptually thin,'' and that the examples provided in the definition are ''less than eye-opening.'' Another commenter stated that Objective 1.6 is not understandable to a non-social scientist.

Response: NCCOS addressed these comments by replacing this quote with a less technical definition of institutions and referring the reader to additional sources for a more sophisticated discussion. NCCOS notes that this objective has been reordered to Objective 1.5.

Comment 42: Several commenters recommended mentioning the need for institutionalized social science data collection and sharing.

Response: NCCOS revised this objective to state that the institutionalization of social science data collection, storage, management, and mining is a fundamental problem for incorporating human dimensions consideration into coastal decisionmaking.

Comments on Objective 2.2

Comment 43: One commenter questioned the emphasis on economics reflected in NOAA's External Ecosystem Task Team's summary of core social science capabilities needed to integrate human dimensions information into Integrated Ecosystem Assessments.

Response: NCCOS eliminated this summary to reduce the length of the document. NCCOS notes that the External Ecosystem Task Team's summary stands on its own (*i.e.,* independently of NCCOS' views) as a description of the Team's vision.

Comment 44: One commenter raised the question whether Integrated Ecosystem Assessments are to be revisited to determine their success in predicting consequences of alternative management actions.

Response: NCCOS revised this objective to clarify that ''Integrated Ecosystem Assessments are iteratively developed and revisited. Subsequent assessments evaluate past success in predicting the consequences of alternative management strategies as well as implementing previously identified research needs.''

Comments on Objective 3.1

Comment 45: One commenter stated that Goal 3 should focus on resilience to ecosystem stressors (rather than hazards) because the focus on hazards excludes ecosystem stressors.

Response: NCCOS wishes to clarify that a focus on hazards does not exclude ecosystem stressors. Rather, the potential for any ecosystem stressor is a hazard. However, NCCOS agrees that the objective is too narrowly focused on the impacts of disasters. It also does not adequately emphasize the need to help coastal decisionmakers anticipate the consequences of ecosystem stress in relation to alternative intervention strategies. In response to these deficiencies, this objective has been reconceptualized to develop Objective 1.3, ''Societal Consequences of Policy and Management Options.''

Comment 46: One commenter stated that Objective 3.1 ignores over fifty years of research on disasters and espouses myths such as the notion that disasters result in social disruption and conflict. Another commenter stated that Objective 3.1 should mention spouse battery (an example of social disruption and conflict) as a consequence of disasters.

Response: NCCOS notes that these comments are contradictory. One highlights social disruption caused by coastal disasters, while another denies it. In responding to *Comment 45,* NCCOS eliminated this discussion and captured key points in Objective 1.3, ''Societal Consequences of Policy and Management Options.''

Comment 47: One commenter requested that NCCOS specify key factors considered in risk and vulnerability assessments and whether NCCOS will consider environmental or human impacts or both.

Response: NCCOS notes that the draft provides a list of key components of risk and vulnerability assessments. NCCOS revised the text to clarify that environmental and human impacts will both be considered.

Comment 48: One commenter stressed the importance of noting the unique requirements of small islands regarding vulnerability and resilience.

Response: NCCOS amended the discussion of Goal 3, ''Promote Ecosystem Resilience,'' to state that the vulnerability of small island communities is heightened by factors such as the infeasibility of migrating out of danger zones and extreme land values.

Comments on Objective 3.2

Comment 49: One commenter noted that Objective 3.2 ignores changes that occurred to the risk communication process as a result of cell phones, the internet, and cable television.

Response: NCCOS amended this objective to explain that development of communication messages and strategies should take into consideration changes to the risk communication process as result of modern technology such as cell phones and the internet.

Comment 50: One commenter stated that the relationship between an audience's belief in risk information and its level of trust in the communicating agency is ''old hat.''

Response: NCCOS is committed to developing the capacity of its workforce to understand, appreciate, and facilitate the mission value of human dimensions research. NCCOS believes that this commitment requires fostering an understanding of key concepts and methods that are familiar to social scientists, but new to many natural scientists. This commitment is responsive to the finding of the Social Science Review Panel to NOAA's Science Advisory Board that developing social science capacity in NOAA is challenged by ''a lack of formal understanding of what social science is and what its contributions can be, leading to an organizational culture that is not conducive to social science research.''

Comments on Objective 3.3

Comment 51: One commenter noted that local, regional, and national agencies rarely have the finances for risk communication research and typically lack the understanding that they need it.

Response: Through this plan, NCCOS aims to foster understanding of the need for risk communication research to develop scientific products and tools that foster public understanding of risks, trust in the communicating agency, and risk-protective behavior. As explained in this objective, NCCOS will work with coastal managers and other customers to develop and test products, and facilitate their use in decisionmaking, to achieve these ends.

Comment 52: One commenter raised the question of how effective communication is defined.

Response: NCCOS points out that the existing text defines effective risk communication as communication that fosters public understanding and trust, and prompts at-risk populations to respond appropriately to mitigate and adapt to undesirable environmental, sociocultural, and economic consequences of ecosystem stress.

Comments on Objective 4.1

Comment 53: One commenter recommended clarifying the role of NCCOS' cooperative research institutes in implementing this plan.

Response: NCCOS revised this objective to state that ''providing human dimensions understanding critical to support coastal decisionmaking will require retooling of many activities across NCCOS' component research centers, laboratories, and partnerships with cooperating institutions such as NCCOS' coral reef research institutes.'' NCCOS similarly amended the ''Future Directions'' section of the ''Overview'' to specify that a follow-up implementation plan will specify program- and project-level actions and

other programmatic elements ''to develop an integral human dimensions research focus in NCCOS—including its component research centers, laboratories, and partnerships with cooperating institutions such as NCCOS' coral reef research institutes.''

Comment 54: One commenter noted that the workforce needed to support ecosystem science must be interdisciplinary.

Response: NCCOS agrees with this comment. This objective focuses on development of human dimensions capabilities that complement NCCOS' existing technical workforce, which is predominantly comprised of biological, physical, and ecological scientists.

Comments on Appendix 1

Comment 55: One commenter stated that the 2006 National Research Council report, *Facing Hazards and Disasters,* does not (as described in the draft) recommend ''that future social science research treat hazards and disaster research interchangeably and view the five core topics of hazards and disaster research within a single overarching framework.''

Response: NCCOS points out that this is a direct quote from an Executive Summary of *Facing Hazards and Disasters* provided by the National Research Council Committee on Disaster Research in the Social Sciences: *http://www.nap.edu/catalog/11671.html.* However, NCCOS eliminated this quote in the process of reducing the length of the document.

Comment 56: One commenter recommended expanding the discussion of ''Balancing Societal Objectives'' and moving it to the front material of the document.

Response: As recommended, NCCOS moved a substantive part of this section to a discussion of the ''Human Dimensions of Ecosystems'' in the ''Overview.''

Comments on Appendix 2

Comment 57: One commenter noted that the entry for the 2006 National Research Council report, *Facing Hazards and Disasters,* mistakenly includes information related to a 2005 National Science and Technology Council report, *Grand Challenges for Disaster Reduction.*

Response: NCCOS regrets this mistake and eliminated the misplaced information from the entry for the 2006 National Research Council report, *Facing Hazards and Disasters.*

Comment 58: One commenter recommended duplicating the entry for the Harmful Algal Bloom and Hypoxia Research and Control Act in the table of drivers related to pollution (in addition to harmful algal blooms).

Response: As recommended, NCCOS included the Harmful Algal Bloom and Hypoxia Research and Control Act in the table of drivers related to pollution.

Comments on Appendix 3

Comment 59: Several commenters requested inclusion of specific additional references.

Response: NCCOS included suggested references where appropriate. NCCOS notes that this document is not intended to provide an exhaustive literature review.

Gary C. Matlock,

Director, National Centers for Coastal Ocean Science.

[FR Doc. 07–5111 Filed 10–16–07; 8:45 am]

BILLING CODE 3510–JE–M

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Proposed Information Collection; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (hereinafter the ''Corporation''), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirement on respondents can be properly assessed.

Currently, the Corporation is soliciting comments on the attitudes and behaviors of volunteers to determine the factors which influence volunteering and volunteer retention. The collection will include information on the frequency and intensity of volunteering, the types of organizations where individuals volunteer, the volunteer activities that are performed, the ways in which individuals access volunteer opportunities, and the perceived barriers to volunteering.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section December 17, 2007.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) By mail sent to: Corporation for National and Community Service, Office of Research and Policy Development, Attn. Carla Manuel, Policy Analyst, Room 10901A, 1201 New York Avenue, NW., Washington, DC 20525.

(2) By hand delivery or by courier to the Corporation's mailroom at Room 8100 at the mail address given in paragraph (1) above, between 9 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

(3) By fax to: (202) 565–2785, Attention Carla Manuel, Policy Analyst.

(4) Electronically through the Corporation's e-mail address system: *cmanuel@cns.gov.*

FOR FURTHER INFORMATION CONTACT: Carla Manuel, (202) 606–6720 or by e-mail at *cmanuel@cns.gov.*

SUPPLEMENTARY INFORMATION: The Corporation is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Corporation, 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 submissions of responses).

Background

The Corporation is interested in learning about the behaviors, attitudes, and factors which influence volunteering and volunteer retention. This study will include focus groups to determine the themes and trends that impact volunteering and volunteer retention. The focus groups will include questions on the value of service, factors affecting decisions to volunteer and select volunteer activities, and attitudes about volunteering.

Current Action

The Corporation seeks to collect new information on the motivation and

activities of current volunteers to help determine effective strategies for volunteer retention.

Type of Review: New.

Agency: Corporation for National and Community Service.

Title: Volunteering in America Focus Groups.

OMB Number: New.

Agency Number: None.

Affected Public: Individuals.

Total Respondents: 200.

Frequency: One time.

Average Time Per Response: Averages 60 minutes.

Estimated Total Burden Hours: 200 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: October 11, 2007.

Robert Grimm,

Director, Office of Research and Policy Development.

[FR Doc. E7–20418 Filed 10–16–07; 8:45 am]

BILLING CODE 6050–$$–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Renewal of a Currently Approved Information Collection

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (hereinafter the ''Corporation''), has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13), (44 U.S.C. Chapter 35). A copy of the ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Bruce Kellogg, 202–606–6954. Individuals who use a telecommunications device for the deaf (TTY–TDD) may call (202) 565–2799 between 8:30 a.m. and 5 p.m. Eastern time, Monday through Friday.

ADDRESSES: Comments may be submitted, identified by the title of the information collection activity, to the Office of Information and Regulatory Affairs, Attn: Ms. Katherine Astrich, OMB Desk Officer for the Corporation for National and Community Service, by any of the following two methods within 30 days from the date of publication in this **Federal Register**:

(1) By fax to: (202) 395–6974, Attention: Ms. Katherine Astrich, OMB Desk Officer for the Corporation for National and Community Service; and

(2) Electronically by e-mail to: *Katherine_T._Astrich@omb.eop.gov*.

Comments: A 60-day public comment Notice was published in the **Federal Register** on August 10, 2007. The comment period for this notice has elapsed and no comments were received.

SUPPLEMENTARY INFORMATION:

Description: The Corporation is seeking approval of the Voucher and Payment Request Form which in paper or electronic version is used by AmeriCorps members to request a payment from their education award account, by schools and lenders to verify eligibility for the payments, and by both parties to verify certain legal requirements.

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 Corporation, 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;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose 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, e.g., permitting electronic submissions of responses.

Type of Review: Renewal.

Agency: Corporation for National and Community Service.

Title: Voucher and Payment Request Form.

OMB Number: 3045–0014.

Frequency: Annual.

Affected Public: Individuals who have completed a term of national service who wish to access their education award accounts.

Number of Respondents: 45,000 responses annually, using the paper form.

Estimated Time Per Respondent: Five minutes (one half-minute for the AmeriCorps member's section and 4½ minutes for the school or lender).

Total Burden Hours: 3,750 hours.

Total Burden Cost (capital/startup): None.

Total Annual Cost (operating/maintaining systems or purchasing services): None.

Dated: October 10, 2007.

Robert Loring,

Director, Accounting and Financial Management Systems.

[FR Doc. E7–20425 Filed 10–16–07; 8:45 am]

BILLING CODE 6050–$$–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 08–04]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 08–04 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: October 11, 2007.

L.M. Bynum,

OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–M

DEFENSE SECURITY COOPERATION AGENCY
WASHINGTON, DC 20301-2800

OCT 0 4 2007
In reply refer to:
I-07/008222-CFM

The Honorable Nancy Pelosi
Speaker of the House of Representatives
Washington, DC 20515-6501

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 08-04, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to the United Arab Emirates for defense articles and services estimated to cost $428 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

Jeffrey A. Wieringa
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Same ltr to:

House	Senate
Committee on Foreign Affairs	Committee on Foreign Relations
Committee on Armed Services	Committee on Armed Services
Committee on Appropriations	Committee on Appropriations

Transmittal No. 08-04

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

(i) **Prospective Purchaser:** United Arab Emirates

(ii) **Total Estimated Value:**

Major Defense Equipment*	$426 million
Other	$ 2 million
TOTAL	$428 million

(iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:** 300 AGM-114M3 Blast Fragmentation Warheads and 900 AGM-114L3 HELLFIRE II Longbow missiles, 200 Blast Fragmentation Sleeve Assemblies, containers, spare and repair parts, test and tool sets, personnel training and equipment, publications, U.S. Government and contractor engineering and logistics personnel services, Quality Assurance Team support services, and other related elements of logistics support.

(iv) **Military Department:** Army (ZUF)

(v) **Prior Related Cases, if any:** FMS case JAH - $402 million - 11Dec91

(vi) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:** none

(vii) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:** See Annex attached

(viii) **Date Report Delivered to Congress:** OCT 04 2007

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

United Arab Emirates – Blast Fragmentation Warhead and HELLFIRE II Longbow Missiles

The Government of the United Arab Emirates has requested a possible sale of 300 AGM-114M3 Blast Fragmentation Warheads and 900 AGM-114L3 HELLFIRE II Longbow missiles, 200 Blast Fragmentation Sleeve Assemblies, containers, spare and repair parts, test and tool sets, personnel training and equipment, publications, U.S. Government and contractor engineering and logistics personnel services, Quality Assurance Team support services, and other related elements of logistics support. The estimated cost is $428 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country that has been and continues to be an important force for political stability and economic progress in the Middle East.

The United Arab Emirates needs these missiles in order to defend its maritime and land borders. The proposed sale of the missiles will strengthen the effectiveness and interoperability of a potential coalition partner, reducing the dependence on U.S. forces in the region while enhancing any coalition operations the U.S. may undertake. The United Arab Emirates will have no difficulty absorbing these additional missiles into its armed forces. The proposed sale of these missiles will not affect the basic military balance in the region.

The prime contractor is Hellfire Systems of Orlando, Florida. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this sale will require the assignment of a U.S. Government Quality Assurance Team to the United Arab Emirates.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 08-04

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

Annex
Item No. vii

(vii) Sensitivity of Technology:

1. The highest level for release of the HELLFIRE II is Secret, based upon the software. The highest level of classified information that could be disclosed by a proposed sale or by testing of the end item is Secret; the highest level that must be disclosed for production, maintenance, or training is Confidential. Reverse engineering could reveal Confidential information. Vulnerability data, countermeasures, vulnerability/susceptibility analyses, and threat definitions are classified Secret or Confidential.

2. Susceptibility of HELLFIRE II to diversion or exploitation is considered low risk. Components of the system are also considered highly resistant to reverse engineering.

[FR Doc. 07–5113 Filed 10–16–07; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 08–05]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 08–05 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: October 11, 2007.

L.M. Bynum,

OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–M

DEFENSE SECURITY COOPERATION AGENCY
WASHINGTON, DC 20301-2800

OCT 04 2007
In reply refer to:
I-07/008489-CFM

The Honorable Nancy Pelosi
Speaker of the House of Representatives
Washington, DC 20515-6501

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 08-05, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Egypt for defense articles and services estimated to cost $83 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

Richard J. Millies
Deputy Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Same ltr to:

House
Committee on Foreign Affairs
Committee on Armed Services
Committee on Appropriations

Senate
Committee on Foreign Relations
Committee on Armed Services
Committee on Appropriations

Transmittal No. 08-05

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended

(i) **Prospective Purchaser:** Egypt

(ii) **Total Estimated Value:**

Major Defense Equipment*	$58 million
Other	$25 million
TOTAL	$83 million

(iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:** 164 STINGER Block 1 missiles configured for vehicle launch only, 12 fly-to-buy missiles, 25 AVENGERS, trainers, spares, engineering and technical assistance support, sentinel radars, SINCGAR radios, target/range/test support, containers, support equipment, spare and repair parts, publications and technical data, training, U. S. Government Quality Assurance Teams' services and other related elements of logistics support.

(iv) **Military Department:** Army (UZA)

(v) **Prior Related Cases, if any:** FMS Case UTD - $214 million - 23Mar00

(vi) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:** none

(vii) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:** See Annex attached

(viii) **Date Report Delivered to Congress:** OCT 04 2007

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Egypt – STINGER Block 1 Missiles

The Government of Egypt has requested a possible sale of 164 STINGER Block 1 missiles configured for vehicle launch only, 12 fly-to-buy missiles, 25 AVENGERS, trainers, spares, engineering and technical assistance support, sentinel radars, SINCGAR radios, target/range/test support, containers, support equipment, spare and repair parts, publications and technical data, training, U. S. Government Quality Assurance Teams' services and other related elements of logistics support. The estimated cost is $83 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country that has been and continues to be an important force for political stability and economic progress in the Middle East.

Egypt will use the STINGER missiles to upgrade its air defense capability and will have no difficulty absorbing them into its armed forces.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be Raytheon Company of Tucson, Arizona. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require the assignment of three Field Service Representatives for three years to assist the delivery and deployment of the missiles.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 08-05

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

Annex
Item No. vii

(vii) Sensitivity of Technology:

1. The STINGER Block 1 missile (less programmable module) is classified Confidential. Associated hardware, software, and documentation that will be provided with this sale are considered sensitive. STINGER training hardware contains operational STINGER seeker hardware and firmware and must be protected by the same levels of controls as the operational hardware. STINGER critical technology is primarily in the area of design and production know-how and not end items.

2. The critical technologies in the STINGER are: microprocessors, magnetic and amorphous metals; optical coating technology; microcircuit technology; semiconductor detectors; printed circuit boards; hybrid microcircuits; preparation, purification, compounding and handling of electronic, electro-optic, and optical materials; cryogenic cooling technology; ultraviolet sensor technology; infrared band sensors; primary and reserve battery; energetic materials formulation technology; energetic materials fabrication and loading technology; and warhead components and systems.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

[FR Doc. 07–5114 Filed 10–16–07; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 08–08]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 08–08 with attached transmittal, and policy justification.

Dated: October 11, 2007.

L.M. Bynum,

OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–M

DEFENSE SECURITY COOPERATION AGENCY
WASHINGTON, DC 20301-2800

OCT 0 4 2007
In reply refer to:
I-07/010434-CFM

The Honorable Nancy Pelosi
Speaker of the House of Representatives
Washington, DC 20515-6501

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 08-08, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Kuwait for defense articles and services estimated to cost $250 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

Richard J. Millies
Deputy Director

Enclosures:
1. Transmittal
2. Policy Justification

Same ltr to:

House
Committee on Foreign Affairs
Committee on Armed Services
Committee on Appropriations

Senate
Committee on Foreign Relations
Committee on Armed Services
Committee on Appropriations

Transmittal No. 08-08

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended

(i) **Prospective Purchaser:** Kuwait

(ii) **Total Estimated Value:**

Major Defense Equipment*	$ 0 million
Other	$250 million
TOTAL	$250 million

(iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:** upgrade of three L-100-30 aircraft (a commercial version of the C-130 aircraft), modifications, spare and repair parts, support equipment, publications and technical data, flight engineer training, communications equipment, maintenance, personnel training and training equipment, U.S. Government and contractor engineering and logistics support services, preparation of aircraft for shipment, and other related elements of logistics support.

(iv) **Military Department:** Air Force (QAD)

(v) **Prior Related Cases, if any:** none

(vi) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:** none

(vii) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:** none

(viii) **Date Report Delivered to Congress:** OCT 04 2007

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Kuwait - Upgrade of L-100-30 Aircraft

The Government of Kuwait has requested a possible sale to upgrade three L-100-30 aircraft (a commercial version of the C-130 aircraft), to include modifications, spare and repair parts, support equipment, publications and technical data, flight engineer training, communications equipment, maintenance, personnel training and training equipment, U.S. Government and contractor engineering and logistics support services, preparation of aircraft for shipment, and other related elements of logistics support. The estimated cost is $250 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a major non-NATO ally that has been, and continues to be, an important force for political stability and economic progress in the Middle East.

The proposed sale will provide Kuwait more robust regional airlift capability and will extend the useful life of its current and future L-100 aircraft.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

Various contractors will be used, depending on the exact nature of the contracting arrangements established. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require the assignment of up to 10 U.S. Government and contractor representatives for one-week intervals twice annually to participate in training, and technical review.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 07–5115 Filed 10–16–07; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Office of the Secretary

Membership of the Performance Review Board

AGENCY: Defense Finance and Accounting Service, Department of Defense.

ACTION: Notice.

This notice announces the appointment of the members of the Performance Review Board (PRB) of the Defense Finance and Accounting Service. The publication of PRB membership is required by 5 U.S.C. 4314(c)(4).

The Performance Review Board (PRB) provides fair and impartial review of Senior Executive Service performance appraisals and makes recommendations regarding performance ratings and performance scores to the Director, DFAS.

DATES: *Effective Date:* November 27, 2007.

FOR FURTHER INFORMATION CONTACT: Jerry Hovey, DFAS SES Program Manager, Defense Finance and Accounting Service, Arlington, Virginia, (863) 815–3709.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 4314(c)(4), the following executives are appointed to the Defense Finance and Accounting Service PRB: Teresa A. McKay, Patrick T. Shine, Leon J. Krushinski, Jerry S. Hinton, Kathleen D. Noe.

Executives listed will serve a one-year renewable term, effective November 27, 2007.

Dated: October 11, 2007.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, DoD.

[FR Doc. 07–5116 Filed 10–16–07; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board Plenary Meeting

AGENCY: Department of the Army, DoD.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended) and 41 Code of the Federal Regulations (CFR 102–3.140 through 160), the Department of the Army announces the following committee meeting:

Name of Committee: Army Science Board (ASB).

Date(s) of Meeting: October 30–31 and November 1, 2007.

Time(s) of Meeting:

0800–1700, October 30, 2007.
0800–1700, October 31, 2007.
0800–1200, November 1, 2007.

Place of Meeting: Marriott Seattle Airport, 3201 South 17th Street, Seattle, WA 98188.

Due to scheduling difficulties the Army Science Board was unable to finalize its agenda in time to publish notice of its meeting in the Federal Register for the 15 calendar days required by 41 CFR 102–3.150(a). Accordingly, the Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

FOR FURTHER INFORMATION CONTACT: For information please contact Ms. Sharon Harvey at *Sharon.harvey1@us.army.mil* or (703) 604–7466 or Wayne Joyner at *wayne.joyner@saalt.army.mil* or (703) 604–7490.

SUPPLEMENTARY INFORMATION:

Proposed Agenda

Tuesday, October 30

0700–0800—Registration
0800–0815—Welcome & Administrative Remarks, Dr. Frank Akers
0815–0900—Commission on Army Acquisition & Program Management in Expeditionary Operations, ASB Sub-Committee Panel.
ASB Business Meeting
—Introduction of New Members
—Introduction of ASB Study Managers
—State of ASB, FY08 ASB Challenges
—Annual Ethics Briefing, SJA Ft. Lewis
—Briefing on Defense Travel Service, COL Ierardi
1200–1300—Lunch on your own
1415–1600—Tour of Microsoft Technology Division

Wednesday, October 31

0800–0815—Welcome remarks from LTG Charles Jacoby, Jr. Commanding General I Corp and Fort Lewis
0815–0845—I Corp and Fort Lewis Brief
0845–0950—I Corp and Fort Lewis initiatives for support to the Global War on Terrorism
—Warrior Training Leader Development Center—Stryker
—Senior Leader Wellness Enhancement Program
—Soldier Wellness Assessment Pilot Program
—Family Assessment and Mental Evaluation
0950–1005—Break
1005–1045—I Corp and Fort Lewis initiatives for support to the Global War on Terrorism
—Raindrops and Rainbows
—Jensen Family Health and Fitness Center
—Family Center of Excellence (video)
1045–1145—Overview of 3rd Brigade, 2nd Infantry Division Combat Operations and Lessons Learned
1200–1300—Lunch
1300–1615—Engagement Skills Trainer 2000 and Battle Command Training Center

Thursday, November 1

0730–1100—FY08 Studies Discussion, Dr. Akers & Study Chairs
1100–1130—Re-Group and Farewell, Dr. Akers
1200/Noon—Adjourn/Attendees Depart for Home

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 07–5143 Filed 10–16–07; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

Negotiation of a Reciprocal Defense Procurement Memorandum of Understanding With Italy

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Request for industry feedback regarding experience in public (defense) procurements conducted by Italy.

SUMMARY: DoD has had a Reciprocal Defense Procurement (RDP) Memorandum of Understanding (MOU) with Italy since September 11, 1978. DoD is commencing negotiation of an updated RDP MOU with Italy and is soliciting input from U.S. industry that has had experience participating in public defense procurements conducted by or on behalf of the Italian Ministry of Defense or Armed Forces. The current RDP MOU involves reciprocal waivers of buy-national laws by each country; the replacement RDP MOU is expected to continue these waivers. This means that Italy will continue to be listed as one of the ''qualifying countries'' in the Defense Federal Acquisition Regulation Supplement (DFARS) at 225.872–1, and

that offers of products of Italy would continue to be exempt from the U.S. Buy American Act and Balance of Payments Program policy that would otherwise require DoD to add 50 percent to the price of the foreign products when evaluating offers. This also means that U.S. products should be exempt from any analogous ''Buy Italian'' law or policy applicable to procurements by the Italian Ministry of Defense or Armed Forces. DoD is interested in comments relating to the transparency, integrity, and general fairness of Italy's public (defense) procurement processes. DoD is also interested in comments relating to the degree of reciprocity that exists between the United States and Italy when it comes to the openness of defense procurements to offers of products of the other country.

DATES: Comments must be received by November 16, 2007.

ADDRESSES: You may submit comments to: Office of the Director, Defense Procurement and Acquisition Policy, ATTN: OUSD (AT&L) DPAP (CPIC), 3060 Defense Pentagon, Washington, DC 20301–3060; or by e-mail to *nancy.dowling@osd.mil.*

FOR FURTHER INFORMATION CONTACT: Ms. Nancy Dowling, telephone 703–697–9352.

SUPPLEMENTARY INFORMATION: The Reciprocal Defense Procurement MOUs DoD has with 21 countries are signed at the level of the Secretary of Defense and his counterpart. The purpose of RDP MOUs is to promote rationalization, standardization, and interoperability of defense equipment with allies and friendly governments. It provides a framework for ongoing communication regarding market access and procurement matters that affect effective defense cooperation. Based on the MOU, each country affords the other certain benefits on a reciprocal basis consistent with national laws and regulations. For 19 of the 21 RDP MOU countries, including Italy, these benefits include evaluation of offers without applying price differentials otherwise required by the Buy American Act and the Balance of Payments Program. For all RDP MOU countries, two additional benefits are that (1) the specialty metals restriction in 10 U.S.C. 2533b does not apply to products manufactured in the RDP MOU partner country, and (2) the United States does not include customs, taxes, and duties in the evaluation of offers and waives charges for customs and duties for procurements to which the RDP MOU applies.

The United States and Italy originally entered into a RDP MOU on September 11, 1978. All of the countries with which DoD has RDP MOUs are identified in DFARS 225.872–1. If DoD determines that it would continue to be inconsistent with the public interest to apply the restrictions of the Buy American Act to the acquisition of Italian defense equipment and supplies, Italy would remain on the list in DFARS 225.872–1(a).

RDP MOUs generally include language by which the parties agree that their defense procurements will be conducted in accordance with certain implementing procedures. These procedures relate to publication of notices of proposed purchases; the content and availability of solicitations for proposed purchases; notification to each unsuccessful offeror; feedback, upon request, to unsuccessful offerors concerning the reasons they were not allowed to participate in a procurement or were not awarded a contract; and providing for the hearing and review of complaints arising in connection with any phase of the procurement process to ensure that, to the extent possible, complaints are equitably and expeditiously resolved.

While DoD is evaluating Italy's laws and regulations in this area, DoD would benefit from U.S. industry's experience in participating in Italy's public defense procurements. Therefore, DoD is asking U.S. firms that have participated or attempted to participate in procurements by or on behalf of Italy's Ministry of Defense or Armed Forces to provide input as to whether the procurements were conducted in accordance with published procedures with transparency, integrity, fairness, and due process, and if not, the nature of the problems encountered.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

[FR Doc. E7–20450 Filed 10–16–07; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Guidance Memoranda for the Comprehensive Everglades Restoration Plan

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of availability.

SUMMARY: The Army Corps of Engineers and the South Florida Water Management District have developed the six guidance memoranda required by the programmatic regulations for the Comprehensive Everglades Restoration Plan for approval by the Secretary of the Army. The public is invited to review and comment on the revised final draft of the guidance memoranda prepared by the Army Corps of Engineers and the South Florida Water Management District.

DATES: We will accept comments until December 17, 2007.

ADDRESSES: If you wish to comment on the guidance memoranda, you may submit your comments by either of these methods:

1. *You may submit written comments to:* U.S. Army Corps of Engineers, ATTN: Stu Appelbaum, P.O. Box 4970, Jacksonville, FL 32232–0019.

2. *You may send comments by electronic mail (e-mail) to: GMComments@usace.army.mil.*

If submitting comments by electronic format, please submit them in ASCII file format or Word file format and avoid the use of special characters and any form of encryption. Please include your name and return e-mail address in your e-mail message. Please note that your e-mail address will not be retained at the termination of the public comment period.

FOR FURTHER INFORMATION CONTACT: Stu Appelbaum, Corps of Engineers, Jacksonville District, P.O. Box 4970, Jacksonville, Florida 32232–0019, phone (904) 232–2584; fax (904) 232–1251.

SUPPLEMENTARY INFORMATION: On November 12, 2003 the Department of the Army published the final rule in the **Federal Register** that established the programmatic regulations required by the Water Resources Development Act of 2000 as 33 CFR Part 385. Section 385.5 of the programmatic regulations requires that the Army Corps of Engineers and the South Florida Water Management District develop, in consultation with the Department of the Interior, the Environmental Protection Agency, the Department of Commerce, the Miccosukee Tribe of Indians of Florida, the Seminole Tribe of Florida, the Florida Department of Environmental Protection, and other Federal, State, and local agencies, six guidance memoranda for approval by the Secretary of the Army. Guidance memoranda are program-wide procedures and processes needed to guide implementation of the Comprehensive Everglades Restoration Plan and to ensure that the goals and purposes of the Plan are achieved. The programmatic regulations require that the Secretary of the Army afford the

public an opportunity to comment on the Guidance Memoranda prior to their approval. On May 6, 2005, a Notice of Availability was placed in the **Federal Register** (70 FR 24008) inviting the public to comment on the final draft of the Guidance Memoranda. As a result of public comment we received on the final draft, we have revised the Guidance Memoranda and invite the public to comment on the revised final draft. The programmatic regulations also require the concurrence of the Secretary of the Interior and the Governor of Florida on the Guidance Memoranda prior to their approval. An electronic copy of the guidance memoranda document is available at: *http://www.evergladesplan.org/pm/progr_regs_guidance_memoranda.aspx.*

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 07–5110 Filed 10–16–07; 8:45 am]

BILLING CODE 3710–AJ–M

DEPARTMENT OF ENERGY

Office of Environmental Management; Advance Notice of Intent To Prepare an Environmental Impact Statement for Area IV of the Santa Susana Field Laboratory and Public Involvement Activities

AGENCY: Department of Energy.

ACTION: Advance Notice of Intent.

SUMMARY: The U.S. Department of Energy (DOE) is providing an Advance Notice of its Intent (ANOI) to prepare an Environmental Impact Statement (EIS) for remediation of Area IV of the Santa Susana Field Laboratory (SSFL). DOE is preparing the EIS in response to a May 2, 2007, decision by the U.S. District Court of Northern California that a 2003 DOE decision to prepare a Finding of No Significant Impact (FONSI) and conduct remediation of Area IV on the basis of an environmental assessment, rather than prepare an EIS, violated the National Environmental Policy Act (NEPA). DOE is also requesting early comments from the public and other stakeholders on the scope of the EIS and issues to be considered in EIS analysis. To facilitate collaboration on these EIS issues, DOE also is announcing plans for public involvement activities to be held this fall, to provide information to its stakeholders and to receive comments from them.

DOE is issuing this ANOI, pursuant to 10 CFR 1021.311(b), in order to inform and request early comments and assistance from Federal and State agencies, State and local governments, natural resource trustees, the general public, and other interested parties on the appropriate scope of the EIS, possible environmental issues, and the potential environmental impacts related to DOE's proposed activities for Area IV. Following the issuance of this ANOI, DOE intends to collect updated information that it will incorporate into the EIS analysis.

DOE will conduct community and regulator interviews through November 2007. These public involvement opportunities will focus on consultation with the public about the process for EIS scoping, the development of the range of reasonable alternatives to be analyzed in the EIS, and related public concerns about the remediation. If, based on community input, DOE decides to hold a public meeting, DOE will notify the community through local media. Early comments on the scope of the EIS and issues to be considered are due by December 14, 2007. Though DOE will attempt to consider comments received after this date, it will only be able to do so to the extent practicable. DOE plans to issue a Notice of Intent (NOI) for this EIS in the spring of calendar year 2008.

ADDRESSES: Please direct requests to be notified of interviews or a public meeting, comments on the scope of the EIS, and questions concerning the proposed project to: Stephanie Jennings, NEPA Document Manager, Office of Site Support and Small Projects (EM–3.2), U.S. Department of Energy, Energy Technology Engineering Center, P.O. Box 10300, Canoga Park, CA 91309, telephone: 818–466–8162, fax: 818–466–8730, or e-mail to: *Stephanie.Jennings@em.doe.gov* (use ''ANOI comments'' for the subject).

FOR FURTHER INFORMATION CONTACT: To request further information about this EIS or about the public involvement activities, or to be placed on the EIS distribution list, use any of the methods listed under **ADDRESSES** above. For general information concerning the DOE NEPA process, contact Carol Borgstrom, Director, Office of NEPA Policy and Compliance (GC–20), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0119, e-mail to: *AskNEPA@hq.doe.gov,* telephone: 202–586–4600, leave a message at 1–800–472–2756, or fax: 202–586–7031.

This Advance Notice of Intent (ANOI) will be available on the Internet at: *http://www.eh.doe.gov/NEPA.* Further information about Area IV and the Energy Technology Engineering Center (ETEC) can be found at *http://apps.em.doe.gov/etec/.*

SUPPLEMENTARY INFORMATION:

Background

Santa Susana Field Laboratory (SSFL), located on approximately 2,850 acres in the hills between Chatsworth and Simi Valley, CA, was developed as a remote site to test rocket engines and conduct nuclear research. The Atomics International Unit of Rockwell International's Canoga Park-based Rocketdyne Division began testing in 1947, and conducted an estimated 17,000 open-air rocket tests in support of the space program. In 1996, Rockwell International sold its aerospace and defense business, including the SSFL to The Boeing Company (Boeing).

SSFL is divided in four administrative areas—Area I, Area II, Area III, and Area IV—along with two buffer zones. Area I is about 713 acres, of which 671 acres is owned and operated by Boeing and 42 acres is owned by the National Aeronautics and Space Administration (NASA) and operated for it by Boeing. Area II, about 410 acres, is owned by NASA and operated for it by Boeing. Area III, about 114 acres, is owned and operated by Boeing. Area IV, about 290 acres, is owned by Boeing, which operates it for DOE. Boeing also owns a contiguous buffer zone of 1143 acres to the south and a contiguous buffer zone of 182 acres to the north.

Starting in the mid-1950s, the Atomic Energy Commission (AEC), a predecessor agency of DOE, funded nuclear energy research on a 90-acre parcel of Area IV leased from Rocketdyne. The Energy Technology and Engineering Center (ETEC) was established by the AEC on this parcel in the early 1960s as a ''center of excellence'' for liquid metals technology.

The AEC built a small nuclear power plant to deliver energy to the commercial grid at the ETEC. Research also included testing of nuclear powered systems, for example, using liquid metals for space vehicles and a sodium coolant medium in 10 small reactors. All reactor operations ended in 1980 and nuclear research work was completed in 1988. Cleanup of ETEC began in the 1960s and was performed in an ongoing manner as unnecessary facilities were decommissioned when there was no longer a use for them. DOE continues to lease the 90 acre parcel in Area IV from Boeing.

In March 2003, DOE issued an Environmental Assessment (EA), *Environmental Assessment for Cleanup and Closure of the Energy Technology Engineering Center,* DOE/EA–1345. Based on the results of the EA, DOE

determined that an EIS was not required and issued a FONSI in March 2003.

DOE is now preparing an SSFL Area IV EIS in response to the U.S. District Court of Northern California's May 2, 2007, ruling in the case *Natural Resources Defense Council* v. *Department of Energy Slip Op.* WL2349288 (N.D. Cal. Aug.15, 2007), which held that DOE's decision to issue a FONSI and conduct cleanup and closure on the basis of DOE/EA–1345 was in violation of NEPA. The Court ordered DOE to prepare an EIS for Area IV in accordance with NEPA. The Court further permanently enjoined the DOE from transferring ownership or possession, or otherwise relinquishing control over any portion of Area IV, until DOE completes the EIS and issues a Record of Decision pursuant to NEPA. In addition, the Court retained jurisdiction until it is satisfied that the DOE has met its legal obligations as they relate to the remediation of Area IV.

Because of the Court's decision, DOE suspended the physical demolition and removal activities for the remaining facilities at ETEC except for those activities necessary to maintain the site in a safe and stable configuration. DOE has discontinued planned decontamination and decommission activities, but is continuing surveillance, maintenance, and environmental monitoring work, including soil and groundwater characterization required under the State of California Department of Toxic Substances Control (DTSC) regulations, while it prepares the EIS.

In August 2007, DTSC issued a Consent Order to DOE, NASA and Boeing under its Resource Conservation and Recovery Act (RCRA) authority. This Order requires cleanup of all chemically contaminated soils at SSFL by 2017 or earlier, provides the option for DTSC to require more work to be conducted offsite of Area IV to assess air, soil and water contamination, and requires the preparation of an Environmental Impact Report, pursuant to the California Environmental Quality Act.

Early Public Involvement and Related Activities

DOE is issuing this ANOI, pursuant to 10 CFR 1021.311(b), in order to inform and request early comments and assistance from Federal and State agencies, State and local governments, natural resource trustees, the general public, and other interested parties on the scope of the EIS, proposed environmental issues, and the potential environmental impacts related to DOE's potential activities at this site. Following the issuance of this ANOI, DOE intends to collect updated information that it will incorporate into the EIS analysis.

Purpose and Need for Agency Action

DOE needs to complete remediation of Area IV to comply with applicable regulations and allow for an evaluation of the range of reasonable alternatives. The remediation will include cleanup of radiological and hazardous contaminants both onsite and offsite of Area IV and maintain surface and groundwater protection in accordance with applicable requirements.

Proposed Action and EIS Scope

DOE's proposed action includes demolition of radiological facilities, demolition of most support buildings, cleanup of solid waste management units, groundwater remediation, mitigation measures, and disposal of all waste offsite at approved facilities.

The EIS will evaluate the remediation of Area IV under current action plans and alternatives to them. The EIS will characterize environmental media, analyze the environmental impact of decontaminating and decommissioning or dismantling government buildings and structures, and analyzing environmental restoration activities for environmental contamination associated with DOE's activities. Waste management activities to be analyzed include operation, maintenance, and closure of RCRA-permitted facilities. The facilities that are to be included in the EIS include former radiological facilities, former sodium facilities, and administrative facilities. The EIS will consider the effects of possible contamination by non-radiological toxic or otherwise hazardous materials and address multiple exposures (chemical and radiological), as well as exposures to multiple radionuclides. The EIS will consider the suitability of Area IV for a range of future land uses, and assess possible radiological contamination of groundwater.

The EIS may be used in the preparation of the Environmental Impact Report that is required by the DTSC Consent Order.

Preliminary Identification of Issues

DOE is requesting input on the best methods to obtain accurate information on radiological and hazardous contamination in Area IV. It is also seeking input from stakeholders to resolve current and potential issues associated with RCRA constituents and to determine the extent of groundwater contamination both onsite and offsite of Area IV.

Preliminary Environmental Impacts for Analysis

DOE has tentatively identified the following environmental impacts for analysis in the Area IV EIS. This list is presented to facilitate early comment during the public involvement activities on the scope of the EIS.

- Potential impacts to the general population, workers, and the environment from radiological and non-radiological releases.
- Potential impacts to soils, air, surface water quality, and groundwater quality.
- Potential transportation impacts from the shipment of radiological and non-radiological wastes to disposal sites.
- Potential impacts from postulated accidents.
- Potential impacts from intentional destructive acts.
- Potential disproportionately high and adverse effects on low-income and minority populations (environmental justice).
- Land use impacts.
- Socioeconomic impacts.
- Ecological resources (endangered species and wetlands).
- Cultural and paleontological resources.
- Compliance with applicable Federal, state and local requirements.
- Long-term site suitability, including erosion and seismicity.
- Cumulative impacts from contamination both onsite and offsite of Area IV.
- Mitigation measures to avoid or mitigate potentially significant environmental impacts.

Invitation To Comment

DOE invites the public to provide early assistance in identifying the scope of the Area IV EIS, alternatives, environmental issues to consider, and environmental impacts to analyze through the early public involvement process. DOE will consider public comments and other relevant information in developing the NOI. Comments should be provided by the **DATES** and to the **ADDRESSES** above.

EIS Process

DOE plans to issue the NOI in the spring of calendar year 2008, which will be followed by a public scoping period to assist in further defining the scope of the EIS and identifying significant issues to be addressed. The NOI will propose the range of reasonable alternatives for remediation of the Area IV site. After the NOI is issued, DOE will conduct public scoping meetings.

During the scoping period, the dates and locations of meetings will be announced in the local media. DOE will announce the availability of the Draft EIS in the **Federal Register** and other media and provide Federal and State agencies, State and local governments, natural resource trustees, the general public, and other interested parties with an opportunity to submit comments.

DOE will also hold at least one public hearing in order to gather comments on the sufficiency of the Draft EIS once it is published. These comments will be considered and addressed in the Final EIS. DOE will issue a Record of Decision no sooner than 30 days after EPA's notice of availability of the Final EIS.

Issued in Washington, DC, on October 10, 2007.

Ines R. Triay,

(Acting) Assistant Secretary for Environmental Management.

[FR Doc. E7–20449 Filed 10–16–07; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Science; Climate Change Science Program Product Development Advisory Committee

AGENCY: Department of Energy.

ACTION: Notice of Open Teleconference Meeting.

SUMMARY: This notice announces a teleconference meeting of the Climate Change Science Program Product Development Advisory Committee. Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Monday, October 29, 2007, 1 p.m. to 4 p.m. E.D.T.

ADDRESSES: Participants may call Ms. Karen Carlson-Brown at (301) 903–3338 to receive a call-in number by October 25, 2007. Public participation is welcomed; however, the number of teleconference lines is limited and available on a first come basis.

FOR FURTHER INFORMATION CONTACT: Dr. Anjuli S. Bamzai (301–903–0294; *anjuli.bamzai@science.doe.gov*) Designated Federal Officer, Climate Change Science Program Product Development Advisory Committee, U.S. Department of Energy, Office of Science, Office of Biological and Environmental Research, Climate Change Research Division, SC–23.3/Germantown Building, 1000 Independence Avenue, SW., Washington, DC 20585–1290. The most current information concerning this meeting can be found on the Web site: *http://www.science.doe.gov/ober/cpdac/announcement.html.*

SUPPLEMENTARY INFORMATION:

Purpose of the Meeting: To continue discussions on drafting the Climate Change Science Program (CCSP) Synthesis and Assessment Product related to climate modeling. This activity is being conducted at the request of the Department of Energy, in accordance with the CCSP Guidelines for Producing the CCSP Synthesis and Assessment Products.

Tentative Agenda:

- Discussion on how public review comments have been addressed by the Synthesis and Assessment Product (SAP) 3.1 author team in the current version of the report.
- Discussion on how comments from CPDAC members have been addressed by the SAP 3.1 author team in the current version of the report.
- Motion by Chair of CPDAC to seek concurrence on the draft SAP 3.1
- Public comment (10 minute rule).

Public Participation: The teleconference meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Anjuli Bamzai at the address or telephone number listed above. Reasonable provisions will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule. This notice is being published less than 15 days before the date of the meeting due to programmatic issues.

Minutes: The minutes of this meeting will be available for public review at *http://www.science.doe.gov/ober/CPDACminutes_presentations.html.*

Issued in Washington, DC on October 11, 2007.

Rachel Samuel,

Deputy Committee Management Officer.

[FR Doc. E7–20491 Filed 10–16–07; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. QF08–1–000]

Albemarle Hospital—Elizabeth City, NC; Notice of Filing of Notice of Self-Certification of Qualifying Status of a Cogeneration Facility

October 10, 2007.

Take notice that on October 1, 2007, Albemarle Hospital located at 1144 N. Road St., Elizabeth City, NC 27906 filed with the Federal Energy Regulatory Commission a notice of self-certification of a facility as a qualifying cogeneration facility pursuant to 18 CFR 292.207(a) of the Commission's regulations.

This qualifying cogeneration facility consists of a 550 kW packaged diesel engine generator set operating on #2 fuel oil. The package is set on a concrete pad. The unit is self-contained, including all necessary switchgear and controls. The electricity is generated at 480 V, 3 phase, 60 Hz. The facility is located at 1144 N. Road St., Elizabeth City, NC 27906.

This qualifying facility interconnects with the City of Elizabeth's electric distribution system. The facility will provide standby power and occasionally supplementary power to Albermerle Hospital.

A notice of self-certification does not institute a proceeding regarding qualifying facility status; a notice of self-certification provides notice that the entity making the filing has determined the Facility meets the applicable criteria to be a qualifying facility. Any person seeking to challenge such qualifying facility status may do so by filing a motion pursuant to 18 CFR 292.207(d)(iii).

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.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–20394 Filed 10–16–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP08–1–000]

MarkWest New Mexico, L.P.; Notice of Request Under Blanket Authorization

October 10, 2007.

Take notice that on October 1, 2007, MarkWest New Mexico, L.P. (MarkWest), 1515 Arapahoe Street, Tower 2, Suite 700, Denver, Colorado 80202–2126, filed in Docket No. CP08–1–000, a prior notice request pursuant to sections 157.205 and 157.210 of the Federal Energy Regulatory Commission's regulations under the Natural Gas Act for authorization to construct, own, operate, and maintain approximately 3.16 miles of new 16-inch diameter pipeline and appurtenant facilities on its existing natural gas transmission mainline, located in Lea County, New Mexico, all as more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

MarkWest states that its existing natural gas transmission system consists of approximately five miles of 10- and 12-inch diameter pipeline facilities, which provide firm transportation service to two power plants owned by Southwestern Public Service Company. MarkWest proposes to construct approximately 1.45 miles of 16-inch diameter pipeline parallel to and looping the existing 10- and 12-inch diameter mainline and approximately 1.71 miles of additional 16-inch diameter pipeline to provide firm transportation service to a third power plant that is to be constructed by Lea Power Partners, LLC, located in Lea County, New Mexico. MarkWest asserts that the expansion facilities will increase the maximum capacity of MarkWest's system from 166 MMcf/d to 276 MMcf/d and will include the construction of a new interconnection with Northern Natural Gas Company. MarkWest estimates the cost of construction to be $3.2 million.

Any questions regarding the application should be directed to Danny Dollar, MarkWest New Mexico, L.P., 1515 Arapahoe Street, Tower 2, Suite 700, Denver, Colorado 80202–2126, or call at (1–800) 852–9226.

Any person or the Commission's Staff may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and, pursuant to section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the NGA.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–20395 Filed 10–16–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TX07–2–000]

Nevada Power Company; Notice of Filing

October 10, 2007.

Take notice that on September 28, 2007, pursuant to section 211 of the Federal Power Act (FPA), Nevada Power Company (Nevada Power), on behalf of Calpine Corporation, filed an application requesting the Federal Energy Regulatory Commission order Nevada Power to provide transmission services to Calpine Corporation under the terms of a specific 400 MW transmission service agreement. This order is necessary to preserve the tax-exempt status of Nevada Power's local furnishing bonds.

Nevada Power agrees to waive its right to a request for service under section 213(a) of the FPA and to the issuance of a proposed order under section 212(c) of the FPA.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC.

There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on October 29, 2007.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–20393 Filed 10–16–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

October 10, 2007.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC07–136–000.

Applicants: NRG Energy, Inc.; Long Beach Generation LLC; Long Beach Peakers LLC.

Description: NRG Energy, Inc *et al.*, submit an application for approval of the disposition of jurisdictional facilities pursuant to section 203 of the Federal Power Act and requests for waivers.

Filed Date: 09/27/2007.

Accession Number: 20071001–0039.
Comment Date: 5 p.m. Eastern Time on Thursday, October 18, 2007.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG08–2–000.
Applicants: Arlington Wind Power Project LLC.
Description: Notice of self-certification of exempt wholesale generator status of Arlington Wind Power Project LLC.
Filed Date: 10/09/2007.
Accession Number: 20071008–5024.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 30, 2007.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER00–1053–020.
Applicants: Maine Public Service Company.
Description: Maine Public Service Company informs FERC of the status of negotiations regarding its 6/15/07 informational filing setting forth the changed open access tariff changes effective 6/1/07.
Filed Date: 10/05/2007.
Accession Number: 20071009–0175.
Comment Date: 5 p.m. Eastern Time on Friday, October 26, 2007.

Docket Numbers: ER02–1173–004; ER02–1336–004; ER06–1265–001.
Applicants: Front Range Power Company, LLC; Vandolah Power Company, LLC; Orlando CoGen Limited, L.P.
Description: Front Range Power Company, LLC *et al.* submits its Notice of Non-Material Change in Status in connection with the acquisition by USB Americas etc. pursuant to Order 652.
Filed Date: 10/04/2007.
Accession Number: 20071009–0095.
Comment Date: 5 p.m. Eastern Time on Thursday, October 25, 2007.

Docket Numbers: ER05–644–007.
Applicants: PSEG Energy Resources & Trade, LLC.
Description: Informational filing of PSEG Energy Resources & Trade LLC listing planned Project Investments and projected Project Investment costs for CY 2008 with respect to PSEG Fossil LLC's generating units.
Filed Date: 10/01/2007.
Accession Number: 20071001–5094.
Comment Date: 5 p.m. Eastern Time on Monday, October 22, 2007.

Docket Numbers: ER05–1119–004.
Applicants: Doswell Limited Partnership.
Description: PJM and Doswell Limited Partnership, jointly, submitted an Electric Refund Report pursuant to the July 5, 2007, FERC order.
Filed Date: 10/09/2007.
Accession Number: 20071008–5022.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 30, 2007.

Docket Numbers: ER06–615–014.
Applicants: California Independent System Operator Corporation
Description: California Independent System Operator Corporation submits proposed revisions to its Market Redesign and Technology Upgrade to comply with the Paragraph 175 of the June 25 Order.
Filed Date: 10/05/2007.
Accession Number: 20071010–0041.
Comment Date: 5 p.m. Eastern Time on Friday, October 26, 2007.

Docket Numbers: ER06–1178–003; ER06–1179–003
Applicants: SEMASS Partnership
Description: Change in status of SEMASS Partnership.
Filed Date: 10/09/2007.
Accession Number: 20071009–5071.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 30, 2007.

Docket Numbers: ER06–1260–001.
Applicants: Northern Indiana Public Service Company.
Description: Northern Indiana Public Service Company submits an application for expansion of prior limited waivers of codes of conduct with Whiting Clean Energy Inc.
Filed Date: 10/03/2007.
Accession Number: 20071005–0017.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 24, 2007.

Docket Numbers: ER06–1399–003.
Applicants: Sunbury Generation LP.
Description: Sunbury Generation L.P. submits a Notice of Change in Status.
Filed Date: 10/04/2007.
Accession Number: 20071009–0164.
Comment Date: 5 p.m. Eastern Time on Thursday, October 25, 2007.

Docket Numbers: ER07–1102–003
Applicants: PJM Interconnection, L.L.C.
Description: PJM Interconnection, LLC responds to the notice of deficiency issued by FERC on 9/5/07.
Filed Date: 10/05/2007.
Accession Number: 20071009–0165.
Comment Date: 5 p.m. Eastern Time on Friday, October 26, 2007.

Docket Numbers: ER07–1144–001.
Applicants: American Transmission Company LLC.
Description: American Transmission Company, LLC and the Midwest Independent Transmission System Operator, Inc submit a revised Energy Markets Tariff sheets in compliance with FERC's 9/7/07 Order.
Filed Date: 10/05/2007.
Accession Number: 20071010–0042.
Comment Date: 5 p.m. Eastern Time on Friday, October 26, 2007.

Docket Numbers: ER07–1249–002.
Applicants: Lockport Energy Associates, L.P.
Description: Lockport Energy Associates L.P. requests waiver of the sixty day prior notice requirement to allow its tariff to become effective on 10/9/07.
Filed Date: 10/09/2007.
Accession Number: 20071010–0044.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 30, 2007.

Docket Numbers: ER07–1250–001.
Applicants: PowerGrid Systems, Inc.
Description: PowerGrid Systems, Inc. submits a letter of clarification in response to FERC's request for revisions and original Sheet 2 to FERC Electric Tariff, Original Volume 1 to reflect the requirements of Order 697.
Filed Date: 09/28/2007.
Accession Number: 20071003–0022.
Comment Date: 5 p.m. Eastern Time on Friday, October 19, 2007.

Docket Numbers: ER07–1276–000.
Applicants: Niagara Mohawk Power Corporation.
Description: Motion to Withdraw Filing of Service Agreement No. 1156 of Niagara Mohawk Power Corporation.
Filed Date: 10/05/2007.
Accession Number: 20071005–5070.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 17, 2007.

Docket Numbers: ER07–1331–001.
Applicants: Indianapolis Power & Light Company.
Description: Indianapolis Power & Light Company submits revisions to IPL Rate Schedule FERC 21.
Filed Date: 10/09/2007.
Accession Number: 20071010–0045.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 30, 2007.

Docket Numbers: ER07–1356–001.
Applicants: BE Alabama LLC.
Description: BE Alabama LLC submits corrected Revised Substitute Original Sheet 1 and 2 to FERC Electric Tariff, First Revised Volume 1 to replace the 9/7/07 filing of a notice of succession, effective date of 11/6/07.
Filed Date: 10/04/2007.
Accession Number: 20071009–0163.
Comment Date: 5 p.m. Eastern Time on Thursday, October 25, 2007.

Docket Numbers: ER07–1358–001.
Applicants: BE Louisiana LLC.
Description: BE Louisiana, LLC submits Revised Substitute Original Sheet to FERC Electric Tariff, First Revised Volume 1 to replace the tariff sheets submitted on 9/7/07 with notice of succession etc. pursuant to Order 697.
Filed Date: 10/04/2007.

Accession Number: 20071009–0162.
Comment Date: 5 p.m. Eastern Time on Thursday, October 25, 2007.

Docket Numbers: ER07–1386–001.
Applicants: Tatanka Wind Power, LLC.
Description: Amendment to application of Tatanka Wind Power LLC for order accepting market-based rate tariff, granting authorizations and blanket authority, and waiving certain requirements.
Filed Date: 10/05/2007.
Accession Number: 20071010–0043.
Comment Date: 5 p.m. Eastern Time on Monday, October 15, 2007.

Docket Numbers: ER08–17–000.
Applicants: Southern California Edison Company.
Description: Southern California Edison Co. submits an amended Manzana Wind Project Engineering Design, and Procurement Letter Agreement for Early Interconnection Facilities with PPM Energy, Inc.
Filed Date: 10/03/2007.
Accession Number: 20071004–0141.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 24, 2007.

Docket Numbers: ER08–18–000.
Applicants: PacifiCorp.
Description: PacifiCorp submits a Notice of Termination of their Rate Schedule 418 with Public Utility District 1 of Clark County, WA.
Filed Date: 10/03/2007.
Accession Number: 20071004–0142.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 24, 2007.

Docket Numbers: ER08–19–000.
Applicants: Energy Algorithms, LLC.
Description: Energy Algorithms, LLC submits petition for acceptance of FERC Electric Rate Schedule 1.
Filed Date: 10/03/2007.
Accession Number: 20071004–0143.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 24, 2007.

Docket Numbers: ER08–22–000.
Applicants: PJM Interconnection, L.L.C.
Description: PJM Interconnection, LLC submits several revisions to Schedule 2 of the Open Access Transmission Tariff.
Filed Date: 10/04/2007.
Accession Number: 20071005–0006.
Comment Date: 5 p.m. Eastern Time on Thursday, October 25, 2007.

Docket Numbers: ER08–23–000.
Applicants: Massie Power LLC.
Description: Massie Power, LLC submits their FERC Electric Rate Schedule 1 under which they will engage in wholesale electric power and energy transactions as marketer.
Filed Date: 10/04/2007.
Accession Number: 20071005–0005.
Comment Date: 5 p.m. Eastern Time on Thursday, October 25, 2007.

Docket Numbers: ER08–25–000; ER08–26–000.
Applicants: Ocean State Power; Ocean State Power II.
Description: Ocean State Power and Ocean State Power II submits their application for an order accepting rates, OSP FERC Electric Tariff, Original Volume 1 *et al.*
Filed Date: 10/04/2007.
Accession Number: 20071005–0003.
Comment Date: 5 p.m. Eastern Time on Thursday, October 25, 2007.

Docket Numbers: ER08–27–000.
Applicants: New York State Electric & Gas Corporation.
Description: New York State Electric & Gas Corporation submits Original Service Agreement 1159 with Lockport Energy Associates, LP under the Service Agreement.
Filed Date: 10/04/2007.
Accession Number: 20071009–0168.
Comment Date: 5 p.m. Eastern Time on Thursday, October 25, 2007.

Docket Numbers: ER08–28–000.
Applicants: Puget Sound Energy, Inc.
Description: Puget Sound Energy, Inc submits revisions to Original Sheet 22A *et al.* to FERC Electric Tariff, Eighth Revised Volume 7.
Filed Date: 10/05/2007.
Accession Number: 20071009–0167.
Comment Date: 5 p.m. Eastern Time on Friday, October 26, 2007.

Docket Numbers: ER08–29–000.
Applicants: Pacific Gas and Electric Company.
Description: Pacific Gas and Electric Company submits filing and acceptance amendments to two interconnection Agreements with Northern California Power Agency.
Filed Date: 10/05/2007.
Accession Number: 20071009–0166.
Comment Date: 5 p.m. Eastern Time on Friday, October 26, 2007.

Docket Numbers: ER08–30–000.
Applicants: Wisconsin Public Service Corporation.
Description: Wisconsin Public Service Corp submits a contract with Forward Energy LLC and on 10/9/07 submit the execution pages of the Integration Contract between itself and Forward Energy, LLC.
Filed Date: 10/05/2007; 10/09/2007.
Accession Number: 20071010–0039; 20071010–0047.
Comment Date: 5 p.m. Eastern Time on Friday, October 26, 2007.

Docket Numbers: ER08–31–000.
Applicants: Entergy Services, Inc.
Description: Entergy Services Inc, on behalf of Entergy Gulf States Inc *et al.* submits an agreement under Service Schedule MSS–4 of the Entergy System Agreement.
Filed Date: 10/05/2007.
Accession Number: 20071010–0040.
Comment Date: 5 p.m. Eastern Time on Friday, October 26, 2007.

Take notice that the Commission received the following foreign utility company status filings:

Docket Numbers: FC08–1–000.
Applicants: Macquarie Bank Limited.
Description: Macquarie Notice of Self-Certification of Foreign Utility Company Status.
Filed Date: 10/10/2007.
Accession Number: 20071009–5131.
Comment Date: 5 p.m. Eastern Time on Wednesday, October 31, 2007.

Take notice that the Commission received the following open access transmission tariff filings:

Docket Numbers: OA08–2–000.
Applicants: Kansas City Power & Light Company.
Description: Request for Waiver of Kansas City Power & Light Company.
Filed Date: 10/09/2007.
Accession Number: 20071009–5048.
Comment Date: 5 p.m. Eastern Time on Tuesday, October 30, 2007.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies

of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Acting Deputy Secretary.

[FR Doc. E7–20391 Filed 10–16–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting Notice

October 11, 2007.

The following notice of meeting is published pursuant to section 3(a) of the government in the Sunshine Act (Pub. L. 94–409), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: October 18, 2007, 10 a.m.

PLACE: Room 2C, 888 First Street, NE., Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda. * **Note**—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kimberly D. Bose, Secretary, Telephone (202) 502–8400.

For a recorded message listing items struck from or added to the meeting, call (202) 502–8627.

This is a list of matters to be considered by the Commission. It does not include a listing of all documents relevant to the items on the agenda. All public documents, however, may be viewed on line at the Commission's Web site at *http://www.ferc.gov* using the eLibrary link, or may be examined in the Commission's Public Reference Room.

923RD—MEETING REGULAR MEETING

[October 18, 2007, 10 a.m.]

Item No.	Docket No.	Company
	ADMINISTRATIVE	
A–1	AD02–1–000	Agency Administrative Matters.
A–2	AD02–7–000	Customer Matters, Reliability, Security and Market Operations.
A–3	AD06–3–000	Energy Market Update.
	ELECTRIC	
E–1	EL00–95–164	San Diego Gas & Electric Company (Bonneville Power Administration v. Federal Energy Regulatory Commission).
E–2	RR07–16–000	North American Electric Reliability Corporation.
E–3	EC07–39–000, EC07–39–001, EC07–39–002.	The Goldman Sachs Group, Inc.
E–4	EC07–45–000, EC07–45–001, EC07–45–002.	Morgan Stanley.
E–5	EC07–99–000	Great Plains Energy Incorporated.
	EL07–75–000	Kansas City Power & Light Company Aquila, Inc., Black Hills Corporation.
E–6	EC06–166–000, EC06–166–001	Legg Mason, Inc.
E–7	ER07–478–001, ER07–478–003	Midwest Independent Transmission System Operator, Inc.
E–8	ER07–478–002	Midwest Independent Transmission System Operator, Inc.
E–9	RR06–1–010	North American Electric Reliability Corporation.
E–10	OMITTED.	
E–11	ER07–1186–000	PJM Interconnection, L.L.C.
E–12	ER07–1251–000, ER07–1251–001	Northern Maine Independent System Administrator, Inc.
E–13	ER07–1245–000	ISO New England Inc. and New England Power Pool.
E–14	RC07–1–000	Mosaic Fertilizer, LLC.
	RC07–2–000	City of Tampa, Florida.
E–15	ER07–995–000, ER07–995–001	New York Independent System Operator, Inc.
E–16	ER07–546–002	ISO New England Inc.
	ER07–546–003, ER07–547–001	New England Power Pool.
E–17	EL07–31–000	DTE Pontiac North LLC.
E–18	OMITTED.	
E–19	ER07–805–001, ER07–805–002, ER07–1304–000.	California Independent System Operator Corporation.
E–20	ER97–4166–024, ER96–780–017, EL04–124–005.	Southern Company Energy Marketing, L.P. and Southern Company Services, Inc.
E–21	ER07–748–001	New York Independent System Operator, Inc.
E–22	ER07–541–002	Entergy Services, Inc.
E–23	ER05–231–005, ER05–231–006	PSEG Power Connecticut, LLC.
E–24	ER05–163–005, ER05–163–006	Milford Power Company, LLC.
E–25	EL05–76–002	The United Illuminating Company v. Dominion Energy Marketing, Inc.
E–26	ER07–525–002	Entergy Services, Inc.
E–27	ER06–1218–005	PJM Interconnection, L.L.C.

923RD—MEETING REGULAR MEETING—Continued

[October 18, 2007, 10 a.m.]

Item No.	Docket No.	Company
E–28	OMITTED.	
	MISCELLANEOUS	
M–1	OMITTED.	
	GAS	
G–1	OMITTED.	
G–2	RP07–500–000, RP07–500–001, RP07–500–002.	Columbia Gulf Transmission Company.
G–3	RP07–509–000, RP07–509–001, RP07–509–002.	Columbia Gas Transmission Corporation.
G–4	RP07–179–002, RP07–179–001	Gulf South Pipeline Company, LP.
G–5	RP07–473–000	National Energy and Trade LP v. Texas Gas Transmission LLC and Gulf South Pipeline LP.
	HYDRO	
H–1	P–11437–022	Hydro Matrix Limited Partnership.
H–2	P–12484–002	Metro Hydroelectric Company, LLC.
H–3	P–9401–066	Mt. Hope Waterpower Project, L.L.P.
H–4	P–12911–001, P–12911–002	Electric Plant Board of the City of Paducah, Kentucky
H–5	P–1494–300	Grand River Dam Authority.
H–6	P–233–105	Pacific Gas and Electric Company.
	CERTIFICATES	
C–1	OMITTED.	
C–2	CP07–88–000	Egan Hub Storage, LLC.
C–3	CP05–357–006	Cheniere Creole Trail Pipeline, L.P.
	CP07–426–000	Cheniere Sabine Pass Pipeline, L.P.
C–4	CP07–395–000	Wyoming Interstate Company, Ltd.
C–5	RM07–17–000	Revisions to Landowner Notification and Blanket Certificate Regulations.

Kimberly D. Bose,

Secretary.

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

Immediately following the conclusion of the Commission Meeting, a press briefing will be held in the Commission Meeting Room. Members of the public may view this briefing in the designated overflow room. This statement is intended to notify the public that the press briefings that follow Commission meetings may now be viewed remotely at Commission headquarters, but will not be telecast through the Capitol Connection service.

[FR Doc. E7–20392 Filed 10–16–07; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8483–5]

Agency Information Collection Activities OMB Responses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This document announces the Office of Management and Budget's (OMB) responses to Agency Clearance requests, in compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et. seq*). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

FOR FURTHER INFORMATION CONTACT: Rick Westlund (202) 566–1682, or e-mail at *westlund.rick@epa.gov* and please refer to the appropriate EPA Information Collection Request (ICR) Number.

SUPPLEMENTARY INFORMATION:

OMB Responses to Agency Clearance Requests

OMB Approvals

EPA ICR Number 1713.06; Federal Operating Permit Regulations (Renewal); in 40 CFR part 71; was approved 09/12/2007; OMB Number 2060–0336; expires 09/30/2010.

EPA ICR Number 1587.07; State Operating Permit Regulations (Renewal); in 40 CFR part 70; was approved 09/12/2007; OMB Number 2060–0243; expires 09/30/2010. EPA ICR Number 1967.03; NESHAP for Stationary Combustion Turbines (Renewal); in 40 CFR part 63, subpart YYYY; was approved 09/19/2007; OMB Number 2060–0540; expires 09/30/2010.

EPA ICR Number 2243.04; Procedures for Implementing the National Environmental Policy Act (NEPA) and Assessing Environmental Effects Abroad of EPA Actions (Final Rule); was

approved 09/20/2007; OMB Number 2020–0033; expires 08/31/2010.

EPA ICR Number 0783.53; Motor Vehicle Emissions and Fuel Economy Compliance: Light Duty Vehicles, Light Duty Trucks, and Highway Motorcycles (Final Rule); in 40 CFR part 600, 40 CFR parts 85 and 86, 40 CFR 86.1845–86.1886, 40 CFR 86.412–86.486, and 40 CFR part 85.1901–85.1908; was approved 09/27/2007; OMB Number 2060–0104; expires 11/30/2008.

EPA ICR Number 1857.04; NOX Budget Trading Program to Reduce the Regional Transport of Ozone (Renewal); in 40 CFR 51.121, 40 CFR 51.122, 40 CFR 75, subpart H; was approved 09/27/2007; OMB Number 2060–0445; expires 09/30/2010.

EPA ICR Number 1593.07; Air Emission Standards for Tanks, Surface Impoundments and Containers (Renewal); in 40 CFR part 265, subpart CC, 40 CFR part 264, subpart CC; was approved 10/04/2007; OMB Number 2060–0318; expires 10/31/2010.

EPA ICR Number 2256.02; NESHAP for Acrylic/Modacrylic Fibers Production, Carbon Black Production, Chemical Manufacturing: Chromium Compounds, Flexible Polyurethane Foam Production/Fabrication, Lead Acid Battery Manufacturing, Wood Preserving (Final Rule); in 40 CFR part 63, subpart PPPPPP; 40 CFR part 63, subpart QQQQQQ; 40 CFR part 63, subpart LLLLLL; 40 CFR part 63, subpart MMMMMM; 40 CFR part 63, subpart NNNNNN; 40 CFR part 63, subpart OOOOOO; was approved 10/04/2007; OMB Number 2060–0598; expires 10/31/2010.

EPA ICR Number 1844.03; NESHAP for Petroleum Refineries, Catalytic Cracking, Reforming and Sulfur Units (Renewal); in 40 CFR part 63, subpart UUU; was approved 10/08/2007; OMB Number 2060–0554; expires 10/31/2010.

EPA ICR Number 1896.07; Disinfectants/Disinifection Byproducts, Chemical and Radionuclides; Short Term Regulatory Revisions and Clarifications to the National Primary Drinking Water Regulations for Lead and Copper (Final Rule); in 40 CFR part 141 and 40 CFR part 142; was approved 10/10/2007; OMB Number 2040–0204; expires 06/30/2008.

Short Term Approval

EPA ICR Number 1560.07; National Water Quality Inventory Reports (Clean Water Act Sections 305(b), 303(d), 314(a) and 106(e)); in 40 CFR part 130; short term extension was approved by OMB on 09/24/2007; OMB Number 2040–0071; expires 12/31/2007.

Comment Filed

EPA ICR Number 2251.01; Control of Emissions from Nonroad Spark-Ignition Engines and Equipment (Proposed Rule); OMB filed comments on 10/04/2007.

Withdrawn

EPA ICR Number 2225.01; Assessment of EPA Partnership Programs was withdrawn by Agency on 09/14/2007.

Dated: October 9, 2007.

Sara Hisel-McCoy,

Acting Director, Collection Strategies Division.

[FR Doc. E7–20439 Filed 10–16–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2006–0860; FRL–8483–4]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Plant-Incorporated Protectants; CBI Substantiation and Adverse Effects Reporting; EPA ICR No. 1693.05, OMB Control No. 2070–0142

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 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 November 16, 2007.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OPP–2006–0860, to (1) EPA online using *www.regulations.gov* (our preferred method), by e-mail to *opp.ncic@epa.gov*, or by mail to: OPP Regulatory Public Docket (7502P), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001, 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: Joseph Hogue, Field and External Affairs Division, Office of Pesticide Programs, 7506P, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 703–308–9072; fax number: 703–305–5884; e-mail address: *hogue.joe@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 March 14, 2007 (72 FR 11862), 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–OPP–2006–0860, which is available for online viewing at *www.regulations.gov*, or in-person viewing at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

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, confidential business information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *www.regulations.gov.*

Title: Plant-Incorporated Protectants; CBI Substantiation and Adverse Effects Reporting

ICR Numbers: EPA ICR No. 1693.05, OMB Control No. 2070–0142

ICR Status: This ICR is scheduled to expire on October 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: This ICR addresses the two information collection requirements described in regulations pertaining to pesticidal substances that are produced by plants (plant-incorporated protectants) and which are codified in 40 CFR part 174. A plant-incorporated protectant is defined as ''the pesticidal substance that is intended to be produced and used in a living plant and the genetic material necessary for the production of such a substance.'' Many, but not all, plant-incorporated protectants are exempt from registration requirements under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Registrants sometimes include in a submission to EPA for registration of a plant-incorporated protectant, information that they claim to be confidential business information (CBI). CBI is protected by FIFRA and generally cannot be released to the public. Under 40 CFR part 174, whenever a registrant claims that information submitted to EPA in support of a registration application for plant-incorporated protectants contains CBI, the registrant must substantiate such claims when they are made, rather than provide it later upon request by EPA. In addition, manufacturers of plant-incorporated protectants that are otherwise exempted from the requirements of registration must report adverse effects of the plant-incorporated protectant to the Agency. Such reporting will allow the Agency to determine whether further action is needed to prevent unreasonable adverse effects to the environment. Submission of this information is mandatory.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 7 hours for an adverse effects report and 21.5 hours for substantiation of a CBI claim, 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: Producers and importers of plant-incorporated protectants.

Estimated Number of Respondents: 14.

Frequency of Response: On occasion.

Estimated Total Annual Hour Burden: 303.

Estimated Total Annual Cost: $20,879, includes no annualized capital or O&M costs.

Changes in the Estimates: There is no change in the number of hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens.

Dated: October 10, 2007.

Sara Hisel-McCoy,

Acting Director, Collection Strategies Division.

[FR Doc. E7–20441 Filed 10–16–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2007–0938; FRL–8149–2]

Pesticides; Availability of Pesticide Registration Notice Announcing Formation of Agricultural Handlers Exposure Task Force

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Agency is announcing the availability of a Pesticide Registration Notice (PR Notice) regarding the formation of the Agricultural Handlers Exposure Task Force, L.L.C. This PR Notice was signed by the Agency on September 20, 2007 and is posted on the EPA website under PR Notice 2007-03. PR Notices are issued by the Office of Pesticide Programs (OPP) to inform pesticide registrants and other interested persons about important policies, procedures, and registration related decisions, and serve to provide guidance to pesticide registrants and OPP personnel. This particular PR Notice provides information concerning the formation of an industry Task Force for the development of data supporting pesticide registration, in which registrants may wish to participate.

FOR FURTHER INFORMATION CONTACT: Richard P. Dumas, Special Review and Reregistration Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–8015; fax number: (703) 308–8005; e-mail address:*dumas.richard@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this notice if you register agricultural pesticide products under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket*. EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2007–0938. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

2. *Electronic access*. You may access this **Federal Register** document electronically through the EPA Internet under the **Federal Register** listings at *http://www.epa.gov/fedrgstr*.

II. Background

A. What Action is the Agency Taking?

The Agency is announcing the issuance of a Pesticide Registration Notice [PR-2007-xx] that announces the formation of the Agricultural Handlers Exposure Task Force (AHETF). When registering or periodically reviewing an existing registration, the Agency evaluates the potential risks to pesticide handlers; that is, individuals who mix, load, or apply pesticide products. In

evaluating handler risks, potential pesticide exposure is considered. The AHETF was formed to develop generic handler exposure data that can be used by EPA, and other regulatory agencies responsible for assuring the safety of pesticides. The purpose of the PR Notice is to describe what data the AHETF plans to generate, to describe how EPA expects to use the data, and to inform registrants of the opportunity to join AHETF.

III. Do PR Notices Contain Binding Requirements?

The PR Notice discussed in this notice is intended to provide information to EPA personnel and decision makers and to pesticide registrants. While the requirements in the statutes and Agency regulations are binding on EPA and the applicants, this PR Notice is not binding on either EPA or pesticide registrants, and EPA may depart from the guidance where circumstances warrant and without prior notice. Likewise, pesticide registrants may assert that the guidance is not appropriate generally or not applicable to a specific pesticide or situation.

List of Subjects

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: September 20, 2007.

Debra Edwards,

Director, Office of Pesticide Programs.

[FR Doc. E7–20189 Filed 10–16–07; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2007–0941; FRL–8152–7]

Carbaryl Reregistration Eligibility Decision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's Reregistration Eligibility Decision (RED) for the pesticide carbaryl. The Agency's risk assessments and other related documents also are available in the carbaryl RED Docket. This RED completes the reregistration and tolerance reassessment process for carbaryl and amends an Interim Reregistration Eligibility Decision (IRED), which was made available for public comment on October 22, 2004 (see docket EPA–HQ–OPP–2003–0376). Carbaryl is an N-methyl carbamate insecticide that is used on a variety of ornamental and agricultural crops and in residential settings, for lawns, gardens, and flea control. EPA has reviewed carbaryl through the public participation process that the Agency uses to involve the public in developing pesticide reregistration and tolerance reassessment decisions. Through these programs, EPA is ensuring that all pesticides meet current health and safety standards.

FOR FURTHER INFORMATION CONTACT: Christina Scheltema, Special Review and Reregistration Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–2201; fax number: (703) 308–8005; e-mail address: *scheltema.christina@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket*. EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2007–0941. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

2. *Electronic access*. You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr.*

II. Background

A. What Action is the Agency Taking?

Under section 4 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is reevaluating existing pesticides to ensure that they meet current scientific and regulatory standards. EPA has completed a RED for the pesticide carbaryl under section 4(g)(2)(A) of FIFRA. Carbaryl is an N-methyl carbamate insecticide that is used on a variety of ornamental and agricultural crops and in residential settings, for lawns, gardens, and flea control. EPA has determined that the database to support reregistration is substantially complete and that products containing carbaryl are eligible for reregistration, depending on their specific uses, provided the risks are mitigated either in the manner described in the RED and IRED or by another means that achieves equivalent risk reduction. Upon submission of any required product specific data under section 4(g)(2)(B) of FIFRA and any necessary changes to the registration and labeling (either to address concerns identified in the RED or as a result of product specific data), EPA will make a final reregistration decision under section 4(g)(2)(C) of FIFRA for products containing carbaryl.

EPA is applying the principles of public participation to all pesticides undergoing reregistration and tolerance reassessment. The Agency's Pesticide Tolerance Reassessment and Reregistration; Public Participation Process, published in the **Federal Register** on May 14, 2004, (69 FR 26819) (FRL–7357–9) explains that in conducting these programs, EPA is tailoring its public participation process to be commensurate with the level of risk, extent of use, complexity of issues, and degree of public concern associated with each pesticide. EPA worked extensively with stakeholders and the public to reach the regulatory decisions for both the carbaryl IRED and RED. The carbaryl IRED was developed through the full 6 phase public participation process, and the carbaryl RED was developed through additional stakeholder collaboration.

The reregistration program is being conducted under congressionally mandated time frames, and EPA recognizes the need both to make timely decisions and to involve the public. Because all issues related to this pesticide were resolved through consultations with stakeholders, the

Agency is issuing the carbaryl RED without a comment period.

B. What is the Agency's Authority for Taking this Action?

Section 4(g)(2) of FIFRA, as amended, directs that, after submission of all data concerning a pesticide active ingredient, ''the Administrator shall determine whether pesticides containing such active ingredient are eligible for reregistration,'' before calling in product specific data on individual end-use products and either reregistering products or taking other ''appropriate regulatory action.''

List of Subjects

Environmental protection, Carbaryl, Pesticides and pests.

Dated: October 3, 2007,

Steven Bradbury,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. E7–20104 Filed 10–16–07; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2007–1005; FRL–8153–2]

Petition to Revoke All Tolerances and Cancel All Registrations for the Pesticide Chlorpyrifos; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is seeking public comment on a September 12, 2007, petition from the National Resources Defense Council (NRDC) and Pesticide Action Network North America (PANNA), available in docket number EPA–HQ–OPP–2007–1005, requesting that the Agency revoke all tolerances and cancel all registrations for the pesticide chlorpyrifos. The petitioners, NRDC and PANNA, request this action to obtain what they believe would be proper application of the safety standards of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA), section 408, as amended by the Food Quality Protection Act (FQPA) of 1996.

DATES: Comments must be received on or before December 17, 2007.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2007–1005, by one of the following methods:

• *Federal eRulemaking Portal*: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.

• *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

• *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305–5805.

Instructions: Direct your comments to docket ID number EPA–HQ–OPP–2007–1005. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The regulations.gov website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the docket index available in regulations.gov. To access the electronic docket, go to *http://www.regulations.gov*, select ''Advanced Search,'' then ''Docket Search.'' Insert the docket ID number where indicated and select the ''Submit'' button. Follow the instructions on the regulations.gov website to view the docket index or access available documents. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Tom Myers, Special Review and Reregistration Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–8589; fax number: (703) 308–7070; e-mail address: *myers.tom@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders, including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI*. Do not submit this information to EPA through regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is

claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. What Action is the Agency Taking?

EPA requests public comment during the next 60 days on a petition (available in docket number EPA–HQ–OPP–2007–1005) received from the NRDC and PANNA requesting that the Agency revoke all tolerances (maximum legal residue limits) and cancel all registrations for the pesticide chlorpyrifos. The petitioners, NRDC and PANNA, claim that EPA cannot make a finding that there is a reasonable certainty of no harm from dietary residues of chlorpyrifos and, therefore, that the Agency must revoke all tolerances established under section 408 of the FFDCA, as amended by the FQPA. As a part of their petition, NRDC and PANNA claim that the Agency did not consider the full spectrum of potential health effects associated with chlorpyrifos in connection with EPA's reassessment of the existing chlorpyrifos tolerances, including:

1. Evidence showing the potential for a greater than 10-fold difference in susceptibility to chlorpyrifos across human populations and, in particular, evidence of greater susceptibility in early life stages than EPA estimated;

2. The endocrine disrupting effects of the chemical, or

3. Evidence of cancer risk data as indicated from a National Institutes of Health study.

The petition further asserts that EPA's evaluation of chlorpyrifos in the organophosphate cumulative risk assessment (CRA) misrepresented the risks of chlorpyrifos and that EPA failed to incorporate inhalation routes of exposure to chlorpyrifos in conducting its assessment. EPA's human health assessment of chlorpyrifos and findings on whether the tolerances for chlorpyrifos comply with the safety standard in FFDCA Section 408, as amended by the FQPA, are contained in the Interim Reregistration Eligibility Decision document for chlorpyrifos and the organophosphate CRA, which are available on EPA's pesticide webpage at *http://www.epa.gov/pesticides/reregistration/status.htm* and *http://www.epa.gov/pesticides/cumulative/2006-op/index.htm*. Docket materials for this pesticide are available in the electronic docket at *http://www.regulations.gov*; risk assessment and related documents for this pesticide have been removed to Special Docket EPA–HQ–OPP–2007–0151.

List of Subjects

Environmental protection, Pesticides and pests, Chlorpyrifos, National Resources Defense Council, Pesticide Action Network North America.

Dated: October 9, 2007.

Steven Bradbury,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. E7–20442 Filed 10–16–07; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8483–6]

Proposed CERCLA Administrative Cost Recovery Settlement; Company, Inc., Buckley Drive Waterline Superfund Site, Bennington, VT

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlement; request for public comment.

SUMMARY: In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (''CERCLA''), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement for recovery of past response costs concerning the Buckley Drive Waterline Superfund Site in Bennington, Vermont. The settlement requires the settling parties to pay $740,000.00 to the Hazardous Substance Superfund. The settlement includes a covenant not to sue the settling parties pursuant to Section 107(a) of CERCLA, 42 U.S.C. 9606 and 9607. For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate.

The Agency's response to any comments received will be available for public inspection at One Congress Street, Boston, MA 02114–2023.

DATES: Comments must be submitted on or before November 16, 2007.

ADDRESSES: Comments should be addressed to the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100, Mailcode RAA, Boston, Massachusetts 02114–2023 and should refer to: In re: Buckley Drive Waterline Superfund Site, U.S. EPA Docket No. 01–2007–160.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed settlement may be obtained from Mary Jane O'Donnell, U.S. Environmental Protection Agency, Region I, Office of Site Remediation & Restoration, One Congress Street, Suite 1100, Mailcode HBT, Boston, MA 02114–2023.

Dated: September 25, 2007.

James T. Owens III,

Director, Office of Site Remediation & Restoration.

[FR Doc. E7–20437 Filed 10–16–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2007–0698; FRL–8146–1]

Hazard Education before Renovation of Target Housing; State of Utah Authorization Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for comments and opportunity for public hearing.

SUMMARY: On October 13, 2006, EPA received an application from the State of

Utah requesting authorization to administer a program in accordance with section 406(b) of the Toxic Substances Control Act (TSCA). This program ensures that owners and occupants of target housing are provided information concerning potential hazards of lead–based paint (LBP) exposure before certain renovations are begun on that housing. In addition to providing general information on the health hazards associated with exposure to lead, the lead hazard information pamphlet advises owners and occupants to take appropriate precautions to avoid exposure to lead–contaminated dust and LBP debris that are sometimes generated during renovations. EPA believes that distribution of the pamphlet will help to reduce the exposures that cause serious lead poisonings, especially in children under age 6, who are particularly susceptible to the hazards of lead. The final rule (TSCA 406(b)) was published in the **Federal Register** of June 1, 1998.

DATES: Comments must be received on or before December 3, 2007. In addition, a public hearing request may be submitted on or before October 24, 2007.

ADDRESSES: Submit all written comments and/or requests for a public hearing identified by docket identification (ID) number EPA–HQ–OPPT–2007–0698, by one of the following methods:

- *Federal e-Rulemaking 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–2007–0698. 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–2007–0689. EPA's policy is that all comments received will be included in the public 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*http://www.regulations.gov*, or e-mail. The*http://www.regulations.gov*, website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through*http://www.regulations.gov*, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of the comment and with any disk or CD ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at: *http://www.epa.gov/epahome/dockets.htm*.

Docket: All documents in the docket are listed in the docket index available in regulations.gov. To access the electronic docket, go to*http://www.regulations.gov*, select ''Advanced Search,'' then ''Docket Search.'' Insert the docket ID number where indicated and select the ''Submit'' button. Follow the instructions on the regulations.gov website to view the docket index or access available documents. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, 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: Amanda Hasty, Pollution Prevention, Pesticides and Toxics Program (P3T), U.S. EPA, Region 8, 1595 Wynkoop St., Denver, CO 80202–1129; telephone number: (303) 312–6966; e-mail address:*hasty.amanda@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may potentially be affected by this action if you perform renovations of target housing for compensation in the State of Utah. Target housing is defined in the Code of Federal Regulations (see 40 CFR 745.103) as any housing constructed prior to 1978. Potentially affected entities may include, but are not limited to:

- Renovators (North American Industrial Classification System (NAICS) code 236116, 236118), e.g., general building contractors/operative builders, renovation firms, individual contractors, and special trade contractors like carpenters, painters, drywall workers and lathers, ''home improvement'' contractors.
- Multi-family housing owners/managers (NAICS code 531311, 531110), e.g., property management firms and some landlords.

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 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 40 CFR 745.82. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION**.

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI*. Do not submit this information to EPA through *http://www.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 CD ROM or disk 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. EPA may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. Background

A. What Action is the Agency Taking?

The State of Utah has provided a self-certification letter stating that its pre-renovation notification program meets the requirements for authorization of a state program under section 404 of TSCA and has requested approval of the Utah pre-renovation notification program. Therefore, pursuant to section 404 of TSCA, the program is deemed authorized as of the date of submission, October 13, 2006. If EPA subsequently finds that the program does not meet all the requirements for approval of a state program, EPA will work with the state to correct any deficiencies in order to approve the program. If the deficiencies are not corrected, a notice of disapproval will be issued in the **Federal Register** and a Federal program will be implemented in the State.

Pursuant to section 404(b) of TSCA (15 U.S.C. 2684(b)), EPA provides notice and an opportunity for a public hearing on a state or tribal program application before approving the application. Therefore, by this notice EPA is soliciting public comment on whether the State of Utah application meets the requirements for EPA approval. This notice also provides an opportunity to request a public hearing on the application. If a hearing is requested and granted, EPA will issue a **Federal Register** notice announcing the date, time, and place of the hearing. EPA's final decision on the application will be published in the **Federal Register**.

B. What is the Agency's Authority for Taking this Action?

On October 28, 1992, the Housing and Community Development Act of 1992, Public Law 102–550, became law. Title X of that statute was the Residential Lead-Based Paint Hazard Reduction Act of 1992. That Act amended TSCA (15 U.S.C. 2601 *et seq.*) by adding Title IV (15 U.S.C. 2681–2692), entitled *Lead Exposure Reduction.*

Section 402 of TSCA (15 U.S.C. 2682) authorizes and directs EPA to promulgate final regulations governing LBP activities in target housing, public and commercial buildings, bridges and other structures. Those regulations are to ensure that individuals engaged in such activities are properly trained, that training programs are accredited, and that individuals engaged in these activities are certified and follow documented work practice standards. Under section 404 of TSCA (15 U.S.C. 2684), a State may seek authorization from EPA to administer and enforce its own LBP paint activities program.

In the **Federal Register** of August 29, 1996 (61 FR 45777) (FRL–5389–9), EPA promulgated final TSCA section 402/404 regulations governing LBP activities in target housing and child-occupied facilities (a subset of public buildings). Those regulations are codified at 40 CFR part 745, and allow both states and Indian tribes to apply for program authorization. Pursuant to section 404(h) of TSCA (15 U.S.C. 2684(h)), EPA is to establish the Federal program in any state or tribal nation without its own authorized program in place by August 31, 1998.

States and tribes that choose to apply for program authorization must submit a complete application to the appropriate regional EPA office for review. Those applications will be reviewed by EPA within 180 days of receipt of the complete application. To receive EPA approval, a state or tribe must demonstrate that its program is at least as protective of human health and the environment as the Federal program, and provides for adequate enforcement (section 404(b) of TSCA, 15 U.S.C. 2684(b)). EPA's regulations (40 CFR part 745, subpart Q) provide the detailed requirements a State or Tribal program must meet in order to obtain EPA approval.

A state may choose to certify that its LBP activities program (40 CFR part 745, subpart L) and/or pre-renovation notification program (40 CFR part 745, subpart E) meets the requirements for EPA approval, by submitting a letter signed by the Governor or Attorney General stating that the program meets the requirements of section 404(b) of TSCA. Upon submission of such certification letter, the program is deemed authorized (15 U.S.C. 2684(a)). This authorization becomes ineffective, however, if EPA disapproves the application or withdraws the program authorization.

III. State Program Description Summary

The following summary of the State of Utah proposed pre-renovation education program was provided by the applicant.

During the 1998 Utah legislative session, Senate Bill 118 (SB 118) was unanimously passed by both the House and the Senate. SB 118 amends Utah Code Annotated (UCA) Section 19-2-104 of the Utah Air Conservation Act, which provides authority for the Utah Air Quality Board (Board) to make administrative rules for a Utah LBP Program. The legislation specifically gives authority to the Board to make rules for training, certification and performance requirements in accordance with sections 402 and 404 of subchapter IV of TSCA. SB 118 also provides the Board with the authority to establish work practices, certification and clearance sampling requirements for persons who conduct LBP inspections in facilities subject to TSCA Title IV.

The legislation also specifically gives the Board the authority to establish certification requirements for inspectors, risk assessors, supervisors, project designers and abatement workers when performing LBP activities subject to TSCA Title IV.

During the 2003 legislative session, House Bill 165 incorporated a change to UCA 19–2–104(1)(i) giving the Board the authority to make administrative rules for programs authorized by TSCA section 406.

The Utah Attorney General's Office reviewed the content of SB 118 prior to enactment and determined that SB 118 would provide the Board with the

necessary legislative authority to develop a Utah LBP Program that is as protective as the Federal LBP Program (Title 40 Code of Federal Regulations (40 CFR part 745)).

Administrative Rule Summary

On August 3, 2005, the Utah Department of Environmental Quality/ Division of Air Quality (UDEQ/DAQ) provided the Board with a proposed modification to Utah Administrative Code (UAC) R307-840--Lead-Based Paint Accreditation, Certification and Work Practice Standards to establish the rules necessary for the Utah LBP Program to administer 40 CFR part 745, subpart E--Residential Property Renovation which is otherwise known as the Lead Pre-Renovation Education Rule. UAC R307-840 substantially adopts 40 CFR part 745, subpart E by reference.

On November 2, 2005, the UDEQ/ DAQ reported back to the Board that no public comments were received during the public hearing period. The Board subsequently adopted the UDEQ/DAQ proposed modifications to the existing version of UAC R307–840 (Appendix 4) with an effective date of November 3, 2005.

UAC R307–840 incorporates the federal regulation with a few modifications to facilitate LBP program implementation by the State of Utah. The UDEQ/DAQ considers these modifications necessary to implement an effective LBP program and also considers these modifications to be as protective to human health and the environment as the federal LBP program. The following paragraphs provide a brief summary of the three sections in UAC R307–840. Each section will identify which parts in 40 CFR part 745, subpart E are adopted by reference and give a brief overview of its contents.

Throughout UAC R307–840, nearly all references to ''EPA'' (the U.S. Environmental Protection Agency) when used for LBP program administrative activities have been replaced with ''the Executive Secretary'' (meaning Executive Secretary of the Utah Air Quality Board).

R307-840-1: Purpose and Applicability

No modifications were made to this section during this rulemaking.

R307-840-2: Definitions

This section substantially adopts 40 CFR 745.83 by reference. The reference to EPA in the definition of ''Pamphlet'' was not replaced with ''the Executive Secretary'' in this particular instance because it was inappropriate to do such.

R307-840-3: Accreditation, Certification and Work Standards: Target Housing and Child-Occupied Facilities

UAC R307-840-3 adopts 40 CFR 745.80, 745.81, 745.82, 745.85, 745.86, and 745.88 from the federal LBP regulations by reference. This section of the Utah LBP rule outlines the requirements for Utah LBP work practice standards as it applies to the Utah Pre-Renovation Education Rule.

UAC R307-840-3 creates some minor modifications to the federal LBP regulations to facilitate program implementation in Utah. The reference to EPA in 40 CFR 745.86(b)(1) was not replaced with ''the Executive Secretary'' in this particular instance because it was inappropriate to do such. Two references to federal regulations found in 40 CFR 745.82(b)(3) and 745.86(b)(1) were replaced with R307-840 to facilitate program administration in Utah. Errors found in 40 CFR 745.86(b)(1), 745.88(b)(2)(i), and 745.88(b)(2)(ii) were corrected in UAC R307-840 by Utah rulemaking.

IV. Federal Overfiling

Section 404(b) of TSCA makes it unlawful for any person to violate, or fail or refuse to comply with, any requirement of an approved State or Tribal program. Therefore, EPA reserves the right to exercise its enforcement authority under TSCA against a violation of, or a failure or refusal to comply with, any requirement of an authorized State or Tribal program.

V. Submission to Congress and the Comptroller General

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

List of Subjects

Environmental protection, Hazardous substances, Lead, Renovation notification, Reporting and recordkeeping requirements.

Dated: September 17, 2007.

Kerrigan G. Clough,

Region 8, Acting Administrator.

[FR Doc. E7–20446 Filed 10–16–07; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL COMMUNICATIONS COMMISSION

[DA 07–4132]

Consumer Advisory Committee

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Commission announces the next meeting date and agenda of its Consumer Advisory Committee (''Committee''). The purpose of the Committee is to make recommendations to the Commission regarding consumer issues within the jurisdiction of the Commission and to facilitate the participation of all consumers in proceedings before the Commission.

DATES: The next meeting of the Committee will take place on Friday, November 2, 2007, 9 a.m. to 4 p.m.

ADDRESSES: Federal Communications Commission, 445 12th Street, NW., Room TW–C305, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Scott Marshall, Consumer & Governmental Affairs Bureau, (202) 418–2809 (voice), (202) 418–0179 (TTY), or e-mail *scott.marshal@fcc.gov*.

SUPPLEMENTARY INFORMATION: On October 10, 2007, the Commission released document DA 07–4132, which announced the agenda, date and time of the next Consumer Advisory Committee meeting. At its November 2, 2007 meeting, the Committee will continue its consideration of digital television (DTV) outreach including a demonstration of converter box technology. The Committee will also consider other consumer issues within the jurisdiction of the Commission. A limited amount of time on the agenda will be available for oral comments from the public.

The Committee is organized under and operates in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2 (1988). The meeting is open to the public. Members of the public may address the Committee or may send written comments to: Scott Marshall, Designated Federal Officer of the Committee, at the address indicated on the first page of this document. The meeting site is accessible to people with

disabilities. Meetings are sign language interpreted with real-time transcription and assistive listening devices available. Meeting agendas are provided in accessible formats.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Federal Communications Commission.

Thomas D. Wyatt,

Deputy Bureau Chief, Consumer & Governmental Affairs Bureau.

[FR Doc. E7–20503 Filed 10–16–07; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within ten days of the date this notice appears in the **Federal Register**. Copies of agreements are available through the Commission's Office of Agreements (202–523–5793 or *tradeanalysis@fmc.gov*).

Agreement No.: 010071–034.

Title: Cruise Lines International Association Agreement.

Parties: American Cruise Lines, Inc.; Carnival Cruise Lines; Celebrity Cruises, Inc.; Costa Cruise Lines; Crystal Cruises; Cunard Line; Disney Cruise Line; Holland America Line; MSC Cruises; Norwegian Coastal Voyage, Inc./Bergen Line Services; Norwegian Cruise Line; Oceania Cruises; Orient Lines; Princess Cruises; Regent Seven Seas Cruises; Royal Caribbean International; Seabourn Cruise Line; SeaDream Yacht Club; Silversea Cruises, Ltd. and Windstar Cruises.

Filing Party: Robert Sharak, VP Marketing & Distribution; Cruise Lines International Association; 910 SE 17th Street Ste 400, Fort Lauderdale, FL 33316.

Synopsis: The amendment would add Azamara Cruises, Inc., Majestic America Line, and Uniworld River Cruises, Inc. as parties to the agreement.

Agreement No.: 011488–003.

Title: CSAV/NYKCool Space Charter Agreement.

Parties: CSAV Sud Americana de Vapores S.A. and NYKCool AB.

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell LLP; 1850 M Street NW; Suite 900; Washington, DC 20036.

Synopsis: The amendment changes the name LauritzenCool AB to NYKCool AB in the agreement, and republishes the agreement to reflect these changes.

By Order of the Federal Maritime Commission.

Dated: October 11, 2007.

Bryant L. VanBrakle,

Secretary.

[FR Doc. E7–20414 Filed 10–16–07; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for license as a Non-Vessel Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. Chapter 409 and 46 CFR part 515).

Persons knowing of any reason why the following applicants should not receive a license are requested to contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

Non-Vessel Operating Common Carrier Ocean Transportation Intermediary Applicants

Pacific Groupage Services, Inc., 9024 Foxwood Drive, Keller, TX 76248. Officers: Michael L. Hayhurst, Vice President (Qualifying Individual), Yatendra Malhotra, President.

Cargonline (USA) Inc., 245 E. Main Street, #112, Alhambra, CA 91801. Officers: Stephen Ming-Hong Kiang, Vice President (Qualifying Individual), Wailun Hon, President.

Kardel Enterprises Inc. dba Pakya, 1557 NW 82nd Avenue, Doral, FL 33126. Officers: Martha S. Ramos, General Manager (Qualifying Individual), Margarita Levis, President.

Driver's Diversified, Inc. dba Double D Logistics, Inc., P.O. Box 208, Stony Ridge, OH 43463. Officers: James R. Jacobs, President, John J. Ertle, Vice President (Qualifying Individuals).

Ocean Star Logistics Inc., 2200 South Fremont Ave., Suite 202, Alhambra, CA 91803, Janet Li, President (Qualifying Individual).

Neptune Shipping Limited dba Novalink Logistics, 1223 S. Monterey Street, Alhambra, CA 91801. Officers: Yao Yao Guo, Vice President (Qualifying Individual), Xucai Xu, President.

Pacific Delta Lines, Inc., 4733 Torrance Blvd., Ste. 168, Torrance, CA 90503. Officers: Waingan Woo, Secretary (Qualifying Individual), Wanlan Zhang, President.

United Marine Management, 20160 Paseo Del Pardo, Ste. H, Walnut, CA 91789. Officer: Yanli (Yvonne) Y. Liu, President (Qualifying Individual).

Non-Vessel Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants

KYN International Inc., 11700 NW 101st Road, Ste. 6, Miami, FL 33178. Officers: Noel Quintana, President (Qualifying Individual), Kelsy Quintana, Vice President.

Panorama Services & Travel Corp., 10510 W. Flagler Street, Miami, FL 33174. Officers: Norman Ali, Uriarte, General Manager (Qualifying Individual), Norman Aly Uriarte, President.

Ambert Inc. dba Afreican Express Lines, 249 Merrifield Avenue, Oceanside NY 11572. Officer: Selina Megertichian-Feinstein, President (Qualifying Individual).

Joker Logistics (USA) Inc., 11200 Metro Airport Center Dr., Ste. 100, Romulus, MI 48174. Officers: Daniel Hradetzky, Vice President (Qualifying Individual), Roland Mischke, Managing Director.

Glovis America, Inc., 1665 Scenic Avenue, Ste. 250, Costa Mesa, CA 92626. Officers: Tae Woo Kim, Vice President (Qualifying Individual), ChiwoongKim, CEO.

Ocean Freight Forwarder—Ocean Transportation Intermediary Applicants

FA Logistics International Corp., 6995 NW 82nd Avenue, Miami, FL 33166. Officer: Franklin Almeida, President (Qualifying Individual).

JAV Cargo, Inc., 4249 Remo Crescent Drive, Bensalem, PA 19020. Officer: John Allen Bustamante Villarin, President (Qualifying Individual).

Manns Freight Systems, Inc. dba Guardian Global Transport, 2440 Enterprise Drive, Mendota Heights, MN 55120. Officers: Mike Sweeney, Secretary (Qualifying Individual), Alan Meehan, President.

Apac Logistic Transportation, 840 Hinckley Road, #138, Burlingame, CA 94010. Officers: Pei-Qing Gu, Vice President (Qualifying Individual), Sylvia Mortgat, President.

Continuum International Logistics, Inc., 61 Gray's Bridge Road, Brookfield, CT 06877. Officers: Steven Hitchcock, President (Qualifying Individual), John McAuliffe, C-President.

Automated Cargo Transport Service, Inc. dba ACTS, 9 Barkentine Road, Rancho Palos Verdes, CA 90275. Officer: Richard Alton Schleicher, CEO (Qualifying Individual).

Dated: October 11, 2007.

Bryant L. VanBrakle,

Secretary.

[FR Doc. E7–20412 Filed 10–16–07; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

SUMMARY: Background.

Notice is hereby given of the final approval of proposed information collections by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). Board–approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer –Michelle Shore—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202–452–3829)

OMB Desk Officer–Alexander T. Hunt—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

Final approval under OMB delegated authority of the extension for three years, with revision, of the following report:

1. Report title: Interagency Bank Merger Act Application

Agency form number: FR 2070

OMB control number: 7100–0171

Frequency: On occasion

Reporters: State member banks

Annual reporting hours: Nonaffiliate Transactions: 1,560; Affiliate Transactions: 234

Estimated average hours per response: Nonaffiliate Transactions: 30; Affiliate Transactions: 18

Number of respondents: Nonaffiliate Transactions: 52; Affiliate Transactions: 13

General description of report: This information collection is mandatory (12 U.S.C. 1828(c)) and is not given confidential treatment. However, applicants may request that parts of a submitted application be kept confidential. In such cases, the burden is on the applicant to justify the exemption by demonstrating that disclosure would cause substantial competitive harm or result in an unwarranted invasion of personal privacy or would otherwise qualify for an exemption under the Freedom of Information Act (5 U.S.C. 552). The confidentiality status of the information submitted will be judged on a case–by–case basis.

Abstract: The Federal Reserve, the Office of the Comptroller of the Currency (OCC), the Federal Deposit Insurance Corporation (FDIC) and the Office of Thrift Supervision (OTS) (the agencies) each use this application form to collect information for bank merger proposals that require prior approval under the Bank Merger Act. Prior approval is required for every merger transaction involving affiliated or nonaffiliated institutions and must be sought from the regulatory agency of the depository institution that would survive the proposed transaction. A merger transaction may include a merger, consolidation, assumption of deposit liabilities, or certain asset–transfers between or among two or more institutions. The Federal Reserve collects this information so that it may meet its statutory obligation to evaluate the competitive, financial, managerial, future prospects, and convenience and needs aspects of each state member bank merger proposal.

Current Actions: The Federal Reserve will update the General Information and Instructions to reflect passage of the Federal Deposit Insurance Reform Act of 2005, which was enacted on February 8, 2006. Provisions of this legislation directed the merger of the Bank Insurance Fund and the Savings Association Insurance Fund into a new Deposit Insurance Fund. The formation of the single insurance fund eliminated the need for two types of insurance–related applications that had been required for certain bank merger transactions. The revisions relate entirely to the eliminated filing requirements. On July 18, 2007, the Federal Reserve published a notice in the Federal Register (72 FR 39429) requesting public comment for sixty days on the extension, with revision, of the Interagency Bank Merger Act Application; the comment period expired on September 17, 2007. The Federal Reserve did not receive any comments. The revisions will be implemented as proposed.

On August 7, 2007, the OCC and FDIC published a separate Federal Register notice (72 FR 44220) requesting public comment for sixty days on these revisions; the comment period expired on October 9, 2007. The OTS will publish a separate Federal Register notice requesting public comment on these revisions.

2. Report title: Intermittent Survey of Businesses

Agency form number: FR 1374

OMB control number: 7100–0302

Frequency: on occasion

Reporters: businesses

Annual reporting hours: 205

Estimated average hours per response: 15 minutes

Number of respondents: 250

General description of report: This information collection is voluntary (12 U.S.C. 225a and 263) and may be given confidential treatment (5 U.S.C. 552(b)(4)).

Abstract: The survey data are used by the Federal Reserve to gather information specifically tailored to the Federal Reserve's policy and operational responsibilities. There are two parts to this event–generated survey. First, the Federal Reserve Banks survey business contacts as economic developments warrant. Currently, they conduct these surveys two times per year, with approximately 120 business respondents for each survey (about ten per Reserve Bank). Usually, these surveys are conducted by Reserve Bank economists telephoning or emailing purchasing managers, economists, or other knowledgeable individuals at selected, relevant businesses. The frequency and content of the questions, as well as the businesses contacted, vary depending on changing developments in the economy. Second, economists at the Board survey business contacts by telephone, inquiring about current business conditions. Historically, these surveys have been conducted biweekly, with approximately ten respondents for each survey.

Current actions: The Federal Reserve will revise the frequency of both parts of the survey in response to recent changes in the demand for these data by the Board members. The Reserve Bank portion of the survey will be conducted as economic events dictate (about three times per year). The Board portion of the survey will be conducted on an

event–generated basis, no more than ten times per year. In addition, the Federal Reserve will increase the number of respondents for the Reserve Bank part of the survey from 120 to 240 (twenty per Reserve Bank). On July 23, 2007, the Federal Reserve published a notice in the Federal Register (72 FR 40152) requesting public comment for sixty days on the extension, with revision, of the Intermittent Survey of Businesses; the comment period expired on September 21, 2007. The Federal Reserve did not receive any comments. The revisions will be implemented as proposed.

Final approval under OMB delegated authority of the extension for three years, without revision, of the following report:

1. Report title: Interagency Notice of Change in Control, Interagency Notice of Change in Director or Senior Executive Officer, and Interagency Biographical and Financial Report.

Agency form number: FR 2081a, FR 2081b, and FR 2081c

OMB control number: 7100–0134

Frequency: On occasion

Reporters: Financial institutions and certain of their officers and shareholders

Annual reporting hours: FR 2081a: 3,150; FR 2081b: 142; FR 2081c: 2,464

Estimated average hours per response: FR 2081a: 30; FR 2081b: 2; FR 2081c: 4

Number of respondents: FR 2081a: 105; FR 2081b: 71; FR 2081c: 616

General description of report: This information collection is mandatory (12 U.S.C. 1817(j) and 12 U.S.C. 1831(i)) and is not given confidential treatment. However, applicants may request that parts of a submitted application be kept confidential. In such cases, the burden is on the applicant to justify the exemption by demonstrating that disclosure would cause substantial competitive harm or result in an unwarranted invasion of personal privacy or would otherwise qualify for an exemption under the Freedom of Information Act (5 U.S.C. 552). The confidentiality status of the information submitted will be judged on a case–by–case basis.

Abstract: The information collected assists the Federal Reserve, the Office of the Comptroller of the Currency (OCC), the Federal Deposit Insurance Corporation (FDIC) and the Office of Thrift Supervision (OTS) (the agencies) in fulfilling their statutory responsibilities as supervisors. Each of these forms is used to collect information in connection with applications and notices filed prior to proposed changes in the ownership or management of banking organizations. The agencies use the information to evaluate the controlling owners, senior officers, and directors of the insured depository institutions subject to their oversight.

Current Actions: On July 18, 2007, the Federal Reserve published a notice in the Federal Register (72 FR 39429) requesting public comment for sixty days on the extension, without revision, of these notices and reporting form; the comment period expired on September 17, 2007. The Federal Reserve did not receive any comments. On August 7, 2007, the OCC and FDIC published a separate Federal Register notice (72 FR 44220) requesting public comment for sixty days on the extension; the comment period expired on October 9, 2007. The OTS will publish a separate Federal Register notice requesting public comment on the extension.

2. Report title: Semiannual Report of Derivatives Activity

Agency form number: FR 2436

OMB control number: 7100–0286

Frequency: Semiannually

Reporters: U.S. dealers of over–the–counter derivatives

Annual reporting hours: 2,100

Estimated average hours per response: 150

Number of respondents: 7

General description of report: This information collection is voluntary (12 U.S.C. 225a, 263, 348a, and 353–359) and is given confidential treatment (5 U.S.C. 552(b)(4)).

Abstract: Data are collected on notional amounts and gross market values of outstanding OTC derivatives contracts for broad categories of market risk: foreign exchange, interest rate, equities, commodities, and credit. For the different types of market risk except commodities, further detail is collected on the underlying market risk of each contract–– the underlying currency, equity market, or reference entity (borrower). This collection of information complements the triennial Central Bank Survey of Foreign Exchange and Derivatives Market Activity (FR 3036; OMB No. 7100–0285). The FR 2436 collects similar data on the outstanding volume of derivatives, but not on derivatives turnover. The Federal Reserve conducts both surveys in coordination with other central banks and forwards the aggregated data furnished by U.S. reporters to the Bank for International Settlements, which publishes global market statistics that are aggregations of national data.

Current Actions: On July 23, 2007, the Federal Reserve published a notice in the Federal Register (72 FR 40152) requesting public comment for sixty days on the extension, without revision, of the Semiannual Report of Derivatives Activity; the comment period expired on September 21, 2007. The Federal Reserve did not receive any comments.

Board of Governors of the Federal Reserve System, October 12, 2007.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. E7–20413 Filed 10–16–07; 8:45 am]

BILLING CODE 6210–01–S

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 November 1, 2007.

A. Federal Reserve Bank of Kansas City (Todd Offenbacker, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. Loris D. New Trust, UTA 09–07–93, Loris D. New, Leavenworth, Kansas, trustee; to acquire voting shares of Tonganoxie Bankshares, Inc., and thereby indirectly acquire voting shares of First State Bank and Trust, both in Tonganoxie, Kansas.

In connection with this application, The Damon L. New Trust, UTA 12–12–97, Damon L. New, Leavenworth, Kansas, as trustee and individually; the Jilinda A. White Trust, UTA 12–12–97, Jilinda A. White, Leavenworth, Kansas, as trustee and individually; the Shawnda D. Gilmore Trust, UTA 12–12–97, Shawnda D. Gilmore, Leavenworth, Kansas, as trustee and individually; the Brandon O. New Trust, UTA 12–12–97, Brandon O. New, Leavenworth, Kansas, as trustee and individually, as members of the New Family Group, a group acting in concert; has applied to retain voting shares of Tonganoxie Bankshares, Inc., and thereby indirectly retain voting shares of First State Bank and Trust, both in Tonganoxie, Kansas.

2. Jarrel M. Jones, individually, as a member of the Jarrel M. Jones Family Group, and as trustee of the Jimmy K. and Annahlee Jones Trust for Matthew Howard Franks, the Jimmy K. and Annahlee Jones Trust for Michael James Franks, the Jimmy K. and Annahlee Jones Trust for Mark William Franks, the Jimmy K. and Annahlee Jones Trust for Annahlyn Dawn Jones, the Jimmy K. and Annahlee Jones Trust for Emmie Kathryn Jones, the Jimmy K. and Annahlee Jones Trust for James Ryan Jones, the Jimmy K. and Annahlee Jones Trust for Jeffrey Allen Jones, the Jimmy K. and Annahlee Jones Trust for Laura Janell Jones, the Jimmy K. and Annahlee Jones Trust for Jennifer Lee Jones, the Jimmy K. and Annahlee Jones Trust for James Christopher Jones, the Jimmy K. and Annahlee Jones Trust for James Eric Jones, the Jimmy K. and Annahlee Jones Trust for Jordan Elijah Helmerich, the Jimmy K. and Annahlee Jones Trust for Erica Elicia Helmerich, the Jimmy K. and Annahlee Jones Trust for Jason William Deck, the Jimmy K. and Annahlee Jones Trust for James Bryan Deck, the Jimmy K. and Annahlee Jones Trust for Jessie Anna Deck; James C. Jones, James E. Jones, all of Tulsa, Oklahoma, and Jennifer Lee Carroll, Bixby, Oklahoma, as members of the Jarrel M. Jones Family Group; to acquire voting shares of Triad Bancshares, Inc., and thereby indirectly acquire voting shares of Triad Bank, National Association, both in Tulsa, Oklahoma.

Board of Governors of the Federal Reserve System, October 12, 2007.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E7–20422 Filed 10–16–07; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center Web site at *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 November 9, 2007.

A. Federal Reserve Bank of Kansas City (Todd Offenbacker, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. Central Bancorp, Inc.; to become a bank holding company by acquiring 100 percent of the voting shares of Central Bank & Trust (in organization), both of Colorado Springs, Colorado.

In connection with this application, Applicant also has applied to acquire Elite Properties of America II, Inc.; CB&T Mortgage, Inc.; CityFirst Mortgage, LLC; and CB&T Wealth Management, Inc.; all of Colorado Springs, Colorado; and CB&T Trust, LLC, Sioux Falls, South Dakota; and thereby engage in extending credit, servicing loans, trust activities, and financial and investment advisory activities, pursuant to sections 225.28(b)(1); 225.28(b)(5); 225.28(b)(6)(i) and 225.28(b)(6)(v) of Regulation Y.

Board of Governors of the Federal Reserve System, October 11, 2007.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc.E7–20370 Filed 10–16–07; 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 November 13, 2007.

A. Federal Reserve Bank of Minneapolis (Jacqueline G. King, Community Affairs Officer) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. First Interstate BancSystem, Inc., Billings, Montana; to acquire 100 percent of the voting shares of First Western Bank, Wall, South Dakota, and The First Western Bank of Sturgis, Sturgis, South Dakota.

2. Ramsey Financial Corporation and Affiliates Employee Stock Ownership Plan; to become a bank holding company by acquring additional voting shares, for a total of at least 50.7 percent, of the voting shares of Ramsey Financial Corporation, and thereby indirectly acquire voting shares of Ramsey National Bank and Trust Company of Devils Lake, all of Devils Lake, North Dakota.

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. The Jarrel Morris Jones Family, LLC, to become a bank holding company by acquiring 35.4 percent of the voting shares of Triad Bancshares, Inc., and thereby indirectly acquire voting shares of Triad Bank, National Association, all of Tulsa, Oklahoma.

2. Lone Star State Bancshares, Inc., Lubbock, Texas; to become a bank holding company by acquiring 100

percent of the voting shares of Lone Star State Bank of West Texas, Lubbock, Texas, a *de novo* bank.

3. A.N.B. Holding Company, Ltd., and The ANB Corporation, both of Terrell, Texas, to acquire 100 percent of the voting shares of DNB Bancshares, Inc., Dallas, Texas, and thereby indirectly acquire voting shares of DNB Delaware Financial Corporation, Dover, Delaware, and Dallas National Bank, Dallas, Texas.

Board of Governors of the Federal Reserve System, October 12, 2007.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E7–20421 Filed 10–16–07; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 13, 2007.

A. Federal Reserve Bank of San Francisco (Tracy Basinger, Director, Regional and Community Bank Group) 101 Market Street, San Francisco, California 94105–1579:

1. Castle Creek Capital Partners III LP, Castle Creek Capital III LLC, Eggemeyer Capital LLC, Ruh Capital LLC, and Legions IV Advisory Corp., all of Rancho Santa Fe, California; to acquire additional voting shares, for a total of 42 percent, of the votings shares of Atlanta Bancorporation, and thereby, indirectly acquire additional voting shares of Bank of Atlanta FSB, both of Atlanta, Georgia, and thereby engage in operating a savings association, pursuant to section 225.28(b)(4)(ii) of Regulation Y.

Board of Governors of the Federal Reserve System, October 12, 2007.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E7–20420 Filed 10–16–07; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Toxicology Program (NTP); Liaison and Scientific Review Office; Meeting of the NTP Board of Scientific Counselors

AGENCY: National Institute of Environmental Health Sciences (NIEHS), National Institutes of Health, HHS.

ACTION: Meeting announcement and request for comments.

SUMMARY: Pursuant to Public Law 92–463, notice is hereby given of a meeting of the NTP Board of Scientific Counselors (NTP BSC). The NTP BSC is composed of scientists from the public and private sectors and provides primary scientific oversight to the NTP Director and evaluates the scientific merit of the NTP's intramural and collaborative programs.

DATES: The NTP BSC meeting will be held on December 6, 2007. The deadlines for submission of written comments and for pre-registration for the meeting are November 21 and November 29, 2007, respectively. Persons needing special assistance, such as sign language interpretation or other reasonable accommodation in order to attend, should contact 919–541–2475 (voice), 919–541–4644 TTY (text telephone), through the Federal TTY Relay System at 800–877–8339, or by e-mail to *niehsoeeo@niehs.nih.gov*. Requests should be made at least 7 days in advance of the event.

ADDRESSES: The NTP BSC meeting will be held in the Rodbell Auditorium, Rall Building at the NIEHS, 111 T.W. Alexander Drive, Research Triangle Park, NC 27709. Public comments and any other correspondence should be submitted to Dr. Barbara Shane, Executive Secretary for the NTP BSC (NTP Liaison and Scientific Review Office, NIEHS, P.O. Box 12233, MD A3–01, Research Triangle Park, NC 27709; fax: 919–541–0295; or e-mail: *shane@niehs.nih.gov*).

FOR FURTHER INFORMATION CONTACT: Dr. Barbara Shane (telephone: 919–541–4253 or e-mail: *shane@niehs.nih.gov*).

SUPPLEMENTARY INFORMATION:

Preliminary Agenda Topics and Availability of Meeting Materials

Preliminary agenda topics include:

- Update of NTP activities
- NTP study plans for mold
- Review of NTP study nominations and proposed research and testing activities: aminopyridines, diethyl phthalate, 2-methoxy-4-nitroaniline, nanoscale gold, 2′,2′-dithiobisbenzanilide, and pentaethylenehexamine. The BSC will discuss research concepts for aminopyridines, diethyl phthalate, 2-methoxy-4-nitroaniline, and nanoscale gold. In addition, they will provide comment on a research concept for a phthalates initiative.
- Report of the Technical Reports Review Subcommittee meeting held May 16–17, 2007
- Center for the Evaluation of Risks to Human Reproduction nominations: lead and cadmium
- Update on process and timelines for the Report on Carcinogens
- Implementation of workshop and NTP retreat recommendations

A copy of the preliminary agenda, committee roster, draft NTP research concepts, and any additional information when available, will be posted on the NTP Web site (*http://ntp.niehs.nih.gov/go/165*) or may be requested in hardcopy from the Executive Secretary for the NTP BSC (see **ADDRESSES** above). Following the meeting, summary minutes will be prepared and made available on the NTP Web site.

Attendance and Registration

The meeting is scheduled for December 6, 2007, from 8:30 a.m. to adjournment and is open to the public with attendance limited only by the space available. Individuals who plan to attend are encouraged to register online at the NTP website by November 29, 2007, to facilitate planning for the meeting. Please note that a photo ID is required to access the NIEHS campus. The NTP is making plans to videocast the meeting through the Internet at *http://www.niehs.nih.gov/news/video/index.cfm*.

Request for Comments

Time is allotted during the meeting for the public to present comments to

the NTP BSC on the agenda topics. Each organization is allowed one time slot per agenda topic. At least 7 minutes will be allotted to each speaker, and if time permits, may be extended to 10 minutes at the discretion of the NTP BSC chair. Registration for oral comments will also be available on-site, although time allowed for presentation by on-site registrants may be less than that for pre-registered speakers and will be determined by the number of persons who register at the meeting.

Persons registering to make oral comments are asked, if possible, to send a copy of their statement to the Executive Secretary for the NTP BSC (see **ADDRESSES** above) by November 21, 2007, to enable review by the NTP BSC prior to the meeting. Written statements can supplement and may expand the oral presentation. If registering on-site and reading from written text, please bring 40 copies of the statement for distribution to the NTP BSC and NIEHS/NTP staff and to supplement the record. Written comments received in response to this notice will be posted on the NTP Web site and persons identified by their name and affiliation and/or sponsoring organization, if applicable. Persons submitting written comments should include their name, affiliation (if applicable), phone, e-mail, and sponsoring organization (if any) with the document. Public comments submitted on NTP study nominations in response to a March 29, 2007, **Federal Register** notice (72 FR 14816) are posted on the NTP Web site (*http://ntp.niehs.nih.gov/go/29306*). These submissions will be part of the materials provided to the BSC and do not need to be resubmitted.

Background Information on the NTP Board of Scientific Counselors

The NTP BSC is a technical advisory body comprised of scientists from the public and private sectors that provides primary scientific oversight to the overall program and its centers. Specifically, the NTP BSC advises the NTP on matters of scientific program content, both present and future, and conducts periodic review of the program for the purpose of determining and advising on the scientific merit of its activities and their overall scientific quality. Its members are selected from recognized authorities knowledgeable in fields such as toxicology, pharmacology, pathology, biochemistry, epidemiology, risk assessment, carcinogenesis, mutagenesis, molecular biology, behavioral toxicology, neurotoxicology, immunotoxicology, reproductive toxicology or teratology, and biostatistics. Members serve overlapping terms of up to four years. NTP BSC meetings are held annually or biannually.

Dated: October 10, 2007.

Samuel H. Wilson,

Acting Director, National Institute of Environmental Health Sciences and National Toxicology Program.

[FR Doc. E7–20519 Filed 10–16–07; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the President's Council on Physical Fitness and Sports

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of Public Health and Science.

ACTION: Notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the Department of Health and Human Services (DHHS) is hereby giving notice that the President's Council on Physical Fitness and Sports will hold a meeting. This meeting is open to the public. A description of the Council's functions is included also with this notice.

DATES: November 7, 2007, from 8 a.m. to 3 p.m.

ADDRESSES: Mayo Clinic, Dan Abraham Healthy Living Center, Subway Level, Room 200, 200 First Street, SW., Rochester, Minnesota 55905.

FOR FURTHER INFORMATION CONTACT: Melissa Johnson, Executive Director, President's Council on Physical Fitness and Sports, 200 Independence Avenue, Room 738H, SW., Washington, DC 20201, (202) 690–5187.

SUPPLEMENTARY INFORMATION: The President's Council on Physical Fitness and Sports (PCPFS) was established originally by Executive Order 10673, dated July 16, 1956. PCPFS was established by President Eisenhower after published reports indicated that American boys and girls were unfit compared to the children of Western Europe. Authorization to continue Council operations was given at appropriate intervals by subsequent Executive Orders. The Council has undergone two name changes and several reorganizations. Presently, the PCPFS is a program office located organizationally in the Office of Public Health and Science within the Office of the Secretary in the U.S. Department of Health and Human Services.

On September 28, 2007, President Bush signed Executive Order 13265 to reestablish the PCPFS. Executive Order 13265 was established to expand the focus of the Council. This directive instructed the Secretary to develop and coordinate a national program to enhance physical activity and sports participation. The Council currently operates under the stipulations of the new directive. The primary functions of the Council include: (1) To advise the President, through the Secretary, on the progress made in carrying out the provisions of the enacted directive and recommend actions to accelerate progress; (2) to advise the Secretary on ways and means to enhance opportunities for participation in physical fitness and sports and, where possible, to promote and assist in the facilitation and/or implementation of such measures; (3) to advise the Secretary regarding opportunities to extend and improve physical activity/fitness and sports programs and services at the national, State, and local levels; and (4) to monitor the need for the enhancement of programs and educational and promotional materials sponsored, overseen, or disseminated by the Council and advise the Secretary, as necessary, concerning such needs.

The PCPFS holds at a minimum, one meeting in the calendar year to (1) Assess ongoing Council activities and (2) discuss and plan future projects and programs.

Dated: October 10, 2007.

Melissa Johnson,

Executive Director, President's Council on Physical Fitness and Sports.

[FR Doc. E7–20473 Filed 10–16–07; 8:45 am]

BILLING CODE 4150–35–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Notice of Establishment

Pursuant to the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), the Secretary, Department of Health and Human Services (HHS), announces the establishment of the Board of Scientific Counselors, National Center for Public Health Informatics (NCPHI).

This board is established to ensure that the national center has access to external viewpoints, the capacity to conduct peer review of scientific programs, and perform second level peer-review of research applications.

The Board of Scientific Counselors, NCPHI will advise the Secretary, HHS; and the Director, Centers for Disease Control and Prevention; concerning strategies and goals for the programs

and research within the national centers; shall conduct peer-review of scientific programs; and monitor the overall strategic direction and focus of the national centers. The board, after conducting its periodic reviews, shall submit a written description of the results of the review and its recommendations to the Director, CDC. The board shall also perform second-level peer review of applications for grants-in-aid for research and research training activities, cooperative agreements, and research contract proposals relating to the broad areas within the national centers.

For information, contact Dr. Tom Savel, Executive Secretary, Centers for Disease Control and Prevention, of the Department of Health and Human Services, 1600 Clifton Road, NE., Mailstop E78, Atlanta, Georgia 30333, telephone 404/498–3081 or fax 404/498–6570. The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the CDC and the Agency for Toxic Substances and Disease Registry.

Dated: October 9, 2007.

Elaine L. Baker,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. E7–20475 Filed 10–16–07; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–5045–N]

Medicare Program: Medicare Clinical Laboratory Services Competitive Bidding Demonstration Project

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice announces the first demonstration site for the Medicare Clinical Laboratory Services Competitive Bidding Demonstration project and the date for the Bidder's Conference. The Medicare Clinical Laboratory Competitive Bidding Demonstration was mandated by the Congress. Section 302(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) (Pub. L. 108–173) requires the Centers for Medicare & Medicaid Services (CMS) to conduct a demonstration project on the application of competitive acquisition for clinical laboratory services that would otherwise be paid under the Medicare Part B fee schedule. The objective of the demonstration is to determine whether competitive bidding can be used to provide Part B clinical laboratory services at fees below current Medicare payment rates while maintaining quality and access to care.

The MMA specifically requires that the demonstration: (1) Includes tests paid under the Medicare Part B Clinical Laboratory Fee Schedule; (2) excludes entities that have a ''face-to-face encounter'' with the patient; (3) excludes Pap smears and colorectal cancer screening tests; and, (4) includes requirements under the Clinical Laboratory Improvement Amendments (CLIA) program. An initial Report to the Congress was submitted April 2006.

Site(S): The fundamental criteria for selecting demonstration sites require that each Metropolitan Statistical Area (MSA) allows for potential Medicare program savings from the demonstration, is administratively feasible, represents the laboratory market, and will yield demonstration results that can be generalized to other MSAs.

The first demonstration site will be the San Diego-Carlsbad-San Marcos, California MSA.

A Bidders Conference is planned for October 31, 2007 in the San Diego-Carlsbad-San Marcos, California MSA.

The demonstration covers tests provided to beneficiaries enrolled in the traditional fee-for-service (FFS) Medicare program who reside in the area of the demonstration site or competitive bid area (CBA) during the 3 year demonstration period. Beneficiaries who travel outside the CBA during the demonstration period and require laboratory services will be able to access services from most laboratories in the United States. We will not directly pay, however, for services furnished by a required bidder that did not bid or bid and did not win or a non-required bidder that bid and did not win. (The terms ''required bidder'' and ''non-required bidder'' are explained in section II below.) Laboratories may not bill beneficiaries for laboratory services covered under the Medicare program.

FOR FURTHER INFORMATION CONTACT: Linda Lebovic at (410) 786–3402 or *lab_bid _demo@cms. hhs.gov*. Interested parties can obtain information about the demonstration project on the CMS Web site at *http://www.cms.hhs.gov/ Demo ProjectsEvalRpts/ downloads/2004_ Demonstration_ Competitive_ Bidding_ Clinical_ Laboratory_ Services.pdf.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 302(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) (Pub. L. 108–173) amends section 1847(e) of the Social Security Act (the Act) (42 U.S.C. 1395w–3) —''Competitive Acquisition of Certain Items and Services,'' to include a demonstration project for clinical laboratory services. The statute requires the Secretary of Health and Human Services to conduct a demonstration project on the application of competitive acquisition for payment of clinical laboratory services that would otherwise be made under Medicare Part B Clinical Laboratory Fee Schedule.

II. Provisions of the Notice

Under section 1847(e) of the Act, Pap smears and colorectal cancer screening tests are excluded from this demonstration. Requirements under CLIA as mandated in section 353 of the Public Health Service Act apply. The aggregate amounts to be paid to contractors in a competitive acquisition area are expected to be less than the aggregate amounts that would otherwise be paid under the laboratory fee schedule. The payment basis determined for each competitive acquisition area will be substituted for payment under the existing Medicare Part B Clinical Laboratory Fee Schedule. The demonstration period is 3 years for each demonstration site or ''competitive bid area'' (CBA). The competitively set demonstration fee schedule will be used to pay for laboratory services in the CBA for the duration of the 3-year demonstration period. Multiple winners are expected in each CBA.

Required bidders are defined as those organizations that will supply, or expect to supply, at least $100,000 annually in demonstration tests to Medicare beneficiaries residing in the CBA during any year of the demonstration. Required bidders that bid and win will be paid under one demonstration fee schedule for services provided to beneficiaries residing in the CBA for the duration of the demonstration.

Non-required bidders are defined as laboratories that are not exempt from the demonstration, but have the option of participating in the bidding process. Non-required bidders that do not bid as well as those that bid and win, will be paid under the demonstration fee schedule for the duration of the demonstration. These laboratories will be paid under the same fee schedule as the winning required bidders. Non-required bidders that choose to bid and

do not win will not receive payment for services provided to beneficiaries residing in the CBA for the duration of the demonstration period.

A non-required bidder is:

• A small business laboratory, which we are defining as one that will supply less than $100,000 annually in demonstration tests to Medicare FFS beneficiaries residing in the CBA during each year of the demonstration. These laboratories may choose to be a ''passive'' laboratory. A passive-small business laboratory will have a $100,000 ceiling on annual payment from Medicare for demonstration tests for the duration of the demonstration.

• A laboratory that exclusively serves beneficiaries entitled to Medicare because they have end-stage renal disease (ESRD) residing in the CBA may choose to be a ''passive'' laboratory under the demonstration. A passive-ESRD laboratory may continue to provide services to ESRD beneficiaries residing in the CBA and receive payment from Medicare for demonstration tests paid under the competitively set Part B Clinical Laboratory Fee Schedule (demonstration fee schedule) for the duration of the demonstration.

• A laboratory that exclusively serves beneficiaries residing in nursing homes or receiving home health services in the CBA may choose to be a ''passive'' laboratory under the demonstration. A passive-nursing home laboratory may continue to provide services to beneficiaries residing in nursing homes or receiving home health services in the CBA and receive payment from Medicare for demonstration tests paid under the demonstration fee schedule for the duration of the demonstration.

This notice announces a ''Bidder's Conference'' to be held in the San Diego-Carlsbad-San Marcos, California MSA on October 31, 2007 for potential bidders to learn about the demonstration rules and ask questions about the bidding process. A Bidder's Package provides information about the demonstration project and is available to the public on the CMS project Web site. There will be a single bidding competition covering demonstration tests for each CBA. Bidders will be required to submit a bid price for each Health Care Procedure Coding System (HCPCS) code in the demonstration test menu. Bidding laboratories will be asked to identify demonstration tests that they do not perform, and will be asked to explain their plans for responding to requests for demonstration tests that they do not perform in house (for example, subcontracting and referrals). As part of their bid, laboratories will provide information on ownership, location of affiliated laboratories and specimen collection sites, CLIA certification, laboratory finances, and quality.

III. Collection of Information Requirements

This information collection requirement is subject to the Paperwork Reduction Act of 1995 (PRA). The collection is currently approved under OMB control number 0938–1008 entitled ''Medicare Clinical Laboratory Services Competitive Bidding Demonstration Project Application Form'' with a current expiration date of January 31, 2009.

Authority: Section 302(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA).

(Catalog of Federal Domestic Assistance Program No. 93.773 Medicare—Hospital Insurance Program; and No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: October 4, 2007.

Kerry Weems,

Acting Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. E7–20499 Filed 10–16–07; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Novel Roles of a DNA Repair Protein, DNA-PKcs, in Obesity, Neurological Function, and Aging

Description of Technology: The catalytic subunit of the DNA-dependent protein kinase complex (DNA-PKcs) has been shown to be important in DNA repair and VDJ recombination in lymphocytes. The inventors have discovered that DNA-PKcs also plays novel, important roles in energy regulation and neurological function. The inventors observed that mature DNA-PKcs-deficient mice (also known as SCID mice) have a lower proportion of fat, resist obesity, and have significantly greater physical endurance than wild-type control mice, particularly with increasing age. The inventors also observed that DNA-PKcs-deficient mice have better memory and less anxiety. One potential explanation for this is that they express higher levels of brain-derived neurotrophic factor (BDNF), which is associated with neurogenesis, memory formation and suppression of anxiety and depression. Moreover, DNA-PKcs-deficient cells produce less oxidative stress. Thus, inhibition of DNA-PKcs may have unexpected utility in the treatment of a wide range of diseases and conditions.

The invention discloses methods of inhibiting DNA-PKcs activity to decrease adiposity, improve physical endurance and increase insulin sensitivity and the number of mitochondria. Also claimed are methods directed to improved neurological function, such as methods for protection from neurodegenerative disease, improving memory and learning ability, and for reducing depression and anxiety. Additionally, the invention discloses methods for reducing inflammation and for treating heart disease.

Applications:

Development of therapeutics targeting obesity, insulin-resistant diabetes, and age-related loss of physical endurance.

Development of therapeutics to treat neurological disorders such as depression and memory loss.

Market:

Obesity is a large and growing therapeutic market; over thirty percent of Americans are obese, and over sixty percent are overweight.

Similarly, the market for therapeutics directed to insulin-resistant, or Type 2, diabetes is rapidly expanding; the market for such drugs is expected to top $12 billion in 2012.

Loss of endurance and muscle mass is common in the elderly; the average

adult loses thirty percent of his muscle mass between the ages of 20 and 70.

Development Status: Early stage.

Inventors: Jay H. Chung et al. (NHLBI).

Publication: In preparation.

Patent Status: U.S. Provisional Application No. 60/958,714 filed 06 July 2007 (HHS Reference No. E–068–2007/0-US–01).

Licensing Status: This technology is available for exclusive, co-exclusive, or nonexclusive licensing.

Licensing Contact: Tara L. Kirby, Ph.D.; 301/435–4426; *tarak@mail.nih.gov*.

Collaborative Research Opportunity: The National Heart Lung and Blood Institute, Laboratory of Biochemical Genetics, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize DNA-PKcs inhibitors for treatment or prevention of metabolic and degenerative diseases. Please contact Jay Chung (*chungj@nhlbi.nih.gov*) for more information.

Predictive Diagnostic Test for Anti-Depressant Related Suicide Risk

Description of Technology: A number of studies have reported a potential link between antidepressant treatment and suicides. Although the scientific basis for this phenomenon is not known, the Food and Drug Administration (FDA) required a black box warning of worsening depression and/or emergence of suicidality (i.e., development of suicidal thoughts or behavior) in both adult and pediatric patients taking several antidepressants. While use of antidepressants fell subsequent to the black box warning, recent studies suggest that pediatric suicides may actually be rising. This has led to concerns that untreated depression due to the black box warning could potentially result in an overall increase in suicides.

To determine whether a genetic basis for suicidal risk exists for a sub-group of depressed patients, NIH researchers genetically screened patients with major depression treated with the serotonin selective reuptake inhibitor (SSRI) citalopram (Celexa) in the NIMH-funded Sequenced Treatment Alternatives for Depression (STAR*D) trial. Versions of two genes coding for components of the brain's glutamate chemical messenger system were linked to suicidal thinking associated with antidepressant use. Having both implicated versions increased risk of such thoughts more than 14-fold. By identifying those patients who need close monitoring, alternative treatments and/or specialty care, these genetic tests should prevent the under prescribing of anti-depressant drugs and the resulting possibility of suicide due to sub-optimal treatment.

Applications: Diagnostic tests predicting the likelihood of suicide during anti-depressant treatment.

Market: Depression ranks among the ten leading causes of disability and will become the second-largest cause of the global health burden by 2020. An estimated 121 million people worldwide suffer from a depressive disorder for which they require treatment. It is estimated that 5.8% of all men and 9.5% of all women will suffer from a depressive disorder in any given year and that 17% of all men and women will suffer from a depressive disorder at some point in their lives.

Development Status: Clinical data.

Inventors: Francis J. McMahon et al. (NIMH).

Patent Status: U.S. Provisional Application No. 60/854,978 Filed 27 Oct 2006 (HHS Reference No. E–157–2006/0–US–01).

Licensing Status: Available for licensing.

Licensing Contact: Norbert Pontzer, Ph.D., J.D.; 301/435–5502; *pontzern@mail.nih.gov*.

Collaborative Research Opportunity: The National Institute of Mental Health Mood and Anxiety Disorders Program Genetics Unit is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize the Predictive Diagnostic Test for Anti-Depressant Related Suicide. Please contact Dr. Francis McMahon at *mcmahonf@mail.nih.gov* for more information.

Dated: October 11, 2007.

Steven M. Ferguson,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E7–20483 Filed 10–16–07; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

HIV–1 Integrase Inhibitors for the Treatment of Retroviral Infections

Description of Technology: This technology describes the structure and activity of N-benzyl derivatives of 2,3-dihydro-6,7-dihydroxy-1H-isoindol-1-ones and 2,3-dihydro-6,7-dihydroxy-1H-isoindole-1,3(2H)-diones as new HIV–1 integrase inhibitors. HIV, as well as other retroviruses, requires three key viral enzymes for replication: Reverse transcriptase, protease and integrase (IN). A significant number of patients fail to respond to combination therapies consisting of reverse transcriptase and protease inhibitors, due to the development of viral resistance. IN functions by initial processing of viral cDNA in a cleavage step termed 3′-processing (3′-P). This is followed by insertion of the cleaved cDNA into the host genome in a reaction known as ''strand transfer'' (ST). Certain agents covered under the subject technology have been shown to exhibit selective inhibition of ST reactions relative to 3′-P reactions. These compounds inhibit purified IN *in vitro* and are also active against HIV–1 derived vectors in cell-based assay. These inhibitors may have a potential therapeutic value for retroviral infections, including AIDS, especially for patients exhibiting drug resistance to current therapy regimes.

Applications: The treatment and prevention of HIV infections.

Development Status: In vitro data available.

Inventors: Terrence R. Burke Jr., Xue Zhi Zhao, Yves Pommier, and Elena Semenova (NCI).

Related Publication: WG Verschueren et al. Design and optimization of tricyclic phtalimide analogue as novel inhibitors of HIV–1 integrase. J Med Chem 2005 Mar 24;48(6):1930–1940.

Patent Status: U.S. Provisional Application No. 60/956,636 filed 17 Aug 2007 (HHS Reference No. E–237–2007/0–US–01).

Licensing Status: Available for licensing.

Licensing Contact: Sally Hu, Ph.D., M.B.A.; 301/435–5606; *HuS@mail.nih.gov*.

Collaborative Research Opportunity: The National Cancer Institute's Laboratory of Medicinal Chemistry and Laboratory of Molecular Pharmacology are seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize the HIV–1 integrase inhibitors described. Please contact John D. Hewes, Ph.D. at 301–435–3121 or *hewesj@mail.nih.gov* for more information.

Thiazepine Inhibitors of HIV–1 Integrase

Description of Technology: The human immunodeficiency virus (HIV) is the causative agent of acquired immunodeficiency syndrome (AIDS). Drug-resistance is a critical factor contributing to the gradual loss of clinical benefit to treatments for HIV infection. Accordingly, combination therapies have further evolved to address the mutating resistance of HIV. However, there has been great concern regarding the apparent growing resistance of HIV strains to current therapies.

It has been found that a certain class of compounds including thiazepines and analogs and derivatives thereof are effective and selective anti-integrase inhibitors. These compounds have been found to inhibit both viral replication and the activity of purified HIV–1 integrase. The subject invention provides for such compounds and for methods of inhibiting HIV integrase.

Inventors: Yves Pommier et al. (NCI).

Patent Status: U.S. Patent No. 7,015,212 issued 21 Mar 2006 (HHS Reference No. E–036–1999/0–US–03).

Licensing Status: Available for exclusive or non-exclusive licensing.

Licensing Contact: Sally Hu, Ph.D., M.B.A.; 301/435–5606; *HuS@mail.nih.gov.*

Collaborative Research Opportunity: The Laboratory of Molecular Pharmacology of the National Cancer Institute is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize anti-integrase inhibitors. Please contact John D. Hewes, Ph.D. at 301–435–3121 or *hewesj@mail.nih.gov* for more information.

Quinoline Inhibitors of Retroviral Integrase

Description of Technology: The subject invention describes certain diketo quinolin-4–1 derivatives and their use as integrase inhibitors in the treatment of HIV infection. The results of *in vitro* integrase inhibition studies show that these derivatives have significant anti-integrase activity (e.g., an IC50 for strand transfer inhibition of not greater than 2 μM). Thus, these derivatives might be potentially important lead compounds for the development of integrase inhibitors. Since HIV integrase is an essential enzyme for effective viral replication, the development of such inhibitors of HIV integrase would thus potentially be useful and effective in the treatment of HIV infection.

Inventors: Yves Pommier et al. (NCI).

Patent Status: U.S. Patent Application No. 10/591,679 filed 01 Sep 2006, claiming priority to 10 Mar 2004 (HHS Reference No. E–187–2003/0–US–01).

Licensing Contact: Sally Hu, Ph.D., M.B.A.; 301/435–5606; *HuS@mail.nih.gov*.

Discovery of Tropolone Inhibitors of HIV–1 Integrase that can be Used for the Treatment of Retroviral Infection, Including AIDS

Description of Technology: This invention provides pharmaceutical compositions comprising one or more HIV–1 integrase inhibitor compounds, as well as methods for treatment or prevention of HIV infection. These compounds are alpha-hydroxytropolone or its salt, solvate or hydrate, and they have been shown to inhibit the integrase by interfering with the enzyme catalytic site by chelating magnesium ions, and have been shown to inhibit the strand transfer reaction. Integrase is an important target for AIDS therapy since it is critical for viral replication, and does not have cellular counterparts, which can potentially reduce toxic side effects. Thus, the compounds of this invention can be developed as novel anti-viral agents that can be used in combinational therapy, especially since they might be less toxic than other anti-viral agents.

In addition to licensing, the technology is available for further development through collaborative research opportunities with the inventors.

Inventors: Yves Pommier et al. (NCI).

Patent Status: PCT Application No. PCT/US2006/046259 filed 01 Dec 2006, which published as WO 2007/065007 on 06 Jul 2007 (HHS Reference No. E–308–2005/0–PCT–02).

Licensing Contact: Sally Hu, Ph.D., M.B.A.; 301/435–5606; *HuS@mail.nih.gov*.

Integrase Inhibitors for the Treatment of Retroviral Infection Including Human Immunodeficiency Virus-1

Description of Technology: Available for licensing and commercial development are stilbenedisulfonic acid derivatives for treatment of human immunodeficiency virus-1 (HIV–1) and other retroviral infections. Current HIV–1 therapeutic treatments target the viral protease and reverse transcriptase enzymes, which are essential for retroviral infection. However, these drugs often have limitations due to drug resistant variants, which render drugs ineffective. Additionally, such drugs are often toxic when administered in combination therapies. Thus, efficacious inhibitors of retroviral infection that are devoid of toxicity are presently needed.

The subject invention describes stilbenedisulfonic acid derivatives, which target the integrase enzyme of retroviruses. Similar to protease and reverse transcriptase activity, integrase function is essential for retroviral infection. Integrase catalyzes integration of reverse transcribed viral DNA into a host cell's genome. For this reason, integrase is considered a rational therapeutic target for HIV–1 infection. Further, integrase is a favorable target because the enzyme has no human cellular counterpart, which could interact with a potential integrase inhibitor and cause harmful side effects. Recent clinical data with an integrase inhibitor from Merck shows impressive clinical activity. The Merck compound is different from the current invention and is projected for FDA approval mid 2007. Thus, the subject invention is valuable for safe and effective treatment of HIV–1 and other retroviral infections.

Application: Treatment of HIV infection.

Development Status: The technology is ready for use in drug discovery and development.

Inventors: Yves Pommier (NCI), Elena Semenova (NCI), Christophe Marchand (NCI).

Patent Status: U.S. Provisional Application No. 60/849,718 filed 04 Oct 2006 (HHS Reference No. E–264–2006/0–US–01).

Licensing Status: Available for exclusive or non-exclusive licensing.

Licensing Contact: Sally Hu, Ph.D., M.B.A.; 301/435–5606; *HuS@mail.nih.gov*.

Dated: October 10, 2007.

Steven M. Ferguson,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E7–20513 Filed 10–16–07; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Alpha 1-3 N-Acetylgalactosaminyltransferases With Altered Donor and Acceptor Specificities, Compositions, and Methods of Use

Description of Invention: The present invention relates to the field of glycobiology, specifically to glycosyltransferases. The present invention provides structure-based design of novel glycosyltransferases and their biological applications.

The structural information of glycosyltransferases has revealed that the specificity of the sugar donor in these enzymes is determined by a few residues in the sugar-nucleotide binding pocket of the enzyme, which is conserved among the family members from different species. This conservation has made it possible to reengineer the existing glycosyltransferases with broader sugar donor specificities. Mutation of these residues generates novel glycosyltransferases that can transfer a sugar residue with a chemically reactive functional group to N-acetylglucosarnine (GlcNAc), galactose (Gal) and xylose residues of glycoproteins, glycolipids and proteoglycans (glycoconjugates). Thus, there is potential to develop mutant glycosyltransferases to produce glycoconjugates carrying sugar moieties with reactive groups that can be used in the assembly of bio-nanoparticles to develop targeted-drug delivery systems or contrast agents for medical uses.

Accordingly, methods to synthesize N-acetylglucosamine linkages have many applications in research and medicine, including in the development of pharmaceutical agents and improved vaccines that can be used to treat disease.

This application claims compositions and methods based on the structure-based design of alpha 1-3 N-Acetylgalactosaminyltransferase (alpha 3 GalNAc-T) mutants from alpha 1-3galactosyltransferase (a3Gal-T) that can transfer 2′-modified galactose from the corresponding UDP-derivatives due to mutations that broaden the alpha 3Gal-T donor specificity and make the enzyme alpha3 GalNAc-T.

Application: Development of pharmaceutical agents and improved vaccines.

Developmental Status: Enzymes have been synthesized and preclinical studies have been performed.

Inventors: Pradman Qasba, Boopathy Ramakrishnan, Elizabeth Boeggman, Marta Pasek (NCI).

Patent Status: PCT Patent Application filed 22 Aug 2007 (HHS Reference No. E–279–2007/0–PCT–01).

Licensing Status: Available for exclusive or non-exclusive licensing.

Licensing Contact: Peter A. Soukas, J.D.; 301/435–4646; *soukasp@mail.nih.gov*.

Collaborative Research Opportunity: The National Cancer Institute's Nanobiology Program is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize structure-based design of novel glycosyltransferases. Please contact John D. Hewes, Ph.D. at 301–435–3121 or *hewesj@mail.nih.gov* for more information.

Beta 1,4-Galactosyltransferases With Altered Donor and Acceptor Specificities, Compositions and Methods of Use

Description of Invention: The present invention relates to the field of glycobiology, specifically to glycosyltransferases. The present invention provides structure-based design of novel glycosyltransferases and their biological applications.

The structural information of glycosyltransferases has revealed that the specificity of the sugar donor in these enzymes is determined by a few residues in the sugar-nucleotide binding pocket of the enzyme, which is conserved among the family members from different species. This conservation has made it possible to reengineer the existing glycosyltransferases with broader sugar donor specificities. Mutation of these residues generates novel glycosyltransferases that can transfer a sugar residue with a chemically reactive functional group to N-acetylglucosarnine (GlcNAc), galactose (Gal) and xylose residues of glycoproteins, glycolipids and proteoglycans (glycoconjugates). Thus, there is potential to develop mutant glycosyltransferases to produce glycoconjugates carrying sugar moieties with reactive groups that can be used in the assembly of bio-nanoparticles to develop targeted-drug delivery systems or contrast agents for medical uses.

Accordingly, methods to synthesize N-acetylglucosamine linkages have many applications in research and medicine, including in the development of pharmaceutical agents and improved vaccines that can be used to treat disease.

The invention claims beta (1,4)-galactosyltransferase I mutants having altered donor and acceptor and metal ion specificities, and methods of use thereof. In addition, the invention claims methods for synthesizing oligosaccharides using the beta (1,4)-galactosyltransferase I mutants and to using the beta (1,4)-galactosyltransferase I mutants to conjugate agents, such as therapeutic agents or diagnostic agents, to acceptor molecules. More specifically, the invention claims a double mutant beta 1,4 galactosyltransferase, human beta-1,4-Tyr289Leu-Met344His-Gal-T1, constructed from the individual mutants, Tyr289Leu-Gal-T1 and Met344His-Gal-T1, that transfers modified galactose in the presence of magnesium ion, in contrast to the wild-type enzyme which requires manganese ion.

Application: Development of pharmaceutical agents and improved vaccines.

Developmental Status: Enzymes have been synthesized and preclinical studies have been performed.

Inventors: Pradman Qasba, Boopathy Ramakrishnan, Elizabeth Boeggman (NCI).

Patent Status: PCT Patent Application filed 22 Aug 2007 (HHS Reference No. E–280–2007/0–PCT–01).

Licensing Status: Available for exclusive or non-exclusive licensing.

Licensing Contact: Peter A. Soukas, J.D.; 301/435–4646; *soukasp@mail.nih.gov*

Collaborative Research Opportunity: The CCR Nanobiology Program of the National Cancer Institute is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize glycosyltransferases. Please contact John D. Hewes, Ph.D., Technology Transfer Specialist, NCI, at (301) 435–3121 or *hewesj@nail.nih.gov.*

Targeting Poly-Gamma-Glutamic Acid to Treat Staphylococcus Epidermidis and Related Infections

Description of Invention: Over the past decade, *Staphylococcus epidermidis* has become the most prevalent pathogen involved in nosocomial infections. Usually an innocuous commensal microorganism on human skin, this member of the coagulase-negative group of staphylococci can cause severe infection after penetration of the epidermal protective barriers of the human body. In the U.S. alone, *S. epidermidis* infections on in-dwelling medical devices, which represent the main type of infection with *S. epidermidis*, cost the public health system approximately $1 billion per year. Importantly, *S. epidermidis* is frequently resistant to common antibiotics.

Immunogenic compositions and methods for eliciting an immune response against *S. epidermidis* and other related staphylococci are claimed. The immunogenic compositions can include immunogenic conjugates of poly-γ-glutamic acid (such as γDLPGA) polypeptides of *S. epidermidis*, or related staphylococci that express a γPGA polypeptide. The γPGA conjugates elicit an effective immune response against *S. epidermidis*, or other staphylococci, in subjects to which the conjugates are administered. A method of treating an infection caused by a *Staphylococcus* organism that expresses *cap* genes is also disclosed. The method can include selecting a subject who is at risk of or has been diagnosed with the infection by the *Staphylococcus* organism which expresses γPGA from the *cap* genes. Further, the expression of a γPGA polypeptide by the organism can then be altered.

Application: Prophylactics against *S. epidermidis*.

Developmental Status: Preclinical studies have been performed.

Inventors: Michael Otto, Stanislava Kocianova, Cuong Vuong, Jovanka Voyich, Yufeng Yao, Frank DeLeo (NIAID)

Publication: S Kocianova *et al.* Key role of poly-gamma-DL-glutamic acid in immune evasion and virulence of *Staphylococcus epidermidis.* J Clin Invest. 2005 Mar;115(3):688–694.

Patent Status: PCT Patent Application No. PCT/US2006/026900 filed 10 Jul 2006 (HHS Reference No. E–263–2005/0–PCT–02).

Licensing Status: Available for exclusive or non-exclusive licensing.

Licensing Contact: Peter A. Soukas, J.D.; 301/435–4646; soukasp@mail.nih.gov

Collaborative Research Opportunity: The National Institute of Allergy and Infectious Diseases, Laboratory of Human Bacterial Pathogenesis, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize the use of poly-γ-glutamic acid of staphylococci. Please contact Dr. Michael Otto at *motto@niaid.nih.gov* for more information.

Dated: October 10, 2007.

Steven M. Ferguson,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E7–20515 Filed 10–16–07; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Multiple Donor Tissue-Derived Large IgM VH-Based F_{ab} Human Antibody Library

Description of Technology: Available for licensing as a biological material for either internal use or commercial distribution is a human F_{ab} immunoglobulin/antibody fragment phage display library. The library contains 10^{10} F_{abs} derived from the peripheral blood of ten (10) healthy human donors. The high quality of the library was demonstrated in the successful selection of high affinity antibodies specific for Hendra and Nipah viruses; however, the library is useful for selecting a variety of antigen specific immunoglobulin/antibody F_{ab} fragments especially for cancer or viruses.

Applications: Antibody discovery—Diagnostics, Therapeutics, Research Reagents.

Advantages and Benefits: High affinity multi-purpose antibodies.

Inventors: Dimiter S. Dimitrov (NCI) et al.

Publications:

1. Zhang et al. Selection of a novel gp41-specific HIV–1 neutralizing human antibody by competitive antigen panning. J Immunol Methods. 2006 Dec 20; 317(1–2):21–30. Epub 2006 Oct 16.
2. Zhu et al. Potent neutralization of Hendra and Nipah viruses by human monoclonal antibodies. J Virol. 2006 Jan;80(2):891–899.
3. Zhang et al. Human monoclonal antibodies to the S glycoprotein and related proteins as potential therapeutics for SARS. Curr Opin Mol Ther. 2005 Apr;7(2):151–156. Review.

Patent Status: HHS Reference No. E–188–2007/0—Research Tool. Patent protection is not being sought for this technology.

Licensing Status: Available for non-exclusive licensing as biological material.

Licensing Contact: Michael Shmilovich, Esq.; 301/435–5019; *shmilovm@mail.nih.gov*.

Collaborative Research Opportunity: The NCI-Frederick is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize therapeutic, diagnostic

or research reagent antibodies. Please contact Thomas Stackhouse at *stackhot@mail.nih.gov* or 301–846–5465 for more information.

Optical Slice Motion Tracker

Description of Technology: Available for licensing and commercial development is an apparatus that adjusts the focal plane of a microscope in order to track plane motion of a sample. The apparatus includes a motor that can change the focal plane by moving the objective of the microscope and a computer that reads image data from the microscope photomultiplier tube (PMT). The apparatus uses time between images to perform a navigator function comprising quickly scanning many nearby focal planes with a minimum field of view and utilizing pattern matching to calculate an offset distance to adjust the focal plane. The apparatus permits imaging of moving structures, such as living tissue, over time by compensating for motion in the direction of the focal plane. The use of navigator movement to track an optically selected slice can be implemented in any of various research or medical devices.

Applications: Microscopy; Cell biology.

Development Status: Early-stage; Prototype.

Inventors: James L. Schroeder (NHLBI), Robert S. Balaban (NHLBI), Thomas J. Pohida (CIT), John W. Kakareka (CIT), Randall Pursley (CIT).

Patent Status: U.S. Provisional Application No. 60/904,683 filed 02 Mar 2007 (HHS Reference No. E–114–2007/0–US–01). The issued and pending patent rights are solely owned by the United States Government.

Licensing Status: Licensing on a non-exclusive basis and exclusive to qualified applicants whose application for licensure complies with 37 CFR 404.

Licensing Contact: Michael A. Shmilovich, Esq.; 301/435–5019; *shmilovm@mail.nih.gov.*

Collaborative Research Opportunity: The NHLBI is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize the optical slice motion tracker. Please contact Lili Portilla at 301–594–4273 or via e-mail at *Lilip@nih.gov* for more information.

A Fundus Photo-Stimulation System and Method

Description of Technology: Available for licensing and commercial development is an optical system which permits targeted photo-stimulation of the retina by positioning the stimulus location under visual guidance through a fundus camera. The system is designed to elicit, under direct infra-red visual control of stimulus size and position in the retina, electroretinograms (ERGs) in response to photo-stimulation from selected regions of the retina, as well as to present small light stimuli to a selected area to explore visual sensitivity properties. For example, the detected ERGs can be the basis for diagnosing or characterizing patient retina with early stage retinal disease versus healthy retina from the opposite eye. The system can be mounted on commercially available fundus cameras that have infra-red capabilities (or would accept infra-red bandpass filtering of their retinal illumination output) and will accept a near IR CCD camera connected to a TV mounted on the photographic-camera port.

The optical system can comprise a targeting light path originating from a deep red laser and a stimulus light path originating from a Xenon strobe lamp. Both light paths are brought into collinear alignment by a beam splitter. The light paths are transmitted to the eye through an adjustable turning mirror and a focusing lens. A beam splitter in front of the fundus camera objective lens merges the optical path of the fundus camera with that of the targeting optical path and the stimulus light path. The merged beams are brought to a focus at or close to the lens of the eye. A movable aperture is interposed on the collinear beams and imaged on the retina such that its lateral position and size can be adjusted by the operator to select the retinal area to be photo-stimulated. This arrangement ensures that the stimulating light flashes illuminate the same field as was selected using the deep red targeting laser. This system permits projection of repeatable visible-light flashes with variable size and location onto the retina.

Applications: Diagnosis of retinal disease; Electroretinograms.

Development Status: Early-stage; Prototype available.

Inventors: Paul Smith (ORS), Edward Wellner (ORS), Francisco de Monasterio (NEI).

Patent Status: U.S. Provisional Application No. 60/935,107 filed 26 Jul 2007 (HHS Reference No. E–279–2006/0–US–01). The pending patent rights are solely owned by the United States Government.

Licensing Status: Available for licensing and commercialization. Non-exclusive rights are available. Exclusive rights may be available to qualified applicants and are subject to the provisions set forth in 37 CFR 404.7.

Licensing Contact: Michael A. Shmilovich, Esq.; 301/435–5019; *shmilovm@mail.nih.gov.*

Collaborative Research Opportunity: The Laboratory of Bioengineering and Physical Science, NIBIB is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize the Fundus Photo-Stimulation System and Method. Please contact Dr. Paul Smith at *smithpa@mail.nih.gov* for more information.

Dated: October 10, 2007.

Steven M. Ferguson,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E7–20517 Filed 10–16–07; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Method for Inducing T-Cell Proliferation

Description of Technology: This technology relates to the use of thymic stromal lymphopoietin (TSLP) to induce CD4+ T cell proliferation. This proliferation could be of particular

relevance for patients in whom this cell population has been significantly reduced by HIV/AIDS or other conditions resulting in immunodeficiency. The proliferation of isolated CD4+ T cells can be induced through direct contact with TSLP or a nucleic acid encoding TSLP. The patent application also describes methods of inducing or enhancing an immune response through administration of CD4+ T cells that have been isolated and induced to proliferate using TSLP or a nucleic acid encoding TSLP. TSLPR knockout mice are also described in the patent application and available for licensing through a biological materials license agreement.

Applications: Immunotherapy.

Development Status: Animal (mouse) data available.

Inventor: Warren J. Leonard et al. (NHLBI).

Patent Status: U.S. Provisional Application No. 60/555,898 filed 23 Mar 2004 (HHS Reference No. E–104–2004/0–US–01); U.S. Utility Application No. 11/762,357 filed 13 June 2007 (HHS Reference No. E–104–2004/1–US–02).

Licensing Status: Available for licensing.

Licensing Contact: Susan Ano, Ph.D.; 301/435–5515; *anos@mail.nih.gov.*

Retrovirus-Like Particles as Vaccines and Immunogens

Description of Technology: This technology describes retrovirus-like particles and their production from retroviral constructs in which the gene encoding of all but seven amino acids of the nucleocapsid (NC) protein was deleted. NC is critical for both genomic RNA packaging into the virion and viral integration into the host cell. Therefore, this deletion functionally eliminates two essential steps in retrovirus replication, thereby resulting in non-infectious retrovirus-like particles that maintain their full complement of antigenic proteins. Furthermore, efficient formation of these particles requires inhibition of the protease enzymatic activity, either by mutation to the protease gene in the construct or by protease inhibitor thereby ensuring the production of non-infectious retrovirus-like particles by altering two independent targets. These particles can be used in vaccines or immunogenic compositions. Specific examples using HIV–1 constructs are given.

Applications: Retroviral vaccine; Immunogenic compositions.

Development Status: In vitro data available.

Inventor: David E. Ott (NCI).

Publications:

1. DE Ott et al. Elimination of protease activity restores efficient virion production to a human immunodeficiency virus type 1 nucleocapsid deletion mutant. J Virol. 2003 May;77(10):5547–5556.

2. DE Ott *et al.* Redundant roles for nucleocapsid and matrix RNA-binding sequences in human immunodeficiency virus type 1 assembly. J Virol. 2005 Nov;79(22), 13839–13847.

Patent Status: U.S. Patent Application No. 11/413,614 filed 27 Apr 2006 (HHS Reference No. E–236–2003/0–US–02).

Licensing Status: Available for non-exclusive or exclusive licensing.

Licensing Contact: Susan Ano, Ph.D.; 301/435–5515; *anos@mail.nih.gov.*

Collaborative Research Opportunity: The NCI, CCR, AIDS Vaccine Program is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize whole retrovirus-like particle vaccines. Please contact John D. Hewes, Ph.D. at 301–435–3121 or *hewesj@mail.nih.gov* for more information.

Potent HIV–1 Entry Inhibitors and Immunogens

Description of Technology: This technology relates to HIV antigenic constructs with flexible, heterologous linkers joining gp120 and gp41. The HIV–1 envelope Glycoprotein (Env) undergoes conformational changes while driving entry. The inventors developed these constructs to mimic some of the intermediate Env conformations. Tethered molecules of the invention were stable and potently inhibited cell fusion. Both gp120 and gp41 contain epitopes that may be necessary for the immune system to mount a robust and effective immune response to HIV. By connecting the two components, the current invention stabilizes the exposure of conserved epitopes, thereby increasing the chances that antibodies will form that react with these sites.

Applications: HIV vaccine.

Development Status: In vitro data available.

Inventors: Dimiter S. Dimitrov et al. (NCI).

Patent Status: U.S. Utility Application No. 10/506,651 filed 02 Sept 2004 (HHS Reference No. E–039–2002/0–US–02).

Licensing Status: Available for exclusive or non-exclusive licensing.

Licensing Contact: Susan Ano, Ph.D.; 301/435–5515; *anos@mail.nih.gov.*

Collaborative Research Opportunity: The National Cancer Institute's Nanobiology Program is seeking statements of capability or interest from parties interested in collaborative research to further develop or evaluate immune response constructs. Please contact John D. Hewes, Ph.D. at 301–435–3121 or *hewesj@mail.nih.gov* for more information.

Dated: October 10, 2007.

Steven M. Ferguson,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E7–20518 Filed 10–16–07; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: Adult Human Dental Pulp Stem Cells, Postnatal Stem Cells, and Multipotent Postnatal Stem Cells From Human Periodontal Ligament

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i), that the National Institutes of Health (NIH), Department of Health and Human Services (HHS), is contemplating the grant of an exclusive license worldwide to practice the invention embodied in United States issued Patent Number 7,052,907 titled: ''Adult Human Dental Pulp Stem Cells in vitro and in vivo'' referenced at HHS as E–233–2000/0–US–03 and corresponding foreign patent applications, United States Patent Application Number 10/553,633 titled: ''Postnatal Stem Cells and Uses Thereof'' referenced at HHS as E–018–2003/0–US–02 and corresponding foreign patent applications, United States Patent Application Number 11/433,627 titled: ''Multipotent Postnatal Stem Cells from Human Periodontal Ligament'' referenced at DHHS as E–033–2004/0–US–03 and corresponding patent applications, to Angioblast Systems, Inc. having a place of business in the state of New York. The field of use may be limited to the following: FDA or similar foreign body approved therapeutic for (1) regeneration/repair of the periodontal ligament lost from chronic periodontitis, (2) regeneration/repair of dentin/pulp complex lost during deep carious lesions and (3) regeneration/repair of neural networks. The United States of America is the assignee of the patent rights in this invention. The territory may be worldwide.

DATES: Only written comments and/or application for a license, which are received by the NIH Office of Technology Transfer on or before December 17, 2007 will be considered.

ADDRESSES: Requests for a copy of the patent applications, inquiries, comments and other materials relating to the contemplated license should be directed to: Fatima Sayyid, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; Telephone: (301) 435–4521; Facsimile: (301) 402–0220; e-mail: *Fatima.Sayyid@nih.hhs.gov*.

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 60 days from the date of this published Notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Properly filed competing applications for a license filed in response to this notice will be treated as objections to the contemplated license. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: October 11, 2007.

Steven M. Ferguson,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E7–20520 Filed 10–16–07; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: Treatment of Proliferative Disorders Using an Unexpected mTOR Kinase Inhibitor

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i), that the National Institutes of Health (NIH), Department of Health and Human Services (HHS), is contemplating the grant of an exclusive license to practice the invention embodied in PCT patent application PCT/US2004/041265 filed December 9, 2004, entitled: ''Methods for Suppressing an Immune Response or Treating a Proliferative Disorder'' [HHS Reference Number: E–259–2003/0–PCT–02], to Emiliem, Inc., a Delaware Corporation, having a place of business in Emeryville, California. The field of use may be limited to the use of 2-(4-piperazinyl) substituted 4H-1-benzopyran-4-one compounds, including 2-(4-piperazinyl)-8-phenyl-4H-1-benzopyran-4-one (LY303511), for the treatment of cancer and/or other proliferative disorders not currently licensed, excluding the treatment and prevention of stenosis and restenosis. The United States of America is an assignee of the patent rights in these inventions.

DATES: Only written comments and/or application for a license, which are received by the NIH Office of Technology Transfer on or before December 17, 2007 will be considered.

ADDRESSES: Requests for a copy of the patent application, inquiries, comments and other materials relating to the contemplated license should be directed to: Susan Carson, D. Phil., Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; Email: *carsonsu@od.nih.gov;* Telephone: (301) 435–5020; Facsimile: (301) 402–0220.

SUPPLEMENTARY INFORMATION: The search for specific kinase inhibitors is an active area of drug development as there is a continued need for effective anti-proliferative therapeutics with acceptable toxicities. The core invention is a novel method of use of one of the 4H-1-benzopyran-4-one derivatives (LY303511) which has been shown to target mTOR and casein kinase 2 (CK2) without affecting PI3K activity (JPET, May 26, 2005, doi: 10.1124/jpet.105.083550). Proof of concept data is available in an *in vivo* human zenograft PC–3 prostate tumor model, without observed toxicity. *In vitro* data suggest that (2-(4-piperazinyl)-8-phenyl-4H-1-benzopyran-4-one and derivatives may be effective in treating inflammatory, autoimmune and other proliferative disorders including restenosis, inflammatory bowel disease and a variety of cancers. Method of use claims are directed to derivatives of 2-(4-piperazinyl)-substituted 4H-1-benzopyran-4-one compounds as anti-proliferative, immunosuppressive, anti-inflammatory, anti-restenosis and anti-neoplastic agents.

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 60 days from the date of this published Notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Properly filed competing applications for a license filed in response to this notice will be treated as objections to the contemplated license. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: October 10, 2007.

Steven M. Ferguson,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E7–20516 Filed 10–16–07; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. COTP Corpus Christi 07–085]

South Texas Area Maritime Security (STAMS) Committee; Vacancy

AGENCY: Coast Guard, DHS.

ACTION: Solicitation for membership.

SUMMARY: This notice requests individuals interested in serving on the South Texas Area Maritime Security (STAMS) Committee to submit their application for a potential opening on the committee to the Corpus Christi Captain of the Port/Federal Maritime Security Coordinator.

DATES: Applications should reach the Corpus Christi Captain of the Port/Federal Maritime Security Coordinator on or before October 30, 2007.

ADDRESSES: Requests for membership should be submitted to the Captain of the Port/Federal Maritime Security Coordinator at the following address:

Commander, USCG Sector Corpus Christi, 8930 Ocean Drive, Hangar 41, Corpus Christi, Texas 78419.

FOR FURTHER INFORMATION CONTACT: Mr. John Zarbock at 361–888–3162 (X501).

SUPPLEMENTARY INFORMATION:

Authority

Section 102 of the Maritime Transportation Security Act (MTSA) of 2002 (Pub. L. 107–295) added section 70112 to Title 46 of the U.S. Code, and authorized the Secretary of the

Department in which the Coast Guard is operating to establish Area Maritime Security Committees for any port area of the United States. (See 33 U.S.C. 1226; 46 U.S.C. 70112(a)(2); 33 CFR 1.05–1, 6.01; Department of Homeland Security Delegation No. 0170.1.) The MTSA includes a provision exempting these Area Maritime Security (AMS) Committees from the Federal Advisory Committee Act (FACA), 5 U.S.C. App. (Pub. L. 92–436).

The South Texas Area Maritime Security (STAMS) Committee assists the Captain of the Port(COTP)/Federal Maritime Security Coordinator (FMSC) in the review and update of the STAMS Plan for the Corpus Christi Area of Responsibility. Such matters may include, but are not limited to: Identifying critical port infrastructure and operations; Identifying risks (threats, vulnerabilities, and consequences); Determining mitigation strategies and implementation methods; Developing and describing the process to continually evaluate overall port security by considering consequences and vulnerabilities, how they may change over time, and what additional mitigation strategies can be applied; and Providing advice to, and assisting the COTP/FMSC in, reviewing and updating the STAMS Plan.

STAMS Committee Membership

Applicants should have at least 5 years of experience related to maritime or port security operations. The STAMS Committee has ten members, made up of at least one individual from the Corpus Christi, Rio Grande Valley, Port of Port Lavaca-Point Comfort and Victoria Barge Canal, Port Security Working Groups (PSWG). The Coast Guard has one vacancy. We are seeking individuals interested in representing the Port of Port Lavaca-Point Comfort PSWG area with this solicitation. Applicants may be required to pass an appropriate security background check prior to appointment to the committee.

The member's term of office will be for 5 years; however, a member is eligible to serve an additional term of office. Members will not receive any salary or other compensation for their service on the STAMS Committee. In support of the Coast Guard's policy on gender and ethnic diversity, we encourage qualified women and members of minority groups to apply.

Request for Applications

Those seeking membership are not required to submit formal applications to the local COTP/FMSC. Nevertheless, because we do have an obligation to ensure that a specific number of members have the prerequisite maritime security experience, we encourage the submission of resumes highlighting experience in the maritime and security industries.

Dated: September 4, 2007.

R.J. Paulison,

Captain, U.S. Coast Guard, Corpus Christi Captain of the Port/Federal Maritime Security Coordinator.

[FR Doc. E7–20497 Filed 10–16–07; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2007–0003]

Temporary Relocation of the Coast Guard National Maritime Center (NMC)

AGENCY: Coast Guard, DHS.

ACTION: Notice.

SUMMARY: The Coast Guard National Maritime Center (NMC), which was located in Arlington, VA, has temporarily relocated to Kearneysville, WV, as part of a planned effort to restructure and centralize the Mariner Licensing and Documentation (MLD) Program. This notice provides information regarding both the NMC consolidation and the relocated NMC offices.

DATES: The temporary office in Kearneysville, WV, became operational on October 1, 2007. No further NMC operations are being carried out in Arlington, VA. In December 2007, the NMC will move to its permanent location in Martinsburg, WV.

ADDRESSES: The NMC's temporary address is: Commanding Officer, Coast Guard National Maritime Center, 130 East Burr Blvd., Kearneysville, WV 25430. In December, 2007, the NMC's permanent address will be: Commanding Officer, Coast Guard National Maritime Center, 100 Forbes Drive, Martinsburg, WV 25404.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call Mr. Jeffrey Brandt, National Maritime Center, telephone 304–724–9559.

SUPPLEMENTARY INFORMATION: The MLD Program restructuring and centralization plan, approved in 2005, will centralize many of the simultaneous efforts of 17 independently operating Regional Examination Centers (RECs) into one Merchant Mariner Credential (MMC) processing center in Martinsburg, WV. Having one MMC processing center will allow for more consistent procedures, cost reduction, improved oversight, and improved mariner assistance.

The NMC has been reorganized into five divisions consisting of the Operations and Oversight Division (NMC–1), Mariner Training and Assessment Division (NMC–2), Program Support Division (NMC–3), Mariner Records Division (NMC–4), and Mariner Services Division (NMC–5).

We have temporarily relocated the NMC to Kearneysville, WV. On or about December 10, 2007, the NMC will relocate to its permanent address in Martinsburg, WV.

Dated: October 4, 2007.

Howard L. Hime,

Acting Director of Commercial Regulations and Standards, United States Coast Guard.

[FR Doc. E7–20493 Filed 10–16–07; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Construction of a Residential Community in Lake County, FL

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice: Receipt of application for an incidental take permit; request for comments.

SUMMARY: We, the Fish and Wildlife Service (Service), announce the availability of an Incidental Take Permit (ITP) Application and Habitat Conservation Plan (HCP). Founders Ridge, LLC (applicant) requests an ITP for a duration of 10 years under the Endangered Species Act of 1973, as amended (Act). The applicant anticipates taking a total of approximately 32.18 acres of Florida scrub-jay (*Alphelocoma coerulescens*)—occupied habitat and approximately 1.85 acres of sand skink (*Neoseps reynoldsi*)—occupied habitat incidental to the construction of a residential development consisting of 963 units and associated amenities, in Lake County, Florida (project). The applicant's HCP describes the mitigation and minimization measures the applicant proposes to address the effects of the project to the Florida scrub-jay and sand skink.

DATES: We must receive any written comments on the ITP application and HCP on or before November 16, 2007.

ADDRESSES: If you wish to review the application and HCP, you may write the Field Supervisor at our Jacksonville Field Office, 6620 Southpoint Drive South, Suite 310, Jacksonville, FL

32216, or make an appointment to visit during normal business hours. If you wish to comment, you may mail or hand deliver comments to the Jacksonville Field Office, or you may e-mail comments to *paula_sisson@fws.gov.* For more information on reviewing documents and public comments and submitting comments, see **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Paula Sisson, Fish and Wildlife Biologist, Jacksonville Field Office (see **ADDRESSES**); telephone: 904/232–2580, ext. 126.

SUPPLEMENTARY INFORMATION:

Public Availability of Comments

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment including your personal identifying information may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Please reference permit number TE137074–0 for Founders Ridge, LLC in all requests or comments. Please include your name and return address in your e-mail message. If you do not receive a confirmation from us that we have received your e-mail message, contact us directly at the telephone number listed under **FOR FURTHER INFORMATION CONTACT**.

Background

Florida Scrub-Jay

The Florida scrub-jay (scrub-jay) is found exclusively in peninsular Florida and is restricted to xeric upland communities (predominately in oak-dominated scrub with open canopies) of the interior and Atlantic coast sand ridges. Increasing urban and agricultural development has resulted in habitat loss and fragmentation, which have adversely affected the distribution and numbers of scrub-jays. Remaining habitat is largely degraded due to the exclusion of fire, which is needed to maintain xeric uplands in conditions suitable for scrub-jays. The total estimated population is between 7,000 and 11,000 individuals.

Sand Skink

The sand skink is a small fossorial lizard that occurs on the sandy ridges of interior central Florida from Marion County south to Highlands County. Biological information regarding the sand skink is limited due to the secretive nature of the species. Based on the reduction in quality and acreage and the rapid development of xeric upland communities, the sand skink appears to be declining throughout most of its range. By some estimates, as much as 90 percent of the scrub ecosystem has been lost to residential development and conversion to agriculture, primarily citrus groves.

Applicant's Proposal

The applicant is requesting take of approximately 32.18 acres of occupied Florida scrub-jay habitat and 1.85 acres of occupied sand skink habitat incidental to the construction of a residential community in Lake County, Florida (Parcel # 05–22–26–000200001200 and Parcel # 06–22–26–0001–00009000). The project encompasses about 335.4 acres and currently includes 723 single-family units and 240 multi-family townhomes, a 40-acre community park, various recreational facilities, infrastructure and landscaping. The applicant proposes to mitigate for the take of the Florida scrub-jay at a ratio of 2:1 based on Service Mitigation Guidelines. The applicant will contribute a total of $427,242.00 to the USDA Forest Service to be utilized for scrub-jay conservation pursuant to an MOU between the Service and the Forest Service. Furthermore, to mitigate for impacts to the sand skink, the applicant has proposed to restore, manage and preserve a 4.50-acre area of occupied habitat within the boundaries of the project site. As minimization for impacts to the species, clearing activities during project construction will occur outside the scrub-jay nesting season (March 1–July 15) and the sand skink breeding season (March 1–May 15) to reduce the potential for mortality.

We have determined that the applicant's proposal, including the proposed mitigation and minimization measures, would have minor or negligible effects on the species covered in the HCP. Therefore, the ITP is a ''low-effect'' project and qualifies for categorical exclusions 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. A low-effect HCP is one 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.

We 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 we determine that the application meets those requirements, we will issue the ITP for incidental take of the scrub-jay and the sand skink. We 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. We will use the results of this consultation, in combination with the above findings, in the final analysis to determine whether or not to issue the ITP.

Authority: We provide this notice under Section 10 of the Act and NEPA regulations (40 CFR 1506.6).

Dated: October 9, 2007.

David L. Hankla,

Field Supervisor, Jacksonville Field Office.

[FR Doc. E7–20479 Filed 10–16–07; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Patoka River National Wildlife Refuge, Pike and Gibson Counties, IN

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability: Draft comprehensive conservation plan and environmental assessment; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of a draft comprehensive conservation plan (CCP) and draft environmental assessment (EA) for Patoka River National Wildlife Refuge (NWR) for public review and comment. In this draft CCP/EA, we describe how we propose to manage the refuge for the next 15 years.

DATES: To ensure consideration, we must receive your written comments by November 30, 2007. An open house style meeting will be held during the comment period to receive comments and provide information on the draft plan. Special mailings, newspaper articles, internet postings, and other media announcements will inform people of the meetings and opportunities for written comments.

ADDRESSES: Send your comments or requests for more information by any of the following methods. You may also drop off comments in person at Patoka River NWR.

- *Agency Web site:* View or download a copy of the document and comment at

http://www.fws.gov/midwest/planning/PatokaRiver/.

• *E-mail: r3planning@fws.gov*. Include ''Patoka River Draft CCP/EA'' in the subject line of the message.

• *Fax:* 812–749–3059.

• *Mail:* Refuge Manager, Patoka River National Wildlife Refuge, 510½ West Morton St., Oakland City, IN 47660.

FOR FURTHER INFORMATION CONTACT: Bill McCoy, 812–749–3199.

SUPPLEMENTARY INFORMATION:

Introduction

With this notice, we continue the CCP process for Patoka River NWR, which was started with the notice of intent published in 68 FR 62472 (November 4, 2003). For more about the initial process and the history of this refuge, see that notice. Patoka River NWR, located in southwestern Indiana, includes wetlands and bottomland forest along the Patoka River that provide a variety of habitat for migrant and resident wildlife. The Refuge contains some of the best wood duck production habitat in the State and is used by endangered and threatened species, including the Bald Eagle. The Refuge also includes the Cane Ridge Unit, a 464-acre satellite 24 miles west of the main Refuge that contains nesting habitat for the endangered Interior Least Tern, and the 219-acre White River Bottoms Unit nine miles north of the Refuge.

The CCP Process

The National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd–668ee), requires us to develop a comprehensive conservation plan for each national wildlife refuge. The purpose in developing a CCP is to provide refuge managers with a 15-year strategy for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System, consistent with sound principles of fish and wildlife management, conservation, legal mandates, and our policies. In addition to outlining broad management direction on conserving wildlife and their habitats, plans identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation, wildlife photography, and environmental education and interpretation.

CCP Alternatives and Our Preferred Alternative

Priority Issues

During the public scoping process, we, other governmental partners, and the public identified several priority issues, which include: Habitat management; water quality within the Patoka River and its tributaries; demand for additional visitor services; land acquisition within the approved Refuge boundary; and declining fish productivity within oxbow lakes. To address these issues, we developed and evaluated the following alternatives during the planning process.

Alternative 1, Current Management

Under Alternative 1, Current Management, the amount of bottomland forest and managed wetlands would increase and the amount of farmland would decrease; work would continue on improving the water quality within the Patoka River and its tributaries with the long term goal of removal of the streams from the list of impaired waters; there would be some improvements for welcoming and orienting refuge visitors; hunting and fishing opportunities would continue at present levels; wildlife observation opportunities would increase with new or improved facilities at three locations; there would be increased capacity to provide environmental education materials; land acquisition would continue both solely and in conjunction with partners; and there would be no active restoration of oxbow lakes or stream channels.

Alternative 2, Passive Management and Reactive Visitor Services

Under Alternative 2, bottomland farmland would be allowed to naturally succeed to bottomland forest; work would continue on improving the water quality within the Patoka River and its tributaries with the long term goal of removal of the streams from the list of impaired waters; there would be some improvements for welcoming and orienting refuge visitors; hunting, fishing, and wildlife observation opportunities would continue at present levels but there would be no new facilities for wildlife observation; environmental education would remain at present levels; land acquisition would continue both solely and in conjunction with partners; and there would be no active restoration of oxbow lakes or stream channels.

Alternative 3 (Preferred Alternative)

Under Alternative 3, the amount of bottomland forest and managed wetlands would increase and the amount of farmland would decrease but some would be retained as stopover habitat for migratory waterbirds; work would continue on improving the water quality within the Patoka River and its tributaries with the long term goal of removal of the streams from the list of impaired waters; there would be some improvements for welcoming and orienting refuge visitors; hunting opportunities would continue at present levels but there would be additional facilities to enhance fishing opportunities; wildlife observation opportunities would increase with new or improved facilities at three locations with the possibility of additional improvements; there would be increased capacity to provide environmental education materials; land acquisition would continue both solely and in conjunction with partners; and information would be collected to help evaluate stream channel and oxbow lake restoration options.

Public Meeting

We will give the public an opportunity to provide comments at a public meeting. You may obtain the schedule from the addresses listed in this notice (see **ADDRESSES**). You may also submit comments anytime during the comment period.

Public Availability of Comments

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should know that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: June 4, 2007.

Charles M. Wooley,

Acting Regional Director, U.S. Fish and Wildlife Service, Fort Snelling, Minnesota.

Editorial Note: This document was received at the Office of the Federal Register on October 12, 2007.

[FR Doc. E7–20474 Filed 10–16–07; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA–6678–L; AK–962–1410–HY–P]

Alaska Native Claims Selection

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of decision approving lands for conveyance.

SUMMARY: As required by 43 CFR 2650.7(d), notice is hereby given that an appealable decision approving lands for

conveyance pursuant to the Alaska Native Claims Settlement Act will be issued to Levelock Natives, Limited. The lands are in the vicinity of Levelock, Alaska, and are located in: Seward Meridian, Alaska, T. 10 S., R. 44 W., Sec. 27. Containing 640 acres.

The subsurface estate in these lands will be conveyed to Bristol Bay Native Corporation when the surface estate is conveyed to Levelock Natives, Limited. Notice of the decision will also be published four times in the Bristol Bay Times.

DATES: The time limits for filing an appeal are:

1. Any party claiming a property interest which is adversely affected by the decision shall have until November 16, 2007 to file an appeal.

2. Parties receiving service of the decision by certified mail shall have 30 days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

ADDRESSES: A copy of the decision may be obtained from: Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7504.

FOR FURTHER INFORMATION CONTACT: The Bureau of Land Management by phone at 907–271–5960, or by e-mail at *ak.blm.conveyance@ak.blm.gov*. Persons who use a telecommunication device (TTD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8330, 24 hours a day, seven days a week, to contact the Bureau of Land Management.

Dina L. Torres,

Land Law Examiner, Resolution Branch.

[FR Doc. E7–20477 Filed 10–16–07; 8:45 am]

BILLING CODE 4310–$$–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Docket No. CO–200–0777–XZ–241A]

Notice of Meeting, Front Range Resource Advisory Council (Colorado)

AGENCY: Bureau of Land Management, Interior.

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) Front Range Resource Advisory Council (RAC), will meet as indicated below.

DATES: The meeting will be held November 14, 2007 from 9:15 a.m. to 4 p.m.

ADDRESSES: Holy Cross Abbey Community Center, 2951 E. Highway 50, Canon City, Colorado 81212.

FOR FURTHER INFORMATION CONTACT: Ken Smith, (719) 269–8500.

SUPPLEMENTARY INFORMATION: The 15 member Council advises the Secretary of the Interior, through the Bureau of Land Management, on a variety of planning and management issues associated with public land management in the the Royal Gorge Field Office and San Luis Valley, Colorado. Planned agenda topics include: Manager updates on current land management issues including: Presentations and discussions on the Colorado BLM Noxious Weed Program, Greater Arkansas Cooperative Weed Management Program and the South Park Land Tenure Adjustment Plan Amendment. All meetings are open to the public. The public is encouraged to make oral comments to the Council at 9:30 a.m. or written statements may be submitted for the Council's consideration. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited. Summary minutes for the Council Meeting will be maintained in the Royal Gorge Field Office and will be available for public inspection and reproduction during regular business hours within thirty (30) days following the meeting. Meeting Minutes and agenda (10 days prior to each meeting) are also available at: *http://www.blm.gov/rac/co/frrac/co_fr.htm*.

Dated: October 10, 2007.

Roy L. Masinton,

Royal Gorge Field Manager.

[FR Doc. 07–5121 Filed 10–16–07; 8:45 am]

BILLING CODE 4310–JB–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–910–08–0777XX]

Notice of Public Meeting: Sierra Front-Northwestern Great Basin Resource Advisory Council, Northeastern Great Basin Resource Advisory Council, and Mojave-Southern Great Basin Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Combined Resource Advisory Council Meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972 (FACA), the Department of the Interior, Bureau of Land Management (BLM) Nevada Resource Advisory Councils meeting will be held as indicated below.

DATES: The three councils will meet on Thursday, November 15, 2007, from 8 a.m. to 5 p.m., and Friday, November 16, 2007, from 8 a.m. to 2 p.m., at the Gold Dust West Hotel-Casino, 2171 Highway 50 East, Carson City, Nevada.

FOR FURTHER INFORMATION CONTACT: Doran Sanchez, Chief, Office of Communications, BLM Nevada State Office, 1340 Financial Blvd., Reno, NV, 89502, telephone (775) 861–6586.

SUPPLEMENTARY INFORMATION: The 15-member Councils advise the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management in Nevada. On Thursday, November 15, agenda topics include an overview of BLM Nevada and fiscal year 2008 priorities for various programs including resources, land, planning, minerals, renewable energy, geothermal program, and law enforcement; an update on Round 9 funding through the Southern Nevada Public Land Management Act; and grazing permit renewals. A wildfire management panel discussion will include representatives from the offices of Senator Reid and Senator Ensign, the BLM State Director, the Humboldt-Toiyable National Forest Supervisor and the Nevada Division of Forestry.

On Friday, November 16, the three Resource Advisory Councils (RACs) will hold individual meetings to elect officers, establish agendas and meeting dates for 2008 and other business as necessary. The RACs will reconvene for a joint session with a report from each RAC.

An agenda is available at *http://www.blm.gov/nv/*. All meetings are open to the public. The public may present written comments to the three RAC groups or the individual RACs. The public comment period for the Council meeting will be at 3 p.m. on Thursday, November 15. Individuals who plan to attend and need further information about the meeting or need special assistance such as sign language interpretation or other reasonable accommodations, may contact Nancy Thompson at the BLM Nevada State Office, (775) 861–6586 or *nancy_thompson@nv.blm.gov*.

Dated: October 10, 2007.

Ron Wenker,

State Director, Nevada.

[FR Doc. E7–20498 Filed 10–16–07; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–960–1430–ET; WIES–051517, WIES–011233, WIES–050198]

Public Land Order No. 7681; Revocation of the Withdrawal Established by Executive Orders Dated December 11, 1848 and May 28, 1858; Withdrawal and Transfer of Jurisdiction; Wisconsin

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes two withdrawals established by Executive Orders in their entirety as to approximately 328.70 acres of public lands withdrawn from surface entry and reserved for use by the United States Coast Guard for Plum and Pilot Island Light Stations in Door County, Wisconsin. This order also transfers administrative jurisdiction of the lands from the United States Coast Guard to the United States Fish and Wildlife Service, and withdraws the lands from surface entry for a period of 50 years for inclusion in the Green Bay National Wildlife Refuge.

DATES: *Effective Date:* October 17, 2007.

FOR FURTHER INFORMATION CONTACT: Ida Doup, BLM—Eastern States, 7450 Boston Boulevard, Springfield, Virginia 22153, 703–440–1541.

SUPPLEMENTARY INFORMATION: The reservation is no longer needed by the United States Coast Guard for lighthouse purposes. Administrative jurisdiction is being transferred to the United States Fish and Wildlife Service to protect native and migratory bird habitat and endangered species habitat within the Great Lakes Basin ecosystem.

Order

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (2000), it is ordered as follows:

1. The withdrawals established by Executive Orders dated December 11, 1848 and May 28, 1858, which withdrew approximately 328.70 acres of public lands known as Plum and Pilot Islands, from surface entry and reserved them for use by the United States Coast Guard for lighthouse purposes, are hereby revoked in their entirety as to the following described lands:

Fourth Principal Meridian

Plum Island (325 Acres)

T. 33 N., R. 29 E.,
Sec. 26, lots 1 and 2;
Sec. 27, lots 1, 2, and 3.

Pilot Island (3.7 Acres)

T. 33 N., R. 29 E.,
Sec. 1, NE¼NW¼.

The areas described aggregate approximately 328.70 acres in Door County.

2. Subject to valid existing rights, the lands described in Paragraph 1 are hereby withdrawn from settlement, sale, location or entry under the general land laws, but not the mineral leasing laws, and administrative jurisdiction is transferred from the United States Coast Guard to the United States Fish and Wildlife Service to be managed as part of the National Wildlife Refuge System and shall thereafter be subject to all laws and regulations applicable to a wildlife refuge.

3. The United States Coast Guard and its officers, agents, employees, contractors, and subcontractors, will have the unrestricted right of access to enter the land described in this order for the purpose of maintaining the aid to navigation and associated equipment, making any changes necessary for navigational purposes, and preserving an Arc of Visibility. The United States Fish and Wildlife Service may not interfere or allow interference with any navigational aid in use on the land without written permission from the United States Coast Guard.

4. The transfer of jurisdiction for the lands described in this order is subject to the conditions and limitations of case closure for Plum and Pilot Islands as determined by the Wisconsin Department of Natural Resources in accordance with Wisconsin Administrative Code section NR 726.05, and as specified in the Wisconsin Department of Natural Resources site closure letters for Plum Island and Pilot Island dated August 30, 2006.

5. This withdrawal will expire 50 years from the effective date of this order unless, pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (2000), the Secretary determines that the withdrawal shall be extended.

Dated: September 28, 2007.

C. Stephen Allred,

Assistant Secretary—Land and Minerals Management.

[FR Doc. E7–20476 Filed 10–16–07; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Submitted for Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of a revision of a currently approved information collection (OMB Control Number 1010–0120).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are notifying the public that we have submitted to OMB an information collection request (ICR) to renew approval of the paperwork requirements in the regulations under 30 CFR parts 202, 206, 210, 212, 217, and 218. This notice also provides the public a second opportunity to comment on the paperwork burden of these regulatory requirements. We changed the title of this ICR to reflect OMB consolidation approval of solid mineral and geothermal ICRs. Those ICRs were titled:

- 1010–0074: 30 CFR Part 206—Product Valuation, Subpart J—Indian Coal (Forms MMS–4292, Coal Washing Allowance Report, and MMS–4293, Coal Transportation Allowance Report);
- 1010–0120: 30 CFR Part 206, Subpart F—Federal Coal and Subpart J—Indian Coal; Part 210, Subpart B—Oil, Gas, and OCS Sulfur—General, Subpart E—Solid Minerals, General, Subpart H—Geothermal Resources; Part 218, Subpart B—Oil and Gas, General, Subpart E—Solid Minerals—General (Form MMS–4430, Solid Minerals Production and Royalty Report); and
- 1010–0169: 30 CFR Parts 202, 206, 210, 217, and 218—Valuation of Geothermal Resources.

The title of this ICR is ''30 CFR 202, 206, 210, 212, 217, and 218—Solid Minerals and Geothermal Collections.'' Forms associated with this information collection are Forms MMS–4430, Solid Minerals Production and Royalty Report; MMS–4292, Coal Washing Allowance Report; and MMS–4293, Coal Transportation Allowance Report.

DATES: Submit written comments on or before *November 16, 2007*.

ADDRESSES: Submit written comments by either FAX (202) 395–6566 or e-mail *(OIRA_Docket@omb.eop.gov)* directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (OMB Control Number 1010–0120).

Please also send a copy of your comments to MMS via e-mail at *mrm.comments@mms.gov*. Include the title of the information collection and the OMB control number in the ''Attention'' line of your comment. Also include your name and return address. If you do not receive a confirmation that we have received your e-mail, contact Ms. Gebhardt at (303) 231–3211.

You may also mail a copy of your comments to Sharron L. Gebhardt, Lead Regulatory Specialist, Minerals Management Service, Minerals Revenue Management, P.O. Box 25165, MS 302B2, Denver, Colorado 80225.

If you use an overnight courier service or wish to hand-deliver your comments, our courier address is Building 85, Room A–614, Denver Federal Center, West 6th Ave. and Kipling Blvd., Denver, Colorado 80225.

FOR FURTHER INFORMATION CONTACT: Sharron L. Gebhardt, telephone (303) 231–3211, fax (303) 231–3781, e-mail *Sharron.Gebhardt@mms.gov*. You may also contact Sharron Gebhardt to obtain, at no cost, copies of (1) the ICR, (2) any associated forms, and (3) regulations that require the subject collection of information.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR 202, 206, 210, 212, 217, and 218-Solid Minerals and Geothermal Collections.

OMB Control Number: 1010–0120.

Bureau Form Number: Forms MMS–4430, MMS–4292, and MMS–4293.

Abstract: The Secretary of the United States Department of the Interior (Secretary) is responsible for matters relevant to mineral resource development on Federal and Indian lands and the Outer Continental Shelf (OCS). The Secretary, under the Mineral Leasing Act (30 U.S.C. 1923) and the Outer Continental Shelf Lands Act (43 U.S.C. 1353), is responsible for managing the production of minerals from Federal and Indian lands and the OCS, collecting royalties from lessees who produce minerals, and distributing the funds collected in accordance with applicable laws. The Secretary also has a trust responsibility to manage Indian lands and seek advice and information from Indian beneficiaries. The MMS performs the royalty management functions and assists the Secretary in carrying out the Department's trust responsibility for Indian lands.

Minerals produced from Federal and Indian leases vary greatly in the nature of occurrence, production and processing methods, and markets served. Also, lease terms, statutory requirements, and regulations vary significantly among the different minerals.

When a company or an individual enters into a lease to explore, develop, produce, and dispose of minerals from Federal or Indian lands, that company or individual agrees to pay the lessor a share (royalty) of the value received from production from the leased lands. The lease creates a business relationship between the lessor and the lessee. The lessee is required to report various kinds of information to the lessor relative to the disposition of the leased minerals. Such information is similar to data reported to private and public mineral interest owners and is generally available within the records of the lessee or others involved in developing, transporting, processing, purchasing, or selling of such minerals. The information collected includes data necessary to ensure that the royalties are accurately valued and appropriately paid.

Applicable law citations pertaining to mineral leases on Federal and Indian lands include: 25 U.S.C. 396d, Chapter 12—Lease, Sale, or Surrender of Allotted or Unallotted Lands; 25 U.S.C. 2103, Chapter 23—Development of Tribal Mineral Resources; 30 U.S.C. 189, Chapter 3A—Leases and Prospecting Permits; 30 U.S.C. 359, Chapter 7—Lease of Mineral Deposits within Acquired Lands; 30 U.S.C. 1001, 1002, Chapter 23—Geothermal Steam and Associated Geothermal Resources; 43 U.S.C. 1334, Chapter 29—Submerged Lands, Subchapter III—Outer Continental Shelf Lands Act; Energy Policy Act of 2005; and Mineral Leasing Act of 1920.

Applicable Code of Federal Regulations (CFR) citations include 30 CFR parts 202, subpart H; 206, subparts F, H, and J; 210, subparts E and H; 212, subparts E and H; 217, subparts E, F, and G; and 218, subparts E and F.

The governing citations require the lessees, operators, or other directly involved persons to accurately submit minerals royalty and production data and provide additional reasonable information as defined by the Secretary regarding their production. This ICR provides for the collection of (1) solid minerals royalty and production information on the forms above and on other associated data formats such as sales summaries, facility data, sales contracts and amendments, and payment information; and (2) geothermal resources information on Form MMS–2014 (ICR 1010–0140; OMB approval expires November 30, 2009). The information collected (1) enables MMS to verify that revenue due the Federal Government is accurately reported and correctly paid under applicable laws, regulations, and lease terms; and (2) supports the fulfillment of our trust and financial and compliance requirements. It also enables MMS to timely disburse mineral revenues to the correct recipients. We encourage electronic submission by way of e-mail message attachments; however, hard-copy submissions are accepted.

Specific lease language varies. However, respondents agree by the lease terms to furnish statements providing the details of all solid minerals and geothermal operations conducted on a Federal or Indian lease, including the quantity and quality of all production from the lease at such times and in such form as the Secretary may prescribe.

The MMS, acting for the Secretary, uses the collected information to support the Compliance and Asset Management (CAM) and Financial Management (FM) processes, and to assure that royalties are reported timely and paid appropriately and are based upon correct product valuation. The MMS, as well as other Federal Government, state, and tribal entities, uses the collected information for audit purposes and for evaluation of the reasonableness of product valuation or of allowance claims submitted by lessees. The MMS provides the Bureau of Land Management (BLM) and the Bureau of Indian Affairs (BIA) access to this information. The BLM and BIA use this data to conduct production verification, ensure lease diligence, and monitor plant efficiencies, maximum recovery, and secondary product inventories. The determination of the appropriate product value or allowance rate directly affects the royalties due. Failure to collect such data would prevent the Secretary from accomplishing statutory and trust responsibilities.

The information we collect under this ICR is essential for the royalty valuation process. Not collecting this information would limit the Secretary's ability to discharge fiduciary duties and may also result in the inability to confirm the accurate royalty value.

Proprietary information submitted to MMS under this collection is protected. No items of a sensitive nature are collected. The requirement to submit Form MMS–4430 is mandatory. The requirement for producers of coal from Indian leases to submit Forms MMS–4292 and MMS–4293 is required to obtain benefits.

Frequency of Response: On occasion, annually, and/or monthly.

Estimated Number and Description of Respondents: 161 reporters.

Estimated Annual Reporting and Recordkeeping "Hour" Burden: 3,670 hours.

We revised this ICR to include reporting requirements from parts 206 and 212 citations that were overlooked in the previous renewal. We have adjusted the burden hours accordingly. We have not included in our estimates certain requirements performed in the normal course of business and considered usual and customary.

The following chart shows the estimated burden hours by CFR section and paragraph:

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS

Citation 30 CFR	Reporting & recordkeeping requirement	Hour burden	Average No. annual responses	Annual burden hours
	Part 202—Royalties			
	Subpart H—Geothermal Resources			
202.351	Royalties on geothermal resources. (b)(3) Royalties on byproducts are due at the time the recovered byproduct is used, sold, or otherwise finally disposed of * * *.	Hour burden covered under OMB Control Number 1010–0140 (expires November 30, 2009).		
202.353	Measurement standards for reporting and paying royalties and direct use fees. (a) For geothermal resources used to generate electricity, you must report the quantity on which royalty is due on Form MMS–2014 * * *. (b) For geothermal resources used in direct use processes, you must report the quantity on which a royalty or direct use fee is due on Form MMS–2014* * *. (c) For byproducts, you must report the quantity on which royalty is due on Form MMS–2014* * *. (d) For commercially demineralized water, you must report the quantity on which royalty is due on Form MMS–2014* * *.	Hour burden covered under OMB Control Number 1010–0140. See § 210.52.		
	(e) * * * However, you must maintain quality measurements for audit purposes * * *.	AUDIT PROCESS. See Note.		
	Part 206—Product Valuation			
	Subpart F—Federal Coal			
206.253 (c)	Coal subject to royalties—general provisions	Hour burden covered under § 206.254.		
	(c) * * * The lessee shall maintain accurate records to determine to which individual Federal lease coal in the waste pit or slurry pond should be allocated.			
206.254	Quality and quantity measurement standards for reporting and paying royalties. * * * Coal quantity information shall be reported on appropriate forms required under 30 CFR part 216 and on the Solid Minerals Production and Royalty Report, Form MMS–4430, as required under 30 CFR part 210.	.4166	816	340
206.257	Valuation standards for ad valorem leases. (b)(1) * * * The lessee shall have the burden of demonstrating that its contract is arm's-length* * *. (b)(3) * * * When MMS determines that the value may be unreasonable, MMS will notify the lessee and give the lessee an opportunity to provide written information justifying the lessee's reported coal value. (b)(4) The MMS may require a lessee to certify that its arm's-length contract provisions include all of the consideration to be paid by the buyer, either directly or indirectly, for the coal production.	AUDIT PROCESS. See Note.		
	(d)(1) Where the value is determined pursuant to paragraph (c) of this section, that value does not require MMS's prior approval. However, the lessee shall retain all data relevant to the determination of royalty value* * *.	Hour burden covered under § 206.254.		
	(d)(2) Any Federal lessee will make available upon request to the authorized MMS or State representatives, to the Inspector General of the Department of the Interior or other persons authorized to receive such information, arm's-length sales value and sales quantity data for like-quality coal sold, purchased, or otherwise obtained by the lessee from the area.	AUDIT PROCESS. See Note.		

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting & recordkeeping requirement	Hour burden	Average No. annual responses	Annual burden hours
	(d)(3) A lessee shall notify MMS if it has determined value pursuant to paragraphs (c)(2)(ii), (iii), (iv), or (v) of this section. * * * The letter shall identify the valuation method to be used and contain a brief description of the procedure to be followed. The notification required by this section is a one-time notification due no later than the month the lessee first reports royalties on the Form MMS–4430 * * * and each time there is a change* * *.	2	1	2
	(f) The lessee may request a value determination from MMS. In that event, the lessee shall propose to MMS a value determination method, and may use that method in determining value for royalty purposes until MMS issues its decision. The lessee shall submit all available data relevant to its proposal.* * *.	5	1	5
	(i) * * * Contract revisions or amendments shall be in writing and signed by all parties to an arm's-length contract, and may be retroactively applied to value for royalty purposes for a period not to exceed two years, unless MMS approves a longer period * * *.	2	1	2
206.259	Determination of washing allowances. (a) Arm's-length contracts. (1) * * * The lessee shall have the burden of demonstrating that its contract is arm's-length* * *.	AUDIT PROCESS. See Note.		
	(a)(1) * * * the washing allowance shall be the reasonable actual costs incurred by the lessee for washing the coal * * * The lessee shall have the burden of demonstrating that its contract is arm's-length * * *. The lessee must claim a washing allowance by reporting it as a separate line entry on the Form MMS–4430.	.34	12	4
	(a)(3) * * * When MMS determines that the value of the washing may be unreasonable, MMS will notify the lessee and give the lessee an opportunity to provide written information justifying the lessee's washing costs.	AUDIT PROCESS. See Note.		
	(b) Non-arm's-length or no contract. (1) * * * the washing allowance will be based upon the lessee's reasonable actual costs * * *. The lessee must claim a washing allowance by reporting it as a separate line entry on the Form MMS–4430 * * *.	.75	48	36
	(b) * * * The lessee must claim a washing allowance by reporting it as a separate line entry on the Form MMS–4430 * * * (2)(iv) A lessee may use either paragraph (b)(2)(iv)(A) or (B) of this section. After a lessee has elected to use either method for a wash plant, the lessee may not later elect to change to the other alternative without approval of the MMS.	1	1	1
	(b) * * * The lessee must claim a washing allowance by reporting it as a separate line entry on the Form MMS–4430 * * * (2)(iv)(A) To compute depreciation, the lessee may elect to use either a straight-line depreciation method based on the life of equipment or on the life of the reserves which the wash plant services, whichever is appropriate, or a unit of production method. After an election is made, the lessee may not change methods without MMS approval * * *.	1	1	1
	(c) Reporting requirements—(1) Arm's-length contracts. (i) The lessee must notify MMS of an allowance based on incurred costs by using a separate line entry on the Form MMS–4430.	Hour burden covered under § 210.201.		
	(c)(1)(ii) The MMS may require that a lessee submit arm's-length washing contracts, and related documents * * *.	AUDIT PROCESS. See Note.		
	(c)(2) Non-arm's-length or no contract. (i) The lessee must notify MMS of an allowance based on the incurred costs by using a separate line entry on the Form MMS–4430.	Hour burden hours covered under § 210.201.		
	(c)(2)(iii) Upon request by MMS, the lessee shall submit all data used to prepare the allowance deduction * * *.	AUDIT PROCESS. See Note.		
	(e) Adjustments * * *. (2) The lessee must submit a corrected Form MMS–4430 to reflect actual costs, together with any payment, in accordance with instructions provided by MMS.	Hour burden covered under § 210.201.		

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting & recordkeeping requirement	Hour burden	Average No. annual responses	Annual burden hours
206.262	Determination of transportation allowances (a) Arm's-length contracts. (1) * * * The lessee shall have the burden of demonstrating that its contract is arm's-length * * *.	AUDIT PROCESS. See Note.		
	(a)(1) * * * the transportation allowance shall be the reasonable, actual costs incurred by the lessee for transporting the coal * * * The lessee must claim a transportation allowance by reporting it as a separate line entry on the Form MMS–4430.	.33	240	80
	(a)(3) * * * When MMS determines that the value of the transportation may be unreasonable, MMS will notify the lessee and give the lessee an opportunity to provide written information justifying the lessee's transportation costs.	AUDIT PROCESS. See Note.		
	(b) Non-arm's-length or no contract—(1) * * * the transportation allowance will be based upon the lessee's reasonable actual costs * * *. The lessee must claim a transportation allowance by reporting it as a separate line entry on the Form MMS–4430 * * *.	.75	24	18
	(b)(2)(iv) * * * After a lessee has elected to use either method for a transportation system, the lessee may not later elect to change to the other alternative without approval of the MMS.	1	1	1
	(b)(2)(iv)(A) * * * After an election is made, the lessee may not change methods without MMS approval * * *.	1	1	1
	(b)(3) A lessee may apply to MMS for exception from the requirement that it compute actual costs in accordance with paragraphs (b)(1) and (b)(2) of this section * * *.	1	1	1
	(c) Reporting requirements—(1) Arm's-length contracts. (i) The lessee must notify MMS of an allowance based on incurred costs by using a separate line entry on the Form MMS–4430.	Hour burden covered under § 210.201.		
	(c)(1)(ii) The MMS may require that a lessee submit arm's-length transportation contracts, production agreements, operating agreements, and related documents * * *.	AUDIT PROCESS. See Note.		
	(c)(2) Non-arm's-length or no contract—(i) The lessee must notify MMS of an allowance based on the incurred costs by using a separate line entry on Form MMS–4430.	Hour burden covered under § 210.201.		
	(c)(2)(iii) Upon request by MMS, the lessee shall submit all data used to prepare the allowance deduction * * *.	AUDIT PROCESS. See Note.		
	(e) Adjustments * * *. (2) The lessee must submit a corrected Form MMS–4430 to reflect actual costs, together with any payments, in accordance with instructions provided by MMS.	Hour burden covered under § 210.201.		
206.264	In-situ and surface gasification and liquefaction operations If an ad valorem Federal coal lease is developed by in-situ or surface gasification or liquefaction technology, the lessee shall propose the value of coal for royalty purposes to MMS. The MMS will review the lessee's proposal and issue a value determination. The lessee may use its proposed value until MMS issues a value determination.	1	1	1
206.265	Value enhancement of marketable coal If, prior to use, sale, or other disposition, the lessee enhances the value of coal after the coal has been placed in marketable condition in accordance with § 206.257(h) of this subpart, the lessee shall notify MMS that such processing is occurring or will occur.	1 1	1 1	1 1
	Subpart H—Geothermal Resources			
206.352 (b)(1) (ii)	How do I calculate the royalty due on geothermal resources used for commercial production or generation of electricity? (b)(1) For Class I leases, you must determine the royalty on produced geothermal resources * * *.	1	1	1
	(ii) A royalty determined by any other reasonable method approved by MMS under § 206.364 of this subpart.	1	1	1

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting & recordkeeping requirement	Hour burden	Average No. annual responses	Annual burden hours
206.353	How do I determine transmission deductions? (c)(2)(i)(A) Such purchase is necessary (d)(9) Any other directly allocable and attributable operating or maintenance expense that you can document. (e) Allowable maintenance expenses include: * * * (4) Other directly allocable and attributable maintenance expenses that you can document.	AUDIT PROCESS. See Note.		
	(g) To compute costs associated with capital investment * * * After a lessee has elected to use either method, the lessee may not later elect to change to the other alternative without MMS approval.	1	1	1
	(h)(1) To compute depreciation, you must use a straight-line depreciation method * * * You may not depreciate equipment below a reasonable salvage value..	1	1	1
	(m)(2) When actual cost information is available, you must amend your prior Form MMS–2014 reports to reflect actual transmission costs deductions for each month for which you reported and paid based on estimated transmission costs. You must pay any additional royalties due (together with interest computed under § 218.302). You are entitled to a credit for or refund of any overpaid royalties.	Hour burden covered under OMB Control Number 1010–0140.		
	(n) In conducting reviews and audits, MMS may require you to submit arm's-length transmission contracts, production agreements, operating agreements and related documents and all other data used to calculate the deduction. You must comply with any such requirements within the time MMS specifies. Recordkeeping requirements are found at part 212 of this chapter.	AUDIT PROCESS. See Note.		
206.354	How do I determine generating deductions? (b)(1)(ii) You must redetermine your generating cost rate annually * * * After you choose a deduction period, you may not later elect to use a different deduction period without MMS approval.	1	1	1
	(c)(2)(i) You may include a return on capital * * * if: (A) The purchase is necessary * * * (d) Allowable operating expenses include: * * * (9) Any other directly allocable and attributable operating expense * * * (e) Allowable maintenance expenses include: * * * (4) Other directly allocable and attributable maintenance expenses that you can document	AUDIT PROCESS. See Note.		
	(g) * * * After a lessee has elected to use either method, the lessee may not later elect to change to the other alternative without MMS approval	1	1	1
	(h)(1) To compute depreciation, you must use a straight-line depreciation method based on the life of the geothermal project, usually the term of the electricity sales contract, or other depreciation period acceptable to MMS. You may not depreciate equipment below a reasonable salvage value	1	1	1
	(m)(2) When actual cost information is available, you must amend your prior Form MMS–2014 reports to reflect actual generating cost deductions for each month for which you reported and paid based on estimated generating costs. You must pay any additional royalties due (together with interest computed under § 218.302)* * *	Hour burden covered under OMB Control Number 1010–0140.		
	(n) In conducting reviews and audits, MMS may require you to submit arm's-length power plant contracts, production agreements, operating agreements, related documents and all other data used to calculate the deduction. You must comply with any such requirements within the time MMS specifies. Recordkeeping requirements are found at part 212 of this chapter.	AUDIT PROCESS. See Note.		
206.356	How do I calculate royalty or fees due on geothermal resources I use for direct use purposes? (a) For Class I leases, you must determine the royalty due on geothermal resources * * * (1) The weighted average of the gross proceeds established in arm's-length contracts for the purchase of significant quantities of geothermal resources * * * In evaluating the acceptability of arm's-length contracts * * *	1	1	1

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting & recordkeeping requirement	Hour burden	Average No. annual responses	Annual burden hours
	(a)(2) * * * The efficiency factor of the alternative energy source will be * * * or * * * proposed by the lessee and approved MMS * * * .	48	2	96
	(a)(3) A royalty determined by any other reasonable method approved by MMS * * *	1	1	1
	(b)(3) * * * you must provide MMS data showing the amount of geothermal production in pounds or gallons of geothermal fluid to input into the fee schedule * * *	1	1	1
	(c) For geothermal resources other than hot water, MMS will determine fees on a case-by-case basis	1	1	1
206.357	How do I calculate royalty due on byproducts? (b)(3) Any other reasonable valuation method approved by MMS	1 1	1 1	1 1
206.358	What are byproduct transportation allowances? (d) Reporting requirements. (1) You must use a discrete field on Form MMS–2014 to notify MMS of a transportation allowance	Hour burden covered under OMB Control Number 1010–0140.		
	(d)(2) In conducting reviews and audits, MMS may require you to submit arm's-length transportation contracts * * * You must comply with any such requirements * * * Recordkeeping requirements are found at part 212 of this chapter	AUDIT PROCESS. See Note.		
	(e) * * * If, after a review or audit, MMS determines that you have improperly determined a byproduct transportation allowance, you must pay any additional royalties due (plus interest computed under § 218.302) * * * .	AUDIT PROCESS. See Note.		
206.359	How do I determine byproduct transportation allowances? ..... (a)(1) * * * MMS may require you to determine the byproduct transportation allowance * * *. (a)(2) * * * MMS will notify you and give you an opportunity to provide written information justifying your transportation costs * * *. (c)(2)(i) You may include a return on capital * * * if: (A) The purchase is necessary * * *. (d) Allowable operating expenses include: * * * (9) Any other directly allocable and attributable operating expense that you can document * * *. (e) Allowable maintenance expenses include: * * * (4) Other directly allocable and attributable maintenance expenses that you can document* * *.	AUDIT PROCESS See Note.		
	(g) To compute costs associated with capital investment * * * the lessee may not later elect to change to the other alternative without MMS approval.	1	1	1
	(h)(1) To compute depreciation, you must use a straight-line depreciation method based on either the life of the equipment or the life of the geothermal project * * * After you choose the basis for depreciation, you may not change that basis without MMS approval * * *.	1	1	1
	(l)(2) When actual cost information is available, you must amend your prior Form MMS–2014 reports to reflect actual byproduct transportation cost deductions * * * You must pay any additional royalties due (together with interest computed under § 218.302) * * *.	Hour burden covered under OMB Control Number 1010–0140.		
206.360	What records must I keep to support my calculations of royalty or fees under this subpart?. * * * you must retain all data relevant to the determination of the royalty value or the fee you paid. Recordkeeping requirements are found at part 212 of this chapter. (a) You must be able to show: (1) How you calculated * * * (2) How you complied * * * (b) Upon request, you must submit all data to MMS* * *	AUDIT PROCESS. See Note.		
206.361	How will MMS determine whether my royalty or direct use fee payments are correct?. (a)(1) * * * The MMS may review and audit your data, and MMS will direct you to use a different measure.	AUDIT PROCESS. See Note.* * *		

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting & recordkeeping requirement	Hour burden	Average No. annual responses	Annual burden hours
	(a)(2) If MMS directs you to use a different royalty value, measure of gross proceeds, or fee, you must either pay any royalties or fees due (together with interest computed under § 218.302).	Hour burden covered under OMB Control Number 1010–0140.		
	(b) * * * MMS may require you to increase the gross proceeds to reflect any additional consideration. * * * MMS may require you to use another valuation method. * * * MMS will notify you to give you an opportunity to provide written information justifying your gross proceeds* * *. (c) For arm's-length sales, you have the burden of demonstrating that your contract is arm's length. (d) The MMS may require you to certify that the provisions in your sales contract include all of the consideration the buyer paid you * * *.	AUDIT PROCESS. See Note.		
	(f)(2) Contract revisions or amendments you make must be in writing and signed by all parties to the contract.	1	1	1
206.364	How do I request a value or gross proceeds determination? (a) You may request a value determination from MMS * * * Your request must:. (1) Be in writing;* * *.	3	20	60
	(c) * * * (2) After the Assistant Secretary issues a determination, you must make any adjustments in royalty payments that follow from the determination and, if you owe additional royalties, pay the royalties owed together with late payment interest computed under § 218.302.	Hour burden covered under OMB Control Number 1010–0140.		
	(d)(2) If you receive an order requiring you to pay royalty on the same basis as the determination, you may appeal that order under 30 CFR part 290 subpart B.	Hour burden covered under OMB Control Number 1010–0122.		
206.366	What is the nominal fee that a State, tribal, or local government lessee must pay for the use of geothermal resources? If a State, tribal, or local government lessee uses a geothermal resource * * * lessee must pay a nominal fee * * *.	Hour burden covered under OMB Control Number 1010–0140.		
	Subpart J—Indian Coal			
206.452(c)	Coal subject to royalties—general provisions (c) * * * The lessee shall maintain accurate records to determine to which individual Indian lease coal in the waste pit or slurry pond should be allocated * * *.	Hour burden covered under § 206.456(d)(1).		
206.453	Quality and quantity measurement standards for reporting and paying royalties. * * * Coal quantity information shall be reported on appropriate forms required under 30 CFR part 216 and on the Solid Minerals Production and Royalty Report, Form MMS–4430, as required under 30 CFR part 210.	Hour burden covered under § 206.456(d)(1).		
206.456	Valuation standards for ad valorem leases (b)(1) * * * The lessee shall have the burden of demonstrating that its contract is arm's-length * * *. (b)(3) * * * When MMS determines that the value may be unreasonable, MMS will notify the lessee and give the lessee an opportunity to provide written information justifying the lessee's reported coal value. (b)(4) MMS may require a lessee to certify that its arm's-length contract provisions include all of the consideration to be paid by the buyer, either directly or indirectly, for the coal production.	AUDIT PROCESS. See Note.		
	(d)(1) Where the value is determined pursuant to paragraph (c) of this section, that value does not require MMS' prior approval. However, the lessee shall retain all data relevant to the determination of royalty value * * *.	.42	48	20
	(d)(2) An Indian lessee will make available upon request to the authorized MMS or Indian representatives, or to the Inspector General of the Department of the Interior or other persons authorized to receive such information, arm's-length sales and sales quantity data for like-quality coal sold, purchased, or otherwise obtained by the lessee from the area.	AUDIT PROCESS. See Note.		

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting & recordkeeping requirement	Hour burden	Average No. annual responses	Annual burden hours
	(d)(3) A lessee shall notify MMS if it has determined value pursuant to paragraphs (c)(2)(ii), (c)(2)(iii), (c)(2)(iv), or (c)(2)(v) of this section * * * . The letter shall identify the valuation method to be used and contain a brief description of the procedure to be followed * * *.	1	1	1
	(f) The lessee may request a value determination from MMS. In that event, the lessee shall propose to MMS a value determination method, and may use that method in determining value for royalty purposes until MMS issues its decision. The lessee shall submit all available data relevant to its proposal * * *.	1	1	1
	(i) * * * Contract revisions or amendments shall be in writing and signed by all parties to an arm's-length contract, and may be retroactively applied to value for royalty purposes for a period not to exceed two years, unless MMS approves a longer period * * *.	1	1	1
206.457(b)	Washing allowances—general (b) If MMS determines that a lessee has improperly determined a washing allowance authorized by this section, then the lessee shall be liable for any additional royalties, plus interest * * *.	Hour burden covered under § 218.201(b).		
206.458	Determination of washing allowances. (a) Arm's-length contracts. (1) * * * the washing allowance shall be the reasonable actual costs incurred by the lessee for washing the coal * * * However, before any deduction may be taken, the lessee must submit a completed page one of Form MMS–4292, Coal Washing Allowance Report, in accordance with paragraph (c)(1) of this section. A washing allowance may be claimed retroactively for a period of not more than 3 months prior to the first day of the month that Form MMS–4292 is filed with MMS, unless MMS approves a longer period upon a showing of good cause by the lessee.	2	1	2
	(a)(3) * * * When MMS determines that the value of the washing may be unreasonable, MMS will notify the lessee and give the lessee an opportunity to provide written information justifying the lessee's washing costs.	AUDIT PROCESS, see Note.		
	(b) Non-arm's-length or no contract. (1) * * * the washing allowance will be based upon the lessee's reasonable actual costs * * *. However, before any estimated or actual deduction may be taken, the lessee must submit a completed Form MMS–4292 in accordance with paragraph (c)(2) of this section. A washing allowance may be claimed retroactively for a period of not more than 3 months prior to the first day of the month that Form MMS–4292 is filed with MMS, unless MMS approves a longer period upon a showing of good cause by the lessee * * *.	Hour burden covered under § 206.458(a)(1).		
	(b) * * * the lessee must submit a completed Form MMS–4292 * * * (2)(iv) * * * After a lessee has elected to use either method for a wash plant, the lessee may not later elect to change to the other alternative without approval of MMS.	1	1	1
	(b) * * * the lessee must submit a completed Form MMS–4292 * * *. (2)(iv)(A) To compute depreciation, the lessee may elect to use either a straight-line depreciation method based on the life of equipment or on the life of the reserves which the wash plant services, whichever is appropriate, or a unit of production method. After an election is made, the lessee may not change methods without MMS approval * * *.	1	1	1
	(c) Reporting requirements. (1) Arm's-length contracts. (i) With the exception of those washing allowances specified in paragraphs (c)(1)(v) and (c)(1)(vi) of this section, the lessee shall submit page one of the initial Form MMS–4292 prior to, or at the same time, as the washing allowance determined pursuant to an arm's-length contract is reported on Form MMS–4430, Solid Minerals Production and Royalty Report * * *.	Hour burden covered under § 206.458(a)(1).		

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting & recordkeeping requirement	Hour burden	Average No. annual responses	Annual burden hours
	(c)(1)(iii) After the initial reporting period and for succeeding reporting periods, lessees must submit page one of Form MMS–4292 within 3 months after the end of the calendar year, or after the applicable contract or rate terminates or is modified or amended, whichever is earlier, unless MMS approves a longer period (during which period the lessee shall continue to use the allowance from the previous reporting period).			
	(c)(1)(iv) MMS may require that a lessee submit arm's-length washing contracts and related documents * * *.	AUDIT PROCESS. See Note.		
	(c)(2) Non-arm's-length or no contract. (i) With the exception of those washing allowances specified in paragraphs (c)(2)(v) and (c)(2)(vii) of this section, the lessee shall submit an initial Form MMS–4292 prior to, or at the same time as, the washing allowance determined pursuant to a non-arm's-length contract or no contract situation is reported on Form MMS–4430, Solid Minerals Production and Royalty Report * * *.	Hour burden covered under § 206.458(a)(1).		
	(c)(2)(iii) For calendar-year reporting periods succeeding the initial reporting period, the lessee shall submit a completed Form MMS–4292 containing the actual costs for the previous reporting period. If coal washing is continuing, the lessee shall include on Form MMS–4292 its estimated costs for the next calendar year * * *. Form MMS–4292 must be received by MMS within 3 months after the end of the previous reporting period, unless MMS approves a longer period (during which period the lessee shall continue to use the allowance from the previous reporting period)..	Hour burden covered under § 206.458(a)(1).		
	(c)(2)(vi) Upon request by MMS, the lessee shall submit all data used by the lessee to prepare its Forms MMS–4292 * * *.	AUDIT PROCESS. See Note.		
	(c)(4) Washing allowances must be reported as a separate line on the Form MMS–4430, unless MMS approves a different reporting procedure. (e) Adjustments * * *. (2) The lessee must submit a corrected Form MMS–4430 to reflect actual costs, together with any payment, in accordance with instructions provided by MMS.	Hour burden covered under § 210.201.		
206.460(d)	Transportation allowances—general (d) If * * * MMS determines that a lessee has improperly determined a transportation allowance authorized by this section, then the lessee shall pay any additional royalties, plus interest.	Hour burden covered under § 218.201(b).		
206.461	Determination of transportation allowances (a) Arm's-length contracts. (1) * * * the transportation allowance shall be the reasonable, actual costs incurred by the lessee for transporting the coal * * * However, before any deduction may be taken, the lessee must submit a completed page one of Form MMS–4293, Coal Transportation Allowance Report, in accordance with paragraph (c)(1) of this section. A transportation allowance may be claimed retroactively for a period of not more than 3 months prior to the first day of the month that Form MMS–4293 is filed with MMS, unless MMS approves a longer period upon a showing of good cause by the lessee.	2	1	2
	(a) Arm's-length contracts * * *. (3) When MMS determines that the value of the transportation may be unreasonable, MMS will notify the lessee and give the lessee an opportunity to provide written information justifying the lessee's transportation costs.	AUDIT PROCESS. See Note.		
	(b) Non-arm's-length or no contract. (1) * * * the transportation allowance will be based upon the lessee's reasonable actual costs. * * * However, before any estimated or actual deduction may be taken, the lessee must submit a completed Form MMS–4293 in accordance with paragraph (c)(2) of this section. A transportation allowance may be claimed retroactively for a period of not more than 3 months prior to the first day of the month that Form MMS–4293 is filed with MMS, unless MMS approves a longer period upon a showing of good cause by the lessee * * *.	Hour burden covered under § 206.461(a)(1).		

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting & recordkeeping requirement	Hour burden	Average No. annual responses	Annual burden hours
	(b) * * * the lessee must submit a completed Form MMS–4293 * * * (2)(iv) * * * After a lessee has elected to use either method for a transportation system, the lessee may not later elect to change to the other alternative without approval of MMS.	1	1	1
	(b) * * * the lessee must submit a completed Form MMS–4293 * * * (2)(iv)(A) To compute depreciation, the lessee may elect to use either a straight-line depreciation method based on the life of equipment or on the life of the reserves which the transportation system services, whichever is appropriate, or a unit of production method. After an election is made, the lessee may not change methods without MMS approval.	1	1	1
	(b) * * * the lessee must submit a completed Form MMS–4293 * * * (3) A lessee may apply to MMS for exception from the requirement that it compute actual costs in accordance with paragraphs (b)(1) and (b)(2) of this section * * *.	1	1	1
	(c) Reporting requirements. (1) Arm's-length contracts. (i) With the exception of those transportation allowances specified in paragraphs (c)(1)(v) and (c)(1)(vi) of this section, the lessee shall submit page one of the initial Form MMS–4293 prior to, or at the same time as, the transportation allowance determined pursuant to an arm's-length contract is reported on Form MMS–4430, Solid Minerals Production and Royalty Report. (c)(1)(iii) After the initial reporting period and for succeeding reporting periods, lessees must submit page one of Form MMS–4293 within 3 months after the end of the calendar year, or after the applicable contract or rate terminates or is modified or amended, whichever is earlier, unless MMS approves a longer period (during which period the lessee shall continue to use the allowance from the previous reporting period). Lessees may request special reporting procedures in unique allowance reporting situations, such as those related to spot sales.	Hour burden covered under § 206.461(a)(1).		
	(c)(1)(iv) MMS may require that a lessee submit arm's-length transportation contracts, production agreements, operating agreements, and related documents.	AUDIT PROCESS. See Note.		
	(c)(2) Non-arm's-length or no contract. (i) With the exception of those transportation allowances specified in paragraphs (c)(2)(v) and (c)(2)(vii) of this section, the lessee shall submit an initial Form MMS–4293 prior to, or at the same time as, the transportation allowance determined pursuant to a non-arm's-length contract or no contract situation is reported on Form MMS–4430, Solid Minerals Production and Royalty Report * * *. (c)(2)(iii) For calendar-year reporting periods succeeding the initial reporting period, the lessee shall submit a completed Form MMS–4293 containing the actual costs for the previous reporting period * * * Form MMS–4293 must be received by MMS within 3 months after the end of the previous reporting period, unless MMS approves a longer period (during which period the lessee shall continue to use the allowance from the previous reporting period).	Hour burden covered under § 206.461(a)(1).		
	(c)(2)(vi) Upon request by MMS, the lessee shall submit all data used to prepare its Form MMS–4293 * * *.	AUDIT PROCESS. See Note.		
	(c)(4) Transportation allowances must be reported as a separate line item on Form MMS–4430, unless MMS approves a different reporting procedure. (e) Adjustments * * * (2) The lessee must submit a corrected Form MMS–4430 to reflect actual costs, together with any payment, in accordance with instructions provided by MMS.	Hour burden covered under § 210.201.		
206.463	In-situ and surface gasification and liquefaction operations If an ad valorem Federal coal lease is developed by in-situ or surface gasification or liquefaction technology, the lessee shall propose the value of coal for royalty purposes to MMS * * *.	1	1	1
206.464	Value enhancement of marketable coal	1	1	1

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting & recordkeeping requirement	Hour burden	Average No. annual responses	Annual burden hours
	If, prior to use, sale, or other disposition, the lessee enhances the value of coal after the coal has been placed in marketable condition in accordance with § 206.456(h) of this subpart, the lessee shall notify MMS that such processing is occurring or will occur * * *.			
	Part 210—Forms and Reports			
	Subpart E—Solid Minerals, General			
210.201 (a)(1)	How do I submit Form MMS–4430, Solid Minerals Production and Royalty Report? (a) What to submit. (1) You must submit a completed Form MMS–4430 for * * *.	.75	1,668	1,251
210.202 (a)(1) and (c)(1)	How do I submit sales summaries? (a) What to submit. (1) You must submit sales summaries for all coal and other solid minerals produced from Federal and Indian leases and for any remote storage site from which you sell Federal or Indian solid minerals * * *. (c) How to submit. (1) You should provide the sales summary data via electronic mail where possible. We will provide instructions and the proper email address for these submissions.	.50	1,140	570
210.203 (a)	How do I submit sales contracts? (a) What to submit. You must submit sales contracts, agreements, and contract amendments for the sale of all coal and other solid minerals produced from Federal and Indian leases with ad valorem royalty terms.	1	30	30
210.204 (a)(1)	How do I submit facility data? (a) What to submit. (1) You must submit facility data if you operate a wash plant, refining, ore concentration, or other processing facility for any coal, sodium, potassium, metals, or other solid minerals produced from Federal or Indian leases with ad valorem royalty terms * * *.	.25	360	90
210.205	Will I need to submit additional documents or evidence to MMS? (a) Federal and Indian lease terms allow us to request detailed statements, documents, or other evidence necessary to verify compliance * * *. (b) We will request this additional information as we need it * * *	AUDIT PROCESS. See Note.		
	Subpart H—Geothermal Resources			
210.351	Required recordkeeping * * * [Geothermal] Records may be maintained on microfilm, microfiche, or other recorded media that are easily reproducible and readable * * *.	Hour burden covered under OMB Control Number 1010–0140.		
210.352	Special forms and reports. [geothermal] The MMS may require submission of additional information on special forms or reports * * *.	1	1	1
210.353	Monthly report of sales and royalty. A completed Report of Sales and Royalty Remittance (Form MMS–2014) must be submitted each month once sales or utilization of [geothermal] production occur * * *.	Hour burden covered under OMB Control Number 1010–0140.		
	Part 212—Records and Forms Maintenance			
	Subpart E—Solid Minerals—General			
212.200 (a)	Maintenance of and access to records (a) All records pertaining to Federal and Indian solid minerals leases shall be maintained by a lessee, operator, revenue payor, or other person for 6 years after the records are generated unless the record holder is notified, in writing, that records must be maintained for a longer period. When an audit or investigation is underway, records shall be maintained until the record holder is released by written notice of the obligation to maintain records.	.25	4,064	1,016

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting & recordkeeping requirement	Hour burden	Average No. annual responses	Annual burden hours
	Subpart H—Geothermal Resources			
212.351	Required recordkeeping and reports (a) Records. Each lessee, operator, revenue payor, or other person shall make and retain accurate and complete records necessary to demonstrate that payments of royalties, rentals, and other amounts due under Federal geothermal leases are in compliance with laws, lease terms, regulations, and orders. Records covered by this section include those specified by lease terms, notices, and orders * * *.	Hour burden covered under OMB Control Numbers 1010–0140 (for Form MMS–2014) and 1010–0139 (for Form MMS–4054).		
	(b) Period for keeping records. All records pertaining to Federal geothermal leases shall be maintained by a lessee, operator, revenue payor, or other person for 6 years after the records are generated unless the recordholder is notified in writing, before the expiration of that 6-year period that records must be maintained for a longer period for purposes of audit or investigation. When an audit or investigation is underway, records shall be maintained until the recordholder is released by written notice of the obligation to maintain records.	Hour burden covered under OMB Control Numbers 1010–0140 (for Form MMS–2014) and 1010–0139 (for Form MMS–4054).		
	Part 217—Audits and Inspections **Subpart E—Coal**			
217.200	Audits An audit of the accounts and books of operators/lessees for the purpose of determining compliance with Federal lease terms relating to Federal royalties may be required * * * The operator/lessee shall furnish, free of charge, duplicate copies of audit reports that express opinions on such compliance to the Associate Director for Minerals Revenue Management * * *.	AUDIT PROCESS. See Note.		
	Subpart F—Other Solid Minerals			
217.250	Audits An audit of the lessee's accounts and books may be made annually * * * The lessee shall furnish free of cost duplicate copies of such annual or other audits * * *.	AUDIT PROCESS. See Note		
	Subpart G—Geothermal Resources			
217.300	Audits or review of records The Secretary, or his/her authorized representative, will initiate and conduct audits or reviews relating * * * Audits or reviews will also relate to compliance * * * All audits or reviews will be conducted in accordance with * * *.	AUDIT PROCESS. See Note.		
	Part 218—Collection of Royalties, Rentals, Bonuses, and Other Monies Due the Federal Government and Credits and Incentives Due Lessees **Subpart B—Oil and Gas, General**			
218.57(a)(2) and (b)(3)(i).	Providing information and claiming rewards (a) General * * * (2) If a person has any information he or she believes would be valuable to MMS, that person ("informant") should submit the information in writing, in the form of a letter * * *. (b) Claim for reward * * * (3) To file a claim for reward the informant must: (i) Notify the Director, MMS * * * that he/she is claiming a reward.	1	1	1
	Subpart E—Solid Minerals—General			
218.201(b)	Method of payment You must tender all payments * * * except as follows: * * * (b) For Form MMS–4430 payments, include both your customer identification and your customer document identification numbers on your payment document * * *.	.0055	1,368	8
218.203(b)	Recoupment of overpayments on Indian mineral leases (a) * * * a payor may recoup the overpayment through a recoupment on Form MMS–4430 against the current month's royalties * * *.	1	1	1

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR	Reporting & recordkeeping requirement	Hour burden	Average No. annual responses	Annual burden hours
	(b) With written permission authorized by tribal statute or resolution, a payor may recoup an overpayment against royalties or other revenues owed in that month under other leases for which that tribe is the lessor. A copy of the tribe's written permission must be furnished to MMS * * * [following] instructions * * *.			
	Subpart F—Geothermal Resources			
218.300	Payment of royalties, rentals, and deferred bonuses * * * the lessee shall submit all rental and deferred bonus payments when due and shall pay in value all royalties in the amount determined by MMS to be due.	Hour burden covered under OMB Control Number 1010–0140.		
218.301	Method of payment The payor shall tender all payments * * *	Hour burden covered under OMB Control Number 1010–0140.		
218.304	May I credit rental towards direct use fees? * * * You must pay the direct use fees in addition to the annual rental due	Hour burden covered under OMB Control Number 1010–0140.		
218.305	How do I pay advanced royalties I owe under BLM regulations? If you pay advanced royalties under 43 CFR 3212.15(a)(1) to retain your lease: (a) You must pay an advanced royalty monthly equal to the average monthly royalty you paid under 30 CFR part 206, subpart H * * *.	Hour burden covered under OMB Control Number 1010–0140.		
218.306	May I receive a credit against production royalties for in-kind deliveries of electricity I provide under contract to a state or county government?. (a) You may receive a credit against royalties * * * if: * * * (2) The MMS approves in advance your contract * * *.	4	1	4
	(b) * * * You must pay in money any royalty amount that is not offset by the credit allowed under this section * * *.	Hour burden covered under OMB Control Number 1010–0140.		
Total Burden			9,880	3,670

Note: AUDIT PROCESS—The Office of Regulatory Affairs determined that the audit process is exempt from the Paperwork Reduction Act of 1995 because MMS staff asks non-standard questions to resolve exceptions.

Estimated Annual Reporting and Recordkeeping ''Non-hour Cost'' Burden: We have identified no ''non-hour cost'' burden associated with the collection of information.

Public Disclosure Statement: The PRA (44 U.S.C. 3501 *et seq.*) provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Comments: Section 3506(c)(2)(A) of the PRA requires each agency ''* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *.'' Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

To comply with the public consultation process, we published a notice in the **Federal Register** on March 7, 2007 (72 FR 10244), announcing that we would submit this ICR to OMB for approval. The notice provided the required 60-day comment period. We received no comments in response to the notice.

If you wish to comment in response to this notice, you may send your comments to the offices listed under the **ADDRESSES** section of this notice. The OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by November 16, 2007.

Public Comment Policy: We will post all comments in response to this notice on our Web site at *http://www.mrm.mms.gov/Laws_R_D/InfoColl/InfoColCom.htm.* We will also make copies of the comments available for public review, including names and addresses of respondents, during regular business hours at our offices in Lakewood, Colorado. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public view, we cannot guarantee that we will be able to do so.

MMS Information Collection Clearance Officer: Arlene Bajusz (202) 208–7744.

Dated: October 11, 2007.

Richard Adamski,

Acting Associate Director for Minerals Revenue Management.

[FR Doc. E7–20424 Filed 10–16–07; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–590]

In the Matter of Certain Coupler Devices for Power Supply Facilities, Components Thereof, and Products Containing Same

AGENCY: U.S. International Trade Commission.

ACTION: Notice of Commission decision not to review an initial determination finding eight respondents in default; request for written submissions on remedy, the public interest, and bonding.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 39) issued by the presiding administrative law judge (''ALJ'') finding eight respondents in default. The eight respondents found in default are the last remaining respondents in this investigation. Accordingly, the Commission requests written submission, according to the schedule set forth below, on remedy, public interest, and bonding with respect to the respondents in default.

FOR FURTHER INFORMATION CONTACT: Paul M. Bartkowski, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708–5432. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: This investigation was instituted on January 19, 2007 based on a complaint filed by Topower Computer Industrial Co., Ltd. (''Topower''). The complaint alleged violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain coupler devices for power supply facilities, components thereof, and products containing the same by reason of infringement of U.S. Patent No. 6,935,902.

On August 6, 2007, Topower filed a motion requesting an order directing respondents Aspire/Apevia International Corp., Ltd.; Xion/Axpertec, Inc.; JPAC Computer, Inc., Sunbeam Co.; Super Flower Computer, Inc.; Taiwan Youngyear Electronics Co., Ltd.; Sun Pro Electronics Co., Ltd.; and Leadman Electronic Co., Ltd. (collectively, the ''eight respondents'') to show cause why they should not be found in default for failure to respond to the complaint and Notice of Investigation. On August 30, 2007, the ALJ issued Order No. 37, which ordered the eight respondents to show cause why they should not be found in default by September 14, 2007. No responses to Order No. 37 were filed.

On September 25, 2007, the ALJ issued the subject ID, granting Topower's motion because none of the eight respondents responded to Order No. 37. No petitions for review were filed. The Commission has determined not to review the subject ID.

The eight respondents were the last remaining respondents in this investigation. The investigation has been terminated with respect to all other respondents based on settlement agreement, consent order, default, or withdrawal of allegations.

Section 337(g)(1) and Commission Rule 210.16(c) authorize the Commission to order relief against a respondent found in default unless, after consideration of the public-interest factors, it finds that such relief should not issue. Topower has declared, pursuant to Commission Rule 210.16(c)(2), that it does not seek a general exclusion order.

In conjunction with the final disposition of this investigation, therefore, the Commission may: (1) Issue an order that could result in the exclusion of articles manufactured or imported by any or all of the defaulting respondents; and/or (2) issue one or more cease and desist orders that could result in any or all of the defaulting respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, *see In the Matter of Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843 (December 1994) (Commission Opinion).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission's action. *See* Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: The parties to the investigation, interested government agencies, and any other interested parties, are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Complainants and the Commission investigative attorney are also requested to submit proposed remedial orders for the Commission's consideration. Complainants are further requested to state the dates that the patents expire and the HTSUS numbers under which the accused products are imported. The written submissions and proposed remedial orders must be filed no later than close of business on November 8, 2007. Reply submissions must be filed no later than the close of business on November 19, 2007. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document and 12 true copies thereof with the Office of the Secretary on or before the

aforementioned deadlines. Any person desiring to submit a document to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 210.6. Documents for which confidential treatment by the Commission is sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in section 210.16 and 210.42–46 of the Commission's Rules of Practice and Procedure (19 CFR 210.16; 210.42–46).

Issued: October 12, 2007.

By order of the Commission.

William R. Bishop,

Acting Secretary to the Commission.

[FR Doc. E7–20409 Filed 10–16–07; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–451 and 731–TA–1126–1128 (Preliminary)]

Certain Lightweight Thermal Paper From China, Germany, and Korea

AGENCY: United States International Trade Commission.

ACTION: Revised schedule for the subject investigations.

SUMMARY: On September 19, 2007, the Commission established a schedule for the conduct of the subject investigations (72 FR 54926, September 27, 2007). Subsequently, the Department of Commerce extended the date for its initiation of the investigations from October 9 to October 29, 2007. The Commission, therefore, is revising its schedule to conform with Commerce's new schedule.

The Commission's new schedule for the investigations is as follows: The deadline for filing written briefs is October 18, 2007, the administrative deadline for transmitting determinations to Commerce is November 23, 2007, and the Commission's views are due to be transmitted to Commerce on November 30, 2007.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

DATES: *Effective Date:* October 17, 2007.

FOR FURTHER INFORMATION CONTACT: Christopher J. Cassise (202–708–5408), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.12 of the Commission's rules.

By order of the Commission.

Issued: October 11, 2007.

William R. Bishop,

Acting Secretary to the Commission.

[FR Doc. E7–20397 Filed 10–16–07; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 337–TA–608 and 337–TA–612]

In the Matter of Certain Nitrile Gloves and in the Matter of Certain Nitrile Rubber Gloves; Notice of Commission Decision Not To Review an Initial Determination Granting Complainant's Motion To Amend the Complaint and Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 21) issued by the presiding administrative law judge (''ALJ'') granting complainant's motion to amend the complaint and notice of investigation.

FOR FURTHER INFORMATION CONTACT: Michelle Walters, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708–5468. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted Investigation No. 337–TA–608 on July 6, 2007, based on a complaint filed by Tillotson Corporation d.b.a. Best Manufacturing Company (''Tillotson''). The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain nitrile gloves by reason of infringement of various claims in United States Patent No. Re. 35,616. The complaint named over thirty respondents. On September 19, 2007, the ALJ consolidated Investigation No. 337–TA–608 with Investigation No. 337–TA–612.

On September 16, 2007, Tillotson filed a motion to amend the complaint and notice of investigation to add fourteen additional respondents: Ansell (Thailand) Ltd., Ansell Healthcare Products, LLC, Ansell Protective Products Inc., Top Glove Sdn. Bhd., TG Medical (USA) Inc., Hartalega Sdn. Bhd., Pharmatex USA Inc., Perusahaan Getah Asas Sdn. Bhd., Kossan Gloves Inc. d.b.a. Sintex, PT Haloni Jane, Shamrock Manufacturing Company Inc., Smart Glove Corporation Sdn. Bhd., YTY Industry (Manjung) Sdn. Bhd., and Delta Medical Supply Group, Inc. d.b.a. The Delta Group. The Commission investigative attorney supported the motion. Respondent Ansell Ltd. opposed the motion with respect to Ansell (Thailand), because Ansell asserted that Ansell (Thailand) does not manufacture TNT Blue Disposable Nitrile gloves as asserted and that the Touch N Tuff Powder Free nitrile gloves that it does manufacture are not within the scope of this investigation.

On September 20, 2007, the ALJ granted Tillotson's motion, finding that,

pursuant to Commission Rule 210.14(b)(1) (19 CFR 210.14(b)(1)), there was good cause to add the respondents because the first thirteen respondents are subsidiaries of named respondents and including these respondents will ease the discovery process. In addition, the ALJ found that Ansell (Thailand) should be a respondent, because the Touch N Tuff Powder Free nitrile gloves are within the scope of the investigation. Finally, the ALJ found that Tillotson only recently discovered that Delta Medical Supply Group is not related to the named respondent Delta Medical Systems. No petitions for review of this ID were filed.

Having examined the record of this investigation, the Commission has determined not to review the ALJ's ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in § 210.42 of the Commission's Rules of Practice and Procedure (19 CFR 210.42).

Issued: October 11, 2007.

By order of the Commission.

William R. Bishop,

Secretary to the Commission.

[FR Doc. E7–20396 Filed 10–16–07; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–NEW]

Bureau of Justice Statistics; Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 60-Day Notice of Information Collection Under Review: Proposed Collection; National Survey of Youth in Custody.

The Department of Justice (DOJ), Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until December 17, 2007. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Allen J. Beck, Ph.D., Bureau of Justice Statistics, 810 Seventh Street, NW., Washington, DC 20531 (phone 202–616–3277).

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* New data collection.

(2) *Title of the Form/Collection:* National Survey of Youth in Custody.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form numbers not available at this time. The Bureau of Justice Statistics, Office of Justice Programs, Department of Justice is the sponsor for the collection.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State, Local, or Tribal Government. Other: Federal Government, Business or other for-profit, Not-for-profit institutions. The work under this clearance will be used to develop surveys to produce estimates for the incidence and prevalence of sexual assault within juvenile correctional facilities as required under the Prison Rape Elimination Act of 2003 (Pub. L. 108–79).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 16,594 respondents will spend approximately 30 minutes on average responding to the survey.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 18,441 total burden hours associated with this collection (including obtaining parental consent, administrative records, and roster processing).

If additional information is required, contact: Lynn Bryant, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: October 11, 2007.

Lynn Bryant,

Department Clearance Officer, PRA, Department of Justice.

[FR Doc. E7–20455 Filed 10–16–07; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Public Symposium: Voice, Video and Broadband: The Changing Competitive Landscape and Its Impact on Consumers

AGENCY: Antitrust Division, Department of Justice.

ACTION: Notice of Symposium and call for written submissions.

SUMMARY: On November 29, 2007, the Department of Justice Antitrust Division (''Antitrust Division'') will host a public symposium on ''Voice, Video and Broadband: The Changing Competitive Landscape and Its Impact on Consumers.'' The symposium will address issues related to competition in the provision of voice, video and broadband Internet access, focusing on consumer services and the impact of convergence between traditionally distinct lines of activity such as video delivery, landline telephony, and wireless services.

The event is open to the public. There is no fee for attendance. Preregistration is not necessary to attend but is strongly encouraged to facilitate space and other planning for the event. Preregistration is requested by November 16, 2007. To preregister, send your name, affiliation and e-mail address to *2007TelecomSymposium@usdoj.gov* and refer to ''Preregistration'' in the subject line of the message.

Additional information about the symposium will be posted on the DOJ Web site at *http://www.usdoj.gov/atr/public/workshops/telecom2007/index.htm* (''symposium Web site'').

Date: Thursday, November 29, 2007.

Time: 9 a.m. to 5:30 p.m.

Place: Ronald Reagan Building, Horizon Room, 1300 Pennsylvania Avenue, NW., Washington, DC. All

attendees will be required to show a valid form of photo identification, such as a driver's license, to be admitted.

Submission of Relevant Information: Any person may make a written submission in paper or electronic form on the topics to be discussed as described below under Supplementary Information. Studies, surveys, research and empirical data are especially useful. Any submissions must be received on or before November 13, 2007. Such material will be made available for review by panelists, may be made available at the Antitrust Division's discretion to the public on the Internet or through other means, and may be used in any summary of the symposium. Participation as a speaker at the symposium is by invitation of the Department of Justice only.

Paper submissions should clearly refer to ''Voice, Video and Broadband: The Changing Competitive Landscape and Its Impact on Consumers'' in the text and on the envelope. An original and two complete copies should be mailed or delivered to: United States Department of Justice, Antitrust Division, City Center Building Suite 8000, Attention: Ashley Becker, 1401 H Street, NW., Washington, DC 20530.

Electronic submissions should be sent to *2007TelecomSymposium@usdoj.gov* with a reference to ''Submission'' in the subject line of the message. Electronic submissions by e-mail should not exceed 10 MB with attachments. Alternatively, submissions may be made on media such as CDs and sent to the address listed above for paper submissions. Use of a courier service is recommended to avoid possible damage to electronic media in screening. If you make an electronic submission using PDF format, please include a comparable text version in a separate file (such as Word or WordPerfect).

All submissions received by the Division will be made part of the public record. Submissions and the identity of the submitter may be disclosed, reproduced and distributed by publication and/or posting on the Antitrust Division Web site at *http://www.usdoj.gov/atr/public/workshops/telecom2007/index.htm*. Information submitted in connection with this symposium will not be maintained as confidential by the Department of Justice.

FOR FURTHER INFORMATION CONTACT: Ashley Becker, Department of Justice, Antitrust Division, City Center Building Suite 8000, 1401 H Street, NW., Washington, DC 20530, telephone (202) 514–5835. Additional information on the symposium will also be posted on the symposium Web site.

SUPPLEMENTARY INFORMATION:

Background and Symposium Goals

The telecommunications industry has been experiencing significant technological, economic, and regulatory changes in the decade since the passage of the Telecommunications Act of 1996. In particular, telecommunications services provided to consumers, including voice telephony and broadband data, have increasingly come to be provided by competing facilities-based alternatives. Cable television systems have been entering residential voice telephony services in much of the United States over the past few years, relying heavily on Voice over Internet Protocol (VoIP) technology. In addition, some telephone carriers have begun to compete in the delivery of multichannel video programming with traditional incumbent cable systems and satellite-based delivery. There is widespread discussion of other possible alternatives for delivery of telecommunications and video services to consumers, including wireless and broadband over power lines. Voice telephony, broadband and multichannel video programming services are frequently offered to consumers as bundles, often at discounts from stand-alone services.

At the same time, concerns are sometimes expressed about remaining barriers to entry into the delivery of telecommunications and video programming services. Such barriers—whether arising from regulatory restrictions, conduct of established providers, or inherent economic and technical limitations—may tend to restrict the degree of competitiveness of these services. The Department has recently advocated various regulatory and legal changes that will make entry into video programming delivery and telephone services more likely.[1]

The Antitrust Division will host a symposium on Thursday, November 29, 2007, in Washington, DC, to provide a forum for discussion of the current status of competition in telecommunications services and video programming delivery, the prospects for additional competition, and whether regulatory changes or other government action would promote more competition. The symposium will be structured around four panel discussions focused on the topics below.

Morning Session: Cable TV and Telephone Company Competition

Consumers are beginning to benefit from new facilities-based competition. Cable television systems are beginning to offer voice telephony in addition to video and broadband, and telephone companies are beginning to offer video in addition to voice and broadband. How widespread is this facilities-based competition now, and how extensive is it likely to become? What regulatory or other obstacles do entrants still face? What are the ramifications for competition and antitrust analysis of this entry and how has bundling impacted the nature of competition?

Panel I: Entry Into Multichannel Video Services

Issues: This panel will explore whether there are significant regulatory (federal, state and local) or other constraints on video entry and how competition has changed as a result of the telephone companies' entry into offering video services. How widely are telephone company video services likely to be offered in the future? How have telecommunications entry and bundling affected competition?

Panel II: Entry Into Telecommunications Services

Issues: This panel will explore whether there are significant regulatory (federal, state and local) or other constraints on voice entry and how competition has changed as a result of the cable companies' entry into telephony. To what extent are various modes of entry used now and how likely are they to be used in the future? Are there areas unlikely to see competition? What effect have subsidies had on competition? How have entry by cable TV companies and bundling affected competition?

[1] *See, e.g.*, Proposed Modifications to the Application Form for Approval of Authority to Offer, Render, Furnish or Supply Telecommunications Services to the Public in the Commonwealth of Pennsylvania, Pennsylvania Public Utility Commission, Docket No. M–00960799, Comments of the United States Department of Justice (filed March 27, 2007) (recommending reform of Pennsylvania's procedures for certification of competitors to provide facilities-based telephony services in rural areas to promote more rapid entry); In the Matter of Implementation of section 621(a)(1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992, Federal Communications Commission, MM Docket No. 05–311, Ex Parte Submission of the Department of Justice (May 10, 2006) (requesting the FCC to address what would constitute an ''unreasonable refusal'' by a local franchising authority to award a competitive video franchise, and expressing concern about certain practices such as build-out requirements). Other actions taken by the Department of Justice are referenced on the symposium Web site.

Afternoon Session: Alternative Technologies To Reach the Consumer

Some observers have predicted that most telecommunications and entertainment services will at some point be delivered to all consumers over a single connection to their homes. Will consumers have a wide selection of alternative providers for that connection?

Panel III: Wireless Technologies

Issues: This panel will focus on the extent to which wireless broadband systems are current and future competitive alternatives to cable modems and DSL. What regulatory or other issues could delay rollout? What are the prospects for municipal broadband networks? How are these advanced wireless services likely to impact competition?

Panel IV: Other Technologies Including Satellite, Broadband Over Power Line

Issues: This panel will focus on whether other technologies such as satellite and broadband over power lines can compete for customers. What is the current and predicted subscriber base for these services, and what is necessary to attract more subscribers and providers? Will these services be competitive everywhere or only in limited geographic areas or for certain types of customers?

Privacy Notice: Those who preregister for the symposium must supply their name, affiliation and e-mail address to the Antitrust Division. The Department of Justice is permitted by law to collect this contact information to consider and use for the stated purpose. Under the Freedom of Information Act (FOIA) or other laws, we may be required to disclose the information you provide us to outside organizations. In addition, all timely and responsive submissions, whether filed in paper or electronic form, may be made publicly available at *http://www.usdoj.gov/atr/public/workshops/telecom2007/index.htm*. While DOJ makes certain efforts, in its discretion, to remove home contact and other personally identifying information for individuals from the public submissions it receives before placing those submissions on its Web site, persons making submissions are responsible for ensuring that these do not contain any information that they are unwilling to have disclosed to the public. For additional information, including routine uses permitted by the Privacy Act, see the DOJ Web site privacy policy at *http://www.usdoj.gov/privacy-file.htm*.

Dated: October 10, 2007.

Thomas O. Barnett,

Assistant Attorney General, Antitrust Division.

[FR Doc. E7–20478 Filed 10–16–07; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Notice of Lodging of the ''AEP'' Proposed Consent Decree Under the Clean Air Act

Pursuant to 28 CFR 50.7, notice is hereby given that on October 9, 2007 a proposed Consent Decree (''Consent Decree'') in *United States, et al.* v. *American electric Power Service Corporation, et al.*, Civil Actions Nos. C2–99–1182, C2–99–1250, C2–04–1098, and C2–05–360, was lodged with the United States District Court for the Southern District of Ohio.

In these civil enforcement actions under the federal Clean Air Act (''Act''), the United States alleges that several American Electric Power subsidiaries (collectively (''AEP'') failed to comply with the New Source Review provisions of the Act and the State Implementation Plans of Indiana, Ohio, Virginia, and West Virginia. The complaints allege that AEP violated the Act by failing to (i) seek permits prior to making major modifications and (ii) install appropriate pollution control devices to reduce emissions of air pollutants from units at the following power plants: Tanners Creek in Indiana; Cardinal, Conesville, and Muskingum River in Ohio; Clinch River in Virginia; Amos, Kammer, Mitchell, and Sporn in West Virginia. The complaints seek both injunctive relief and civil penalty.

The Consent Decree lodged with the Court addresses all units at the nine power plants listed above as well as all units at the following seven AEP plants that were not part of the litigation: Rockport in Indiana; Big Sandy in Kentucky; Gavin and Picway in Ohio; Glen Lyn in Virginia; and Kanawha River and Mountaineer in West Virginia. The Consent Decree requires installation, upgrading, and continuous operation of pollution control devices on a number of the 46 units at the sixteen plants addressed in the settlement. The Consent Decree also imposes emissions caps that limit the total amount of nitrogen oxides and sulfur dioxide that can be collectively emitted by all 46 units at these plants, with a series of increasingly stringent limits beginning in 2009.

The Consent Decree also requires AEP to pay the United States a civil fine of $15 million and to pay $60 million for environmental mitigation projects, including projects to acquire and restore ecologically sensitive land in eastern states downwind of AEP plants, restore or improve watersheds and forests in national parks affected by past emissions, reduce nitrogen loading in Chesapeake Bay, reduce emissions from sources in AEP's vehicle fleet, and other projects to be directed by settling states.

The States of Connecticut, Maryland, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and the Commonwealth of Massachusetts have signed the Consent Decree as co-plaintiffs, as have the following citizens groups: Citizens Action Coalition of Indiana, Clean Air Council, Hossier Environmental Council, Indiana Wildlife Federation, Izaak Walton League of America, League of Ohio Sportsmen, National Wildlife Federation, Natural Resources Defense Council, Inc., Ohio Citizen Action, Ohio Valley Environmental Coalition, Sierra Club, United States Public Interest Research Group, and West Virginia Environmental Council.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either emailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. department of Justice. Washington, DC 20044–7611, and should refer to *United States, et al,* v. *American Electric Power Service Corporation, et al.*, D.J. Ref. 90–5–2–1–06893.

The Consent Decree may be examined at the Office of the United States Attorney for the Southern District of Ohio, located at 303 Marconi Boulevard, Suite 200, Columbus, Ohio 43215; at U.S. EPA Region 3, 1650 Arch Street, Philadelphia, Pennsylvania 19103–2029; at U.S. EPA Region 4, Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960; or at U.S. EPA Region 5, 77 W. Jackson Blvd., Chicago, Illinois 60604–4590. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/Consent_Decrees.html*. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*, fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In

requesting a copy from the Consent Decree Library, please enclose a check in the amount of $30.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Bruce S. Gelber,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 07–5126 Filed 10–16–07; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Water Act

In accordance with Department of Justice policy, notice is hereby given that on October 10, 2007, a proposed consent decree (''Consent Decree'') in *United States and the State of Illinois* v. *Board of Regents of the University of Illinois, et al.*, Civil Action No. 2:07–cv–02188, was lodged with the United States District Court for the Central District of Illinois.

The Consent Decree would resolve claims for natural resource damages under Section 311(f) of the Clean Water Act, 33 U.S.C. 1321(f), against the three defendants named in the complaint: the Board of Regents of the University of Illinois, the Urbana Champaign Sanitary District, and CEDA, Inc. (collectively the ''Defendants''). The complaint alleges that the Defendants are liable for payment of natural resource damages for a fish kill incident that occurred in July 2002, when the Defendants discharged ammonia-containing wastewater to the Saline Branch Drainage ditch above its confluence with the Salt Fork of the Vermillion River in Urbana, Illinois. The Consent Decree would require the Defendants to pay a total of $491,000 to resolve the natural resource damages claims asserted by the United States and the State of Illinois, including payment of: (i) $450,000 for natural resource restoration projects to be performed by the Federal and State natural resource trustees; (ii) $33,000 for reimbursement of natural resource damage assessment costs incurred by the Illinois Department of Natural Resources; and (iii) $8,000 for reimbursement of natural resource damage assessment costs incurred by the U.S. Department of the Interior.

The Department of Justice will receive comments relating to the Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box No. 7611, Washington, DC 20044–7611, and should refer to *United States and the State of Illinois* v. *Board of Regents of the University of Illinois, et al.,* Civil Action No. 2:07–cv–02188, D.J. Reference No. 90–11–3–08748.

The Consent Decree may be examined at the Office of the United States Attorney for the Central District of Illinois, One Technology Plaza, 211 Fulton Street, Suite 400, Peoria, Illinois 61602. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $8.50 (34 pages at 25 cents per page reproduction cost) payable to the U.S. Treasury.

Maureen M. Katz,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 07–5124 Filed 10–16–07; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Public Comment Period for Proposed Environmental Settlement Agreement

Notice is hereby given that, for a period of 30 days, the United States will receive public comments on a proposed Settlement Agreement in *In the Matter of Evans Industries, Inc.* (''Debtor'')(Case No. 06–10370), which was lodged with the United States Bankruptcy Court for the Eastern District of Louisiana on September 28, 2007.

This proposed Settlement Agreement resolves the Distribution Trustee's objection to the United States Proof of Claim filed on behalf of the Environmental Protection Agency (''EPA Claim'') against the Debtor. The Proof of Claim asserts, *inter alia,* a claim, pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (''CERCLA''), 42 U.S.C. 9601 *et seq.,* that the Debtor arranged for the treatment or disposal of hazardous substances that it owned for possessed at the Malone Service Company Superfund Site (''Malone Site'') located in Texas City, Galveston County, Texas, and that the Debtor is liable for unreimbursed environmental response costs incurred by the United States and for response costs incurred in the future by the United States at the Malone Site (''EPA Claim'').

Under the Settlement Agreement, the EPA Claim shall be deemed allowed as a general unsecured claim of the kind specified in 11 U.S.C. 726(a)(2) in the amount of $1,238,763.80, and the EPA Claim shall be paid in the same manner and to the same extent as other general unsecured claims without discrimination, in accordance with the terms of the Debtor's Plan of Reorganization. Class 16 of the Plan provides for the treatment of general unsecured claims in accordance with Article XI (Distribution Trust).

Comments should be addressed to the Acting Assistant Attorney General, Environment and Natural Resources Division, and may be submitted to: P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, or via e-mail to *pubcomment-ees.enrd@usdoj.gov,* and should refer to *In the Matter of Evans Industries, Inc.,* D.J. Ref. 90–11–3–08926.

The Settlement Agreement may be examined at the Office of the United States Attorney, Eastern District of Louisiana, Hale Boggs Federal Building, 500 Poydras St., Room B–210, New Orleans, Louisiana 70130. During the public comment period the Evans Settlement Agreement may also be examined on the following Department of Justice Web site, *http://www.usjoj.gov/enrd/Consent_Decrees.html.* A copy of the Evans Settlement Agreement, may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $1.75 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Thomas A. Mariani, Jr.,

Assistant Chief.

[FR Doc. 07–5130 Filed 10–16–07; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on September 28, 2007, a proposed Consent Decree in *United States* v. *Gould Electronics Inc.,* Civil Action No. 07–4645, was lodged with the United States District Court for the District of New Jersey.

The United States' Complaint in the case alleges that Gould Electronics Inc. (''Gould Electronics'') is liable to the United States under Section 107(a) of CERCLA, 42 U.S.C. 9607(a) at the Magic Marker Superfund Site in Trenton, New Jersey. The Consent Decree settles the claims of the United States, on behalf of EPA, asserted in the Complaint. Pursuant to the Consent Decree, Gould Electronics and a contribution defendant, Ford Motor Company, will together pay $285,000 in reimbursement of response costs incurred or to be incurred by EPA.

On September 28, 2007, the United States also filed a ''Stipulation Between the United States and Exide Technologies Concerning Magic Marker Site and Proof of Claim'' (''Stipulation'') in the bankruptcy proceeding *In re Exide Technologies, et al.,* 02–11125 (Bank. Del). Pursuant to this Stipulation, the United States will withdraw its claim filed in that bankruptcy proceeding with respect to the Magic Marker Superfund Site. The Stipulation was filed contemporaneously with a stipulation between Gould Electronics and Exide Technologies providing Gould Electronics with an allowed claim against Exide Technologies in the bankruptcy proceeding. If the Consent Decree is not entered by the court, the Stipulation shall be null and void

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree and/or the Stipulation. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Gould Electronics Inc.,* D.J. Ref. 90–11–3–07371.

The Consent Decree may be examined at the Office of the United States Attorney, Peter Rodino Federal Building, 970 Broad Street, Newark, New Jersey 07102, and at U.S. EPA Region 2, 290 Broadway, New York, NY 10007. During the public comment period, the Consent Decree and Stipulation may also be examined on the following Department of Justice Web site, to *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Consent Decree and/or the Stipulation may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $8.75 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Ronald Gluck,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 07–5128 Filed 10–16–07; 8:45 am]

BILLING CODE 441075–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

Notice is hereby given that on September 28, 2007, a proposed Consent Decree between the United States, the Alabama Department of Environmental Management, the Mississippi Commission on Environmental Quality, Hunt Refining Company and Hunt Southland Refining Company (collectively ''Hunt'') was lodged with the United States District Court for the Northern District of Alabama in the case of *United States et al.* v. *Hunt Refining Company et al.*, Civil Action No. CV–07–P–1777–W.

In a complaint that was filed simultaneously with the Consent Decree, the United States sought a civil penalty and injunctive relief against Hunt for alleged violations of the Clean Air Act, 42 U.S.C. 7401 *et seq.*, and its implementing regulations, in connection with Hunt's petroleum refineries located in Tuscaloosa, Alabama; and Sandersville and Lumberton, Mississippi.

The Consent Decree requires Hunt to implement pollution control technologies to significantly reduce emissions of nitrogen oxides (''NO_2'') and sulfur dioxide (''SO_2'') from refinery process units, reduce the flaring of process upset gasses, improve leak detection and repair procedures, and improve the management of benzene wastewater streams. Hunt has estimated that this injunctive relief will cost the company approximately $48,500,000. Hunt will pay a civil penalty of $400,000, which the States of Alabama and Mississippi will share, and spend more than $475,000 on supplemental environmental projects to benefit the community and environment. Hunt has agred to upgrade controls to reduce volatile organic compound emissions from the wastewater systems at the Tuscaloosa refinery and will buy emergency preparedness equipment and train mutual aid responders in Choctaw County, Alabama; and Vicksburg, Mississippi. The States of Alabama and Mississippi will join in this settlement as signatories to the Consent Decree.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov*, or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, D.C. 20044–7611, and should refer to *United States et al.* v. *Hunt Refining Company et al.*, D.J. Ref. # 90–5–2–1–08392.

The Consent Decree may be examined at U.S. EPA Region 4, 61 Forsyth Street, Atlanta, Georgia 30303 (contact Marlene Tucker). During the public comment period, the Consent Decree also may be examined on the following Department of Justice Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Consent Decree also may be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, Please enclose a check in the amount of $31.25 (25 cents per page reproduction cost) payable to the U.S. Treasury, or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Robert D. Brook,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 07–5129 Filed 10–16–07; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree

Notice is hereby given that on October 11, 2007, a proposed Consent Decree in *United States* v. *Maritime Logitics, Inc., et al.,* Civil Action No. C07–5172 JSW (N.D. Cal.), was lodged with the United States District Court for the Northern District of California. The proposed Consent Decree resolves claims arising from a January 31, 2005 incident in which the vessel P/C ALBION sank in the waters of the Monterey Bay National Marine Sanctuary and discharged oil. Under the Consent Decree, the defendants will pay $1,207,064.00 to the Coast Guard's Oil Spill Liability Trust Fund for costs incurred, and $392,936.00 to the National Oceanic and Atmospheric Administration for costs incurred and for damages. In exchange, the United States provides a covenant not to sue for claims pertaining to the Incident under, *inter alia,* the Oil Pollution Act, the Comprehensive Environmental Response, Compensation, and Liability Act, and the National Marine Sanctuaries Act.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and National Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Maritime Logitics, Inc., et al.,* D.J. Ref. 90–5–1–1–09113.

The proposed Consent Decree may be examined at the Office of the United States Attorney, 450 Golden Gate Avenue, San Francisco, California 94102. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the proposed Consent Decrees may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation no. (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $4.75 (25 cents per page reproduction cost) payable to the ''U.S. Treasury'' or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Henry S. Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 07–5125 Filed 10–16–07; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Clean Water Act (CWA)

Notice is hereby given that on October 1, 2007, a proposed Consent Decree (Decree) in *United States et al.* v. *United States Steel Corp. et al.*, Civil Action No. 07–CV–4114–JAR was lodged with the United States District Court for the District of Kansas.

In this action the United States and the State of Kansas, in their capacities as natural resource trustees, sought recovery from U.S. Steel Corporation and Citibank Global Holdings for natural resource damages to the National Zinc Superfund Site (Site) in Cherryvale, Kansas and the surrounding area. The Complaint alleges that Defendants are liable as successors to owners or operators of a smelter, which was previously located and operated at the Site. The Decree would settle the government's claim for injuries to natural resources at the Site, in return for a total payment of $495,750, including $452,750 for restoration projects and $43,000 for reimbursement of natural resource damage assessment costs incurred by the Federal and State trustees. As specified by the Decree, the joint recovery for restoration work would be deposited in the United States Department of Interior's Natural Resource Damage Assessment and Restoration Fund, and the Federal and State trustees would make joint decisions concerning future restoration expenditures in accordance with a restoration plan that they would prepare.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States et al.* v. *United States Steel Corp. et al.*, D.J. Ref. 90–11–3–08705.

The Decree may be examined at the Office of the United States Attorney, 1200 Epic Center, 301 N. Main, Wichita, Kansas 67202. During the public comment period, the Decree, may also be examined on the following Department of Justice Web site, to *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $6.00 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Robert E. Maher, Jr.,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 07–5127 Filed 10–16–07; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Tim's Wholesale; Denial of Application

On March 20, 2006, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause to Tim's Wholesale (Respondent) of Baton Rouge, Louisiana. The Show Cause Order proposed the denial of Respondent's application for a DEA Certificate of Registration as a distributor of list I chemicals, on the ground that granting it a registration would be ''inconsistent with the public interest.'' Show Cause Order at 1.

More specifically, the Show Cause Order alleged that in December 2004, Respondent's President (Mr. Tim Tran) had applied for a registration to distribute pseudoephedrine, a list I chemical which is commonly diverted into the illicit manufacture of methamphetamine, a schedule II controlled substance. *Id.* at 1–2. The Show Cause Order alleged that during a pre-registration investigation, Mr. Tran stated to DEA Diversion Investigators (DIs) that his business distributes candy, snacks, cigarettes and novelties to ''approximately 250 convenience stores.'' *Id.* at 2. The Show Cause Order further alleged that Mr. Tran stated to

investigators that ''he was unaware that traditional cough and cold products contained pseudoephedrine,''and that they ''could be used to make the controlled substance methamphetamine.'' *Id.*

Next, the Show Cause Order alleged that after Mr. Tran finally provided a list of his proposed pseudoephedrine customers, the DIs conducted customer verifications. *Id.* The Show Cause Order alleged that of the seven customers contacted by the DIs, six of them stated that they had no intention of doing business with Respondent. The Show Cause Order also alleged that while Respondent did not have a DEA registration, the other customer informed the DIs that it was ''currently purchasing listed chemical products from'' Respondent. *Id.*

Finally, the Show Cause Order alleged that Respondent's proposed customer base of convenience stores account for only a very small percentage of the legitimate commerce in over-the-counter drug products and that ''convenience stores continue to be the primary source'' of pseudoephedrine which is diverted into the illicit manufacture of methamphetamine. *Id.* at 3. The Show Cause Order thus concluded that because Respondent's management has ''insufficient experience,'' lacks ''knowledge of the diversion problems associated with handling listed chemicals,'' and had ''distributed listed chemicals without a registration, it is unlikely that they would be able to carry out the responsibilities of a registrant.'' *Id.*

The Show Cause Order was served by certified mail, return receipt requested. While the return receipt card was not returned to the Agency, on June 22, 2006, a DEA Diversion Investigator contacted Respondent's owner and confirmed that he had received the Show Cause Order approximately two months earlier. I therefore find that Respondent was properly served.

I further find that because: (1) more than thirty days have passed since service of the Show Cause Order, and (2) neither Respondent, nor anyone purporting to represent it, has responded, it has waived its right to a hearing. *See* 21 CFR 1309.53(c). I therefore enter this Decision and Final Order without a hearing based on relevant material contained in the investigative file and make the following findings.

Findings

On December 15, 2004, Respondent, a Louisiana corporation, applied for a DEA Certificate of Registration to distribute the list I chemical pseudoephedrine. Respondent's application was prepared and submitted by its President, Mr. Tim Tran, and proposed as its registered location its facility which is located at 8150 South Choctaw Drive, Baton Rouge, Louisiana. Respondent is a wholesale distributor of cigarettes, candy, snacks, grocery bags, and novelty items, and has approximately 250 customers which include convenience stores and restaurants in the Baton Rouge area. As noted in numerous agency orders, such establishments are not part of the traditional market for legitimate consumers of pseudoephedrine products. *See Holloway Distributing,* 72 FR 42118, 42119 (2007); *D & S Sales,* 71 FR 37607, 37608–09 (2006).

Pseudoephedrine is lawfully marketed under the Food, Drug and Cosmetic Act as a decongestant. *See Holloway Distributing,* 72 FR at 42119. Because pseudoephedrine is, however, easily extracted from non-prescription drug products and used in the illicit manufacture of methamphetamine, a schedule II controlled substance, it is regulated as a list I chemical under the Controlled Substances Act (CSA). *See* 21 U.S.C. 802(34); 21 CFR 1308.12(d).

Methamphetamine is a powerful and addictive central nervous system stimulant. *See Gregg Brothers Wholesale Co., Inc.,* 71 FR 59830 (2006). The illegal manufacture and abuse of methamphetamine pose a grave threat to this country. Methamphetamine abuse has destroyed numerous lives and families and ravaged communities. Moreover, because of the toxic nature of the chemicals used to make the drug, its manufacture causes serious environmental harms. *Id.*

On February 15, 2005, a DEA Diversion Investigator (DI) telephoned Mr. Tran to schedule an on-site inspection of Respondent. During the conversation, the DI informed Mr. Tran that he would need to compile a list of all the customers who would be purchasing pseudoephedrine products from his firm, as well as a list of the pseudoephedrine products that he intended to sell. According to the DI, Mr. Tran did not understand that pseudoephedrine is an active ingredient in various cold products. Moreover, during the conversation, Mr. Tran further stated that he was unaware that pseudoephedrine was used to manufacture methamphetamine, a statement which he repeated during the on-site inspection.

On February 18, 2005, the above DI (accompanied by another DI) visited Respondent at its proposed registered where they met Mr. Tran. Mr. Tran had not prepared a list of either his potential customers or a list of the pseudoephedrine products he intended to sell. He also stated to investigators that he would dispose of out-of-date or damaged pseudoephedrine products in the garbage and did not know if his suppliers would take back such products. Mr. Tran further told investigators that he was unfamiliar with the purchase and sale of pseudoephedrine products. He also told investigators that he had been in the wholesale business for approximately four and a half months.

During the on-site inspection, Mr. Tran also told investigators that he had high employee turnover. Moreover, he did not know the last names of his two employees, one of whom had been on the job for a week, the other for two days. Even though both employees would have access to pseudoephedrine products, Mr. Tran stated that he had not performed background checks on either of them and did not know how to do so.

Mr. Tran further stated that he sold to walk-in customers. When asked how he would verify whether these customers were legitimate, Mr. Tran stated that he knew most of them because he had lived in Baton Rouge for approximately twenty years and went to church with them.

Mr. Tran eventually marked on his customer list the names of eighteen stores that he expected would purchase pseudoephedrine from him. Subsequent to the on-site inspection, the DIs visited seven of the establishments. At three of the stores, the managers told the DIs that they had never done business with Respondent; at another, the cashier told the DIs that the store used a different supplier. At one store, the manager told the DIs that while he had used Respondent in the past, he no longer did business with it and did not intend to purchase pseudoephedrine products from it. At another establishment, the cashier stated that the store mostly bought cigarettes from Respondent and obtained cold products from other sources. At the final store, the manager told the DIs that he was currently purchasing cold products from Respondent. The record, however, does not establish what those products were and whether they contained a list I chemical.

Discussion

Section 303(h) of the Controlled Substances Act (CSA) provides that ''[t]he Attorney General shall register an applicant to distribute a list I chemical unless the Attorney General determines that registration of the applicant is inconsistent with the public interest.''

21 U.S.C. 823(h). In making this determination, Congress directed that I consider the following factors:

(1) maintenance by the applicant of effective controls against diversion of listed chemicals into other than legitimate channels;

(2) compliance by the applicant with applicable Federal, State, and local law;

(3) any prior conviction record of the applicant under Federal or State laws relating to controlled substances or to chemicals controlled under Federal or State law;

(4) any past experience of the applicant in the manufacture and distribution of chemicals; and

(5) such other factors as are relevant to and consistent with the public health and safety.

Id. § 823(h).

''These factors are considered in the disjunctive.'' *Joy's Ideas*, 70 FR 33195, 33197 (2005). I may rely on any one or a combination of factors, and may give each factor the weight I deem appropriate in determining whether an application for a registration should be denied. *See, e.g., David M. Starr*, 71 FR 39367, 39368 (2006); *Energy Outlet*, 64 FR 14269 (1999). Moreover, I am ''not required to make findings as to all of the factors.'' *Hoxie* v. *DEA*, 419 F.3d 477, 482 (6th Cir. 2005); *Morall* v. *DEA*, 412 F.3d 165, 173–74 (D.C. Cir. 2005). In this case, I conclude that Factors One, Four, and Five establish that granting Respondent a registration would be ''inconsistent with the public interest.'' 21 U.S.C. 823(h). Respondent's application will therefore be denied.

Factor One—The Maintenance of Effective Controls Against Diversion

In several respects, the investigative file establishes that Respondent would not maintain effective controls against diversion. First, the file establishes that Respondent intends to dispose of out-of-date or damaged pseudoephedrine products by throwing them in its trash. This is not a proper method of disposing of list I chemical products, which can still be used to manufacture methamphetamine even if they are out-of-date or damaged.

Second, Respondent told the DIs that he did not conduct background checks on his employees and, indeed, he did not even know their last names. Under DEA's regulations, a ''registrant shall exercise caution in the consideration of employment of persons who will have access to listed chemicals, who have been convicted of a felony offense relating to controlled substances or listed chemicals, or who have, at any time, had an application for registration with DEA denied, had a DEA registration revoked, or surrendered a DEA registration for cause.'' 21 CFR 1309.72(a). Moreover, a ''registrant should be aware of the circumstances regarding the action against the potential employee and the rehabilitative efforts following the action,'' and a ''registrant shall assess the risks involved in employing such persons.'' *Id.* Conducting a background check on a potential employee is therefore essential to comply with the regulation and to make an accurate assessment of the risk posed by the person's employment.

Finally, Respondent's proposed method of determining the legitimacy of his walk-in customers is obviously inadequate. Mr. Tran stated that he knew most of his customers because he had lived in Baton Rouge, a city of sizable population, for twenty years, and went to church with them. Mr. Tran offered no explanation as to how he would verify the legitimacy of those walk-in customers he did not personally know.

Each of the above reasons provides an independent basis to conclude that Respondent would not maintain effective controls against diversion. Moreover, this finding provides reason alone to conclude that granting Respondent's application would be ''inconsistent with the public interest.'' 21 U.S.C. 823(h).

Factor Four and Five—The Applicant's Experience in Distributing List I Chemicals and Other Factors Relevant to and Consistent With Public Health and Safety

As I have previously held, ''an applicant's lack of experience in distributing list I chemicals creates a greater risk of diversion and thus weigh heavily against the granting of an application.'' *Planet Trading, Inc.*, 72 FR 11055, 11057 (2007) (quoting *Tri-County Bait Distributors*, 71 FR 52160, 52163 (2006)). Moreover, ''[d]istributors of list I chemicals are subject to a comprehensive and complex regulatory scheme.'' *Id.* at 11058 (citing 21 CFR Pts. 1309 & 1310).

Here, Mr. Tran has no experience in the distribution of list I chemicals and the fulfillment of the regulatory obligations imposed by the CSA. *See id.* Moreover, Mr. Tran did not understand that pseudoephedrine is the active ingredient in various cold products and was unfamiliar with the problem caused by the diversion of the chemical into the illicit manufacture of methamphetamine. *See id.* (rejecting application based on applicant's lack of product knowledge). Mr. Tran's lack of experience and knowledge does not bode well for his performance as a registrant who will prevent diversion.

Numerous DEA orders establish that the sale of list I chemical products by non-traditional retailers is an area of particular concern in preventing diversion of these products into the illicit manufacture of methamphetamine. *See, e.g., Joey Enterprises*, 70 FR 76866, 76867 (2005). As *Joey Enterprises* explains, ''[w]hile there are no specific prohibitions under the Controlled Substances Act regarding the sale of listed chemical products to [gas stations and convenience stores], DEA has nevertheless found that [these entities] constitute sources for the diversion of listed chemical products.'' *Id. See also Rick's Picks*, 72 FR 18279 (2007) (noting role of non-traditional retailers such as convenience stores and gas stations in supplying meth. cooks); *TNT Distributors*, 70 FR 12729, 12730 (2005) (special agent testified that ''80 to 90 percent of ephedrine and pseudoephedrine being used [in Tennessee] to manufacture methamphetamine was being obtained from convenience stores''); *OTC Distribution Co.*, 68 FR 70538, 70541 (2003) (noting ''over 20 different seizures of [non-traditional market distributor's] pseudoephedrine product at clandestine sites,'' and that in eight-month period, distributor's product ''was seized at clandestine laboratories in eight states, with over 2 million dosage units seized in Oklahoma alone.''); *MDI Pharmaceuticals*, 68 FR 4233, 4236 (2003) (finding that ''pseudoephedrine products distributed by [gray market distributor] have been uncovered at numerous clandestine methamphetamine settings throughout the United States and/or discovered in the possession of individuals apparently involved in the illicit manufacture of methamphetamine'').

DEA orders have thus found that there is a substantial risk of diversion of List I chemicals into the illicit manufacture of methamphetamine when these products are sold by non-traditional retailers. *See, e.g., Joy's Ideas*, 70 FR at 33199 (finding that the risk of diversion was ''real'' and ''substantial''); *Jay Enterprises*, 70 FR at 24621 (noting ''heightened risk of diversion'' should application be granted). Under DEA precedents, an applicant's proposal to sell into the non-traditional market weighs heavily against the granting of a registration under factor five. So too here.

Because of the methamphetamine epidemic's devastating impact on communities and families throughout the country, DEA has repeatedly denied an application when an applicant proposed to sell into the non-traditional market and the analysis of one of the

other statutory factors supports the conclusion that granting the application would create an unacceptable risk of diversion. Thus, in *Xtreme Enterprises*, 67 FR 76195, 76197 (2002), my predecessor denied an application observing that the respondent's ''lack of a criminal record, compliance with the law and willingness to upgrade her security system are far outweighed by her lack of experience with selling List I chemicals and the fact that she intends to sell ephedrine almost exclusively in the gray market.'' More recently, I denied an application observing that the respondent's ''lack of a criminal record and any intent to comply with the law and regulations are far outweighed by his lack of experience and the company's intent to sell ephedrine and pseudoephedrine exclusively to the gray market.'' *Jay Enterprises*, 70 FR at 24621. *Accord Planet Trading*, 72 FR at 11058; *Prachi Enterprises*, 69 FR 69407, 69409 (2004).

Here, the investigative file supports additional adverse findings beyond those which DEA has repeatedly held are sufficient to warrant the denial of an application to distribute list I chemicals. Respondent clearly lacks effective controls against diversion, has no experience in the licit wholesale distribution of List I chemical products, and yet intends to distribute these products to non-traditional retailers, a market in which the risk of diversion is substantial. *See Planet Trading*, 72 FR at 11058; *Taby Enterprises of Osceola, Inc.*, 71 FR 71557, 71559 (2006). Given these findings,[1] it is indisputable that granting Respondent's application would be ''inconsistent with the public interest.'' 21 U.S.C. 823(h).

Order

Pursuant to the authority vested in me by 21 U.S.C. 823(h), as well as 28 CFR 0.100(b) & 0.104, I order that the application of Tim's Wholesale, for a DEA Certificate of Registration as a distributor of list I chemicals be, and it hereby is, denied. This order is effective November 16, 2007.

Dated: October 9, 2007.

Michele M. Leonhart,

Deputy Administrator.

[FR Doc. E7–20443 Filed 10–16–07; 8:45 am]

BILLING CODE 4410–09–P

[1] Because these findings establish that granting Respondent's application would create an unacceptable risk of diversion, it is unnecessary to make any findings on the remaining factors.

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OMB Number 1121–0114]

Office for Victims of Crime; Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 30-Day Notice of Information Collection Under Review; Extension of a Currently Approved Collection; Victims of Crime Act, Victim Compensation Grant Program, State Performance Report.

The Department of Justice (DOJ), Office for Victims of Crime (OVC), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register**, Volume 72, Number 155, page 45270–45271 on month, day, year, allowing for a 60-day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until November 16, 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:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Victims of Crime Act, Victim Compensation Grant Program, State Performance Report.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form Number: OJP ADMIN FORM 7390/6. Office for Victims of Crime, Office of Justice Programs, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State Government. The form is used by State Government to submit Annual Performance Report data about claims for victim compensation.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 53 respondents will complete the form within 2 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 106 total annual burden hours associated with this collection.

If additional information is required contact: Lynn Bryant, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: October 11, 2007.

Lynn Bryant,

Department Clearance Officer, PRA, Department of Justice.

[FR Doc. E7–20456 Filed 10–16–07; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request

October 11, 2007.

The Department of Labor (DOL) hereby announces the submission the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). A copy of this ICR, with applicable supporting documentation; including among other things a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAMain* or by contacting Darrin King on 202–693–4129 (this is not a toll-free number) / e-mail: *king.darrin@dol.gov.*

Interested parties are encouraged to send comments to the Office of Information and Regulatory Affairs, Attn: John Kraemer, OMB Desk Officer for the Occupational Safety and Health Administration (OSHA), Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202–395–7316/Fax: 202–395–6974 (these are not toll-free numbers), E-mail: *OIRA_submission@omb.eop.gov* within 30 days from the date of this publication in the **Federal Register**. In order to ensure the appropriate consideration, comments should reference the OMB Control Number (see below).

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: Occupational Safety and Health Administration.

Type of Review: Extension without change of a previously approved collection.

Title: Fire Protection in Shipyard Employment (29 CFR Part 1915, Subpart P).

OMB Number: 1218–0248.

Affected Public: Private Sector: Not-for-profit institutions (Shipyards).

Estimated Number of Respondents: 317.

Estimated Total Burden Hours: 4,635.

Estimated Total Annual Costs Burden: $0.

Description: 29 CFR part 1915, Subpart P (''the Standard'') requires employers to develop a written fire safety plan and written statements or policies that contain information about fire watches and fire response duties and responsibilities. The Standard also requires the employer to obtain medical exams for certain workers and to develop training programs and to train employees exposed to fire hazards. The Standard also requires employers to create and maintain records to certify that employees have been made aware of the details of the fire safety plan and that employees have been trained as required by the Standard. OSHA uses the records developed in response to this Standard to determine compliance with the safety and health provisions of the Standard and they are critical in OSHA's effort to control and reduce injuries and fatalities related to fires in shipyard employment.

Darrin A. King,

Acting Departmental Clearance Officer.

[FR Doc. E7–20405 Filed 10–16–07; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request

October 11, 2007.

The Department of Labor (DOL) hereby announces the submission of the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). A copy of this ICR, with applicable supporting documentation; including among other things a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAMain* or by contacting Darrin King on 202–693–4129 (this is not a toll-free number) / e-mail: *king.darrin@dol.gov*.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: Carolyn Lovett, OMB Desk Officer for the Employment Standards Administration (ESA), Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202–395–7316 / Fax: 202–395–6974 (these are not toll-free numbers), e-mail: *OIRA_submission@omb.eop.gov* within 30 days from the date of this publication in the **Federal Register**. In order to ensure the appropriate consideration, comments should reference the OMB Control Number (see below).

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Agency: Employment Standards Administration.

Type of Review: Extension without change of currently approved collection.

Title: OFCCP Complaint Form.

OMB Control Number: 1215–0131.

Form Numbers: CC–4.

Estimated Number of Annual Respondents: 594.

Estimated Total Annual Burden Hours: 760.

Total Estimated Annual Cost Burden: $261.

Affected Public: Individuals or households.

Description: The complaint form (CC–4) is prepared by individuals who allege illegal employment discrimination by Federal contractors. The complaint information is utilized by the Department's Office of Contract Compliance Programs (OFCCP) field personnel as the first step in the initiation of a discrimination complaint investigation. If the complaint states a case of alleged discrimination under one of OFCCP's equal employment

opportunity programs [1] and jurisdiction is established, then a complaint investigation is initiated. A standardized form for collecting complaint information promotes efficient use of agency resources by ensuring that individual complaint filers provide the information required to initiate a discrimination complaint investigation.

Darrin A. King,

Acting Departmental Clearance Officer.

[FR Doc. E7–20438 Filed 10–16–07; 8:45 am]

BILLING CODE 4510–CM–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–62,254]

Accudata, Carlinville, IL; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on October 4, 2007 in response to a worker petition filed by a community representative on behalf of workers at Accudata, Carlinville, Illinois.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC this 9th day of October, 2007.

Richard Church

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E7–20398 Filed 10–16–07; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–61,942]

Best Textiles International, Ltd, Formerly Known as Best Manufacturing, Cordele Division, Cordele, GA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on September 10, 2007, applicable to workers of Best Textiles International, Ltd, Cordele, Georgia. The notice was published in the **Federal Register** on September 27, 2007 (72 FR 54939).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of table linens, aprons and chef wear.

New information shows that the subject firm originally named Best Manufacturing, Cordele Division, was renamed Best Textiles International, Ltd due to a change in ownership. Workers separated from employment at the subject firm had their wages reported under a separate unemployment insurance (UI) tax account for Best Manufacturing.

Accordingly, the Department is amending the certification to properly reflect this matter.

The intent of the Department's certification is to include all workers of Best Textiles International, Ltd who were adversely affected by increased company imports.

Of note, the decision dated September 10, 2007 referenced that the workers were under an existing certification that expired on July 8, 2005. However, the actual TAA expiration date should have been represented as July 8, 2007.

The amended notice applicable to TA–W–61,942 is hereby issued as follows:

All workers of Best Textiles International, Ltd, formerly known as Best Manufacturing, Cordele Division, Cordele, Georgia, who became totally or partially separated from employment on or after July 9, 2007, through September 10, 2009, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed at Washington, DC this 11th day of October 2007.

Elliott S. Kushner

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E7–20403 Filed 10–16–07; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–61,707]

Dana Corporation, Torque-Traction Manufacturing, Inc., Including On-Site Leased Workers of Diversco Integrated Services, Inc. and Haas Total Chemical Management, Inc., Cape Girardeau, MS; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on July 23, 2007, applicable to workers of Dana Corporation, Torque-Traction Manufacturing, Inc., Cape Girardeau, Missouri. The notice was published in the **Federal Register** on August 9, 2007 (72 FR 44865). The certification was amended on October 1, 2007 include on-site leased workers. The notice was published in the **Federal Register** on October 5, 2007 (72 FR 57069–57070).

On our own motion, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of a variety of automotive axle components.

New information shows that leased workers of Diversco Integrated Services, Inc. and Haas Total Chemical Management, Inc. were employed on-site at the Cape Girardeau, Missouri location of Dana Corporation, Torque-Traction Manufacturing, Inc. The Department has determined that these workers were sufficiently under the control of Dana Corporation, Torque-Traction Manufacturing, Inc. to be considered leased workers.

The same worker group of Dana Corporation was under a previous certification that remained in effect until July 29, 2007; therefore the current impact date will read July 30, 2007.

Since leased workers were not included in the now expired certification, their impact date will reach back a full year from the original petition date and will read June 18, 2006.

Based on these findings, the Department is amending this certification to include leased workers of Diversco Integrated Services, Inc., and Haas Total Chemical Management, Inc. working on-site at the Cape

[1] Executive Order 11246, as amended and implanting regulations at 41 CFR § 60–1.23(a); The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (38 U.S.C. § 4212(b)) and implementing regulations at 41 CFR § 60–250.61(b); and Section 503 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 793(b) and implementing regulations at 41 CFR § 60–741.61(c).

Girardeau, Missouri location of the subject firm and clarify the eligibility dates.

The intent of the Department's certification is to include all workers employed at Dana Corporation, Torque-Traction Manufacturing, Inc., Cape Girardeau, Missouri who were adversely affected by a shift in production to Mexico.

The amended notice applicable to TA–W–61,707 is hereby issued as follows:

All workers of Dana Corporation, Torque-Traction Manufacturing, Inc., Cape Girardeau, Missouri, who became totally or partially separated from employment on or after July 30, 2007, through July 23, 2009, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974. and;

All on-site leased workers of Diversco Integrated Services, Inc., and Haas Total Chemical Management, Inc. working at Dana Corporation, Torque-Traction Manufacturing, Inc, Cape Girardeau, Missouri, who became totally or partially separated from employment on or after June 18, 2006, through July 23, 2009, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed at Washington, DC this 5th day of October, 2007.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E7–20401 Filed 10–16–07; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–61,799]

Peres Pattern Company, Erie, PA; Notice of Negative Determination Regarding Application for Reconsideration

By application postmarked September 26, 2007, a company official requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on August 15, 2007 and published in the **Federal Register** on August 30, 2007 (72 FR 50126).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

The petition for the workers of Peres Pattern Company, Erie, Pennsylvania engaged in production of custom molds (i.e. wood, metal and plastic patterns, blow molds, foam molds, rim molds, vacuum molds and aluminum castings) was denied because the ''contributed importantly'' group eligibility requirement of Section 222 of the Trade Act of 1974, as amended, was not met. The ''contributed importantly'' test is generally demonstrated through a survey of the workers' firm's declining customers. The survey revealed no imports of custom molds by declining customers during the relevant period. The subject firm did not import custom molds nor shift production to a foreign country during the relevant period.

The petitioner states that the affected workers lost their jobs as a direct result of a loss of customers who used items manufactured by the subject firm as ''unfinished goods'' and ''tooling'' for further production of plastic goods. The petitioner alleges that customers of the subject firm which manufacture plastic products decreased purchases of custom molds from the subject firm because they choose to shift their production abroad. Therefore, the petitioner concludes that because sales and production of custom molds at the subject firm have been negatively impacted by the customers shifting their production of plastic products abroad, workers of the subject firm should be eligible for TAA.

In order to establish import impact, the Department must consider imports that are like or directly competitive with those produced at the subject firm. The Department conducted a survey of the subject firm's major declining customer regarding their purchases of custom molds during 2005, 2006 and January through June 2007 over the corresponding 2006 period. The survey revealed that the declining customers did not import custom molds during the relevant period.

Imports of plastic products cannot be considered like or directly competitive with custom molds produced by Peres Pattern Company, Erie, Pennsylvania and imports of plastic products are not relevant in this investigation.

The fact that subject firm's customers are shifting their production abroad is not relevant to this investigation. The shift in production must be administered by the subject firm in order for workers of the subject firm to be considered eligible for TAA.

The petitioner further states that in order to reveal the import impact, the Department should investigate the time period prior to 2005. Furthermore, the petitioner attached a list of declining customers from 1988 to present.

When assessing eligibility for TAA, the Department exclusively considers import impact during the relevant time period (one year prior to the date of the petition). The customers of the subject firm were surveyed regarding their purchases of custom molds during the relevant time period. The survey revealed no imports of custom molds during the relevant time period.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed in Washington, DC, this 11th day of October, 2007.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E7–20402 Filed 10–16–07; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total

or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than October 29, 2007.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than October 29, 2007.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C–5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 9th day of October 2007.

Ralph DiBattista,

Director, Division of Trade Adjustment Assistance.

APPENDIX

[Petitions instituted between 10/1/07 and 10/5/07]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
62224	Porter Engineered Systems Ohio (Comp)	Solon, OH	10/01/07	08/28/07
62225	Delphi Corporation (Wkrs)	Moraine, OH	10/01/07	09/28/07
62226	Con Agra Foods (State)	Edina, MN	10/01/07	09/28/07
62227	Plastech (Comp)	Fowlerville, MI	10/01/07	09/17/07
62228	Waverly Mills, Inc. (Comp)	Laurinburg, NC	10/01/07	09/26/07
62229	Bombardier Aerospace (State)	Wichita, KS	10/01/07	09/28/07
62230	Collins Products, LLC (IAMAW)	Klamath Falls, OR	10/02/07	10/01/07
62231	Wilson Sporting Goods Company (Comp)	Humboldt, TN	10/02/07	10/01/07
62232	Philips Lighting (USW)	Danville, KY	10/02/07	09/28/07
62233	Burke Hosiery Mills, Inc. (Comp)	Hickory, NC	10/02/07	09/27/07
62234	KLA-Tencor (Wkrs)	San Jose, CA	10/02/07	09/30/07
62235	Sanmina-SCI (Comp)	Fountain, CO	10/02/07	10/01/07
62236	AB Automotive Inc. (Comp)	Smithfield, NC	10/02/07	09/30/07
62237	Linzhi Fashion, Inc. (Wkrs)	New York, NY	10/02/07	09/30/07
62238	Crameo, Inc. (Comp)	Philadelphia, PA	10/02/07	09/28/07
62239	Southern Hosiery Mills, Inc. (Comp)	Hickory, NC	10/03/07	10/02/07
62240	Toluca Garment Company (Wkrs)	Toluca, IL	10/03/07	09/21/07
62241	Blyth Homescents Int. (Wkrs)	Des Plaines, IL	10/03/07	09/24/07
62242	Weyerhaeuser Elma Veneer (State)	Elma, WA	10/03/07	10/01/07
62243	Electric Mobility (State)	Sewell, NJ	10/03/07	10/02/07
62244	Cummings Signs (AFLCIO)	Nashville, TN	10/03/07	10/02/07
62245	Flakeboard Particle Board Plant (State)	Albany, OR	10/03/07	10/01/07
62246	Sunoco Chemicals (USW)	Neville Island, PA	10/03/07	10/01/07
62247	International Cup Corporation/Soller (Rep)	Bennettsville, SC	10/03/07	09/21/07
62248	ArvinMeritor (Comp)	Chickasha, OK	10/04/07	10/03/07
62249	Fiskars Garden and Outdoor Living (Comp)	Sauk City, WI	10/04/07	10/03/07
62250	Vaughan Furniture Co. Inc. (B.C. Vaughan Plant) (Comp)	Galax, VA	10/04/07	10/03/07
62251	Precept Medical Products, Inc. (Comp)	Childersburg, AL	10/04/07	10/03/07
62252	Gavin Chevrolet (Comp)	Middleville, MI	10/04/07	09/27/07
62253	Manpower, Inc. (State)	Grand Haven, MI	10/04/07	09/28/07
62254	Accudata (State)	Carlinville, IL	10/04/07	10/03/07
62255	Liqui-Box Corporation (Wkrs)	Upper Sandusky, OH	10/04/07	09/28/07
62256	Aearo Technologies (Comp)	Southbridge, MA	10/04/07	10/01/07
62257	New England Ladder and Scaffolding Company (Wkrs)	Orwigsburg, PA	10/04/07	09/17/07
62258	Chemtura Corporation (State)	Middlebury, CT	10/04/07	10/03/07
62259	Dekko Technologies, Inc. (State)	Mt. Ayr, IA	10/04/07	09/28/07
62260	Flexsteel Industries, Inc. (USW)	Dubuque, IA	10/05/07	10/04/07
62261	American Uniform Company (Comp)	Cleveland, TN	10/05/07	10/04/07
62262	Summit Switching (Comp)	Chesapeake, VA	10/05/07	10/04/07
62263	W. B. Marvin Manufacturing Co. (Comp)	Urbana, OH	10/05/07	09/28/07
62264	Conexant Systems, Inc. (State)	Newport Beach, CA	10/05/07	10/04/07

[FR Doc. E7–20399 Filed 10–16–07; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) number and alternative trade adjustment assistance (ATAA) by (TA–W) number issued during the period of *October 1 through October 5, 2007.*

In order for an affirmative determination to be made for workers of

a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Section (a)(2)(A) all of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. The sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. Increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a)(2)(B) both of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. There has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

C. One of the following must be satisfied:

1. The country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

2. The country to which the workers' firm has shifted production of the articles to a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. There has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

Also, in order for an affirmative determination to be made for secondarily affected workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) Significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and such supply or production is related to the article that was the basis for such certification; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied for the firm (or subdivision) described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss or business by the workers' firm with the firm (or subdivision) described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for the Division of Trade Adjustment Assistance to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of Section 246(a)(3)(A)(ii) of the Trade Act must be met.

1. Whether a significant number of workers in the workers' firm are 50 years of age or older.

2. Whether the workers in the workers' firm possess skills that are not easily transferable.

3. The competitive conditions within the workers' industry (i.e., conditions within the industry are adverse).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

TA–W–61,959; Sewell Clothing Company, Inc., Bremen, GA: July 18, 2006

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production) of the Trade Act have been met.

None

The following certifications have been issued. The requirements of Section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

None

The following certifications have been issued. The requirements of Section 222(b) (downstream producer for a firm whose workers are certified eligible to apply for TAA based on increased imports from or a shift in production to Mexico or Canada) of the Trade Act have been met.

None

Affirmative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA–W–62,149; Aptara, Inc., York, PA: September 13, 2006.

TA–W–62,173; United Memorial Bible Services, Gastonia, NC: September 19, 2006.

TA–W–62,181; Louisiana Pacific Corporation, Engineered Wood Products Division, Hines, OR: September 19, 2006.

TA–W–61,817; Hayes Lemmerz International, Northville, MI: July 10, 2006.

TA–W–61,849; Ada Gage, Inc., Ada, MI: July 19, 2006.

TA–W–61,931; Tyco Electronics, On-Site Leased Workers of Kelly Staffing; East Berlin, PA: August 2, 2006

TA–W–62,028; Deluxe Tool and Engineering, Inc., Wyoming, MN: August 22, 2006

TA–W–62,103; New River Industries, Inc., New York, NY: August 28, 2006

TA–W–62,132; Charbert, Division of NFA Corporation; Alton, RI: September 11, 2006

TA–W–62,195; Deluxe Media Services LLC, Wayne, MI: September 18, 2006

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA–W–61,977; Hoover Precision Products, Inc., Erwin, TN: August 10, 2006.

TA–W–62,037; Cadillac Rubber and Plastics, Inc., dba Avon Automotive, On-Site Leased Workers of Northern Staffing; Cadillac, MI: August 20, 2006

TA–W–62,041; Johnson Controls, Frigid Coil West Division, On-Site Leased

Workers From Personnel Plus, Inc., Santa Fe Springs, CA: August 9, 2006

TA–W–62,069; Delphi Corporation, Automotive Holdings Group, Plant 6, On-Site Leased Workers of Securatas; Flint, MI: August 27, 2006

TA–W–62,069A; Delphi Corporation, Automotive Holdings Group, Plant 2, On-Site Leased Workers of Securatas; Flint, MI: August 27, 2006

TA–W–62,081; Meridian Automotive Systems Composites Operations, aka Meridian Automotive Systems; Jackson, OH: August 30, 2006

TA–W–62,112; Fry's Metals, Inc., d/b/a Alpha Metals, Inc., Division of Cookson Electronics; Alpharetta, GA: August 31, 2006

TA–W–62,159; CML Innovative Technologies, Division of CM Holdings International, LLC; Hackensack, NJ: September 13, 2007

TA–W–62,172; Carhartt, Inc., Galesburg, IL: September 19, 2006

TA–W–62,187; Bock USA, Inc., Monroe, CT: September 20, 2006

TA–W–62,193; Illinois Tool Works, ITWSouthland Division; Virginia Beach, VA: September 17, 2006

TA–W–62,217; The Hershey Company, Oakdale Plant; Oakdale, CA: September 26, 2006

TA–W–62,009; Global Motorsport Group, Santee Manufacturing Division; Valencia, CA: August 3, 2006

TA–W–62,040; The Colibri Group, Providence, RI: August 23, 2006

TA–W–62,135; Children's Apparel Network LTD, New York, NY: August 15, 2006

TA–W–62,142; Powerwave Technologies, Inc., El Dorado Hills, CA: September 6, 2006

TA–W–62,164; Huntleigh Healthcare, L.L.C., Eatontown, NJ: September 18, 2006

TA–W–62,185; T.J. Corporation, dba Halco, Belle Vernon, PA: September 19, 2006

The following certifications have been issued. The requirements of Section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA–W–62,100; Microfibers, Inc., Winston-Salem, NC: August 14, 2006

TA–W–62,114; Traer Manufacturing, A Subsidiary of Cosma Body Systems, On-Site Leased Workers From Manpower & USA; Traer, IA: September 5, 2006

The following certifications have been issued. The requirements of Section 222(b) (downstream producer for a firm whose workers are certified eligible to apply for TAA based on increased imports from or a shift in production to Mexico or Canada) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

None

Negative Determinations for Alternative Trade Adjustment Assistance

In the following cases, it has been determined that the requirements of 246(a)(3)(A)(ii) have not been met for the reasons specified.

The Department has determined that criterion (1) of Section 246 has not been met. The firm does not have a significant number of workers 50 years of age or older.

TA–W–61,959; Sewell Clothing Company, Inc., Bremen, GA.

The Department has determined that criterion (2) of Section 246 has not been met. Workers at the firm possess skills that are easily transferable.

None

The Department has determined that criterion (3) of Section 246 has not been met. Competition conditions within the workers' industry are not adverse.

None.

Negative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

Because the workers of the firm are not eligible to apply for TAA, the workers cannot be certified eligible for ATAA.

The investigation revealed that criteria (a)(2)(A)(I.A.) and (a)(2)(B)(II.A.) (employment decline) have not been met.

TA–W–61,844; Carter-Pertaine, Inc., A Subsidiary of DB Soft, Inc., Houston, TX.

TA–W–62,174; Penn Union Corporation, Edinboro, PA.

The investigation revealed that criteria (a)(2)(A)(I.B.) (Sales or production, or both, did not decline) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

TA–W–62,125; Parlex USA, Laminated Cable Division; Methuen, MA.

The investigation revealed that criteria (a)(2)(A)(I.C.) (increased imports) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

TA–W–61,888; J.M. Huber Corporation, Engineered Materials/Kaolin Division, Macon, GA.

TA–W–62,027; General Products Corporation, Jackson, MI.

TA–W–62,092; H and T Waterbury, Inc., Waterbury, CT.

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–62,127; JP Morgan Chase Bank NA, Lexington, KY.

TA–W–62,148; Unicare Life and Health Insurance Co., Subsidiary of Wellpoint, Inc., Bolingbrook, IL.

The investigation revealed that criteria of Section 222(b)(2) has not been met. The workers' firm (or subdivision) is not a supplier to or a downstream producer for a firm whose workers were certified eligible to apply for TAA.

None.

I hereby certify that the aforementioned determinations were issued during the period of *October 1 through October 5, 2007*. Copies of these determinations are available for inspection in Room C–5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: October 10, 2007.

Ralph DiBattista,

Director, Division of Trade Adjustment Assistance.

[FR Doc. E7–20400 Filed 10–16–07; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Proposed Information Collection Request for Submission of Petition for Classifying Labor Surplus Areas; Comment Request

AGENCY: Employment and Training Administration, DOL.

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested

data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning the proposed extension of the collection of data contained in the procedures to petition for classification as a Labor Surplus Area (LSA) under exceptional circumstances criteria. A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice or at this Web site: *http://www.doleta.gov/OMBCN/OMBControlNumber.cfm.*

DATES: Written comments must be submitted to the office listed in the addressee section below on or before December 17, 2007.

ADDRESSES: Anthony D. Dais, Office of Workforce Investment, Employment and Training Administration, 200 Constitution Avenue, NW., Room S–4231, Washington, DC 20210. Telephone: (202) 693–2784 (This is not a toll-free number); fax (202) 693–3015; or e-mail [*dais.anthony@dol.gov*].

SUPPLEMENTARY INFORMATION:

I. Background

Under Executive Orders 12073 and 10582, and 20 CFR parts 651 and 654, The Secretary of Labor is required to classify LSAs and disseminate this information for the use of all Federal Agencies. This information is used by Federal agencies for various purposes including procurement decisions, food stamp waiver decisions, certain small business loan decisions, as well as other purposes determined by the agencies. The LSA list is issued annually, effective October 1 of each year, utilizing data from the Bureau of Labor Statistics. Areas meeting the criteria are classified as LSAs.

Department regulations specify that the Department can add other areas to the annual LSA listing under the exceptional circumstance criteria. Such additions are based upon information contained in petitions submitted by the State Workforce Agencies (SWAs) to the ETA's national office. These petitions contain specific economic information about an area in order to provide ample justification for adding the area to the LSA listing under the exceptional circumstances criteria. An area is eligible for classification as a LSA if it meets all of the criteria, and if the exceptional circumstance event is not temporary or seasonal. This data collection pertains only to data submitted voluntary by states exceptional circumstances petitions.

Most of the information contained the SWA LSA petitions is already available from other sources, e.g., internal reports, statistical programs, newspaper clippings, etc. The petitions are not intended to provide new (unduplicated) information but serve to bring various types of information together in a single document in order that a LSA classification determination can be made. The only information which SWAs may have to develop for use in the petition is the 12-month projections of the area's labor force and unemployment. No periodic reporting is required.

II. Review Focus

The Department of Labor 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 submissions of responses.

III. Current Actions

Type of Review: Extension of currently approved collection. There is no reduction in burden based on an experience rate of the approved data collection period: The ETA has not received a petition since 2003.

Agency: Employment and Training Administration

Title: Procedures for Classifying Labor Surplus Areas Exceptional Circumstances Reporting.

OMB Number: 1205–0207.

Affected Public: State Workforce Agencies.

Total Respondents: 1.

Estimated Total Burden Hours: 3.

Total Burden Cost (capital/startup): 0.

Total Burden Cost (operating/maintaining): 0.

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: October 11, 2007.

Gay M. Gilbert,

Administrator, Office of Workforce Investment Employment & Training Administration.

[FR Doc. E7–20463 Filed 10–16–07; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Records of Tests and Examinations of Personnel Hoisting Equipment

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps ensure that requested data is 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.

DATES: Submit comments on or before December 17, 2007.

ADDRESSES: Send comments to Debbie Ferraro, Management Services Division, 1100 Wilson Boulevard, Room 2171, Arlington, VA 22209–3939. Commenters are encouraged to send their comments on computer disk or via e-mail to *Ferraro.Debbie@DOL.GOV.* Ms. Ferraro can be reached at (202) 693–9821 (voice), or (202) 693–9801 (facsimile).

FOR FURTHER INFORMATION: Contact the employee listed in the **ADDRESSES** section of this notice.

SUPPLEMENTARY INFORMATION:

I. Background

These requirements provide for a record of specific test and inspections of a mine's personnel hoisting systems, including the wire rope, to ensure that the system remains safe to operate. Review of the record indicates whether deficiencies are developing in the equipment, in particular the wire rope,

so that corrective action may be taken before an accident occurs. The requirements also provide for a systematic procedure for the inspection, testing, and maintenance of shaft and hoisting equipment. The mine operator must certify that the required inspections, tests, and maintenance have been made then record any unsafe condition identified during the examination or test.

The precise format in which the record is kept is left to the discretion of the mine operator. All records are made by the person conducting the required examination or test. Unless otherwise noted below, these records are to be retained for one year at the mine site.

II. Desired Focus of Comments

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection requirement related to Records of Tests and Examinations of Personnel Hoisting Equipment. MSHA is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of MSHA's functions, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Address the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, (e.g., permitting electronic submissions of responses) to minimize the burden of the collection of information on those who are to respond.

A copy of the proposed information collection request can be obtained by contacting the employee listed in the **ADDRESSES** section of this notice or viewed on the Internet by accessing the MSHA home page (*http://www.msha.gov/*) and selecting ''Rules and Regs'', then selecting ''Fed Reg Docs.''

III. Current Actions

The information is used by industry management and maintenance personnel to project the expected safe service performance of hoist and shaft equipment; to indicate when maintenance and specific tests need to be performed; and to ensure that wire rope attached to the personnel conveyance is replaced in time to maintain the necessary safety for miners. Federal inspectors use the records to ensure that inspections are conducted, unsafe conditions identified early and corrected. The consequence of hoist or shaft equipment malfunctions or wire rope failures can result in serious injuries and fatalities. It is essential that MSHA inspectors be able to verify that mine operators are properly inspecting their hoist and shaft equipment and maintaining it in safe condition.

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Record of Tests and Examinations of Personnel Hoisting Equipment.

OMB Number: 1219–0034.

Affected Public: Business or other for-profit.

Number of Respondents: 255.

Number of Responses: 75,371.

Total Burden Hours: 6,873.

Total Operating and Maintenance Costs: $306,000.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated at Arlington, Virginia, this 11th day of October, 2007.

David L. Meyer,

Director, Office of Administration and Management.

[FR Doc. E7–20404 Filed 10–16–07; 8:45 am]

BILLING CODE 4510–43–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Submission for OMB Review; Comment Request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pub. L. 104–13. This is the second notice for public comment; the first was published in the **Federal Register** at 72 FR 11912, and no comments were received. NSF is forwarding the proposed renewal submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice. The full submission may be found at: *http://www.reginfo.gov/public/do/PRAMain.* 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 or (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: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725–17th Street, NW., Room 10235, Washington, DC 20503, and to Suzanne Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230 or send e-mail to *splimpto@nsf.gov.* 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 703–292–7556.

FOR FURTHER INFORMATION CONTACT: Suzanne Plimpton at (703) 292–7556 or send e-mail to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

NSF 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.

Title of Collection: Evaluation of the Historically Black Colleges and Universities Undergraduate Program.

OMB Control No.: 3145–0204.

Abstract: The National Science Foundation (NSF) requests revision and extension of a currently approved data collection (e.g., interviews, surveys, focus groups, site visits protocols) measuring NSF's contribution to the Nation's Historically Black Colleges and Universities (HBCU) enterprise and overall science and engineering workforce. This continuation expands

the data collection most recently approved through October 2009 (OMB 3145–0204) beyond the student respondents to administrators, faculty and other participants, observers, or beneficiaries in undergraduate programs in Science, Technology, Engineering and Mathematics (STEM) at Historically Black Colleges and Universities. NSF is reissuing this notice because the first notice did not make clear that there would be both individual and institutional respondents to these data collections.

NSF funds a program, called Historically Black Colleges and Universities Undergraduate Program (HBCU–UP), designed to help institutions strengthen the quality of their undergraduate STEM programs. For more information about HBCU–UP please visit the NSF Web site at: *http://www.nsf.gov/funding/pgm_summ.jsp?pims_id=5481&org=HRD&from=home.*

The Urban Institute (UI) is conducting an evaluation of the HBCU–UP program which received initial approval from the Office of Management and Budget (OMB) on 31 October 2006.

Using a multiple-methods approach, UI researchers are conducting an evaluation to study the effectiveness of the program. The evaluation will include both process and summative components. The process component will document how different models within the Program are being implemented, thus helping evaluators to link strategies to outcomes, identify crucial components of different models, and contribute to the construction of general theories to guide future initiatives to increase the diversity of the STEM workforce. The summative component of the evaluation will focus on the extent to which the Program has produced outcomes that meet stated goals for students, faculty and institutions. The process evaluation relies mainly on qualitative data collected during case study site visits and interviews; the summative evaluation will rely primarily on data collected through a survey of graduates and faculty.

NSF uses the UI analysis to prepare and publish reports and to respond to requests from Committees of Visitors, Congress and the Office of Management and Budget, particularly as related to the Government Performance and Results Act (GPRA) and the Program Effectiveness Rating Tool (PART). The HBCU–UP study's broad questions include but are not limited to:

What do individuals following post-participation in HBCU–UP or other NSF-funded undergraduate education opportunities do? Do HBCU–UP or other NSF-funded opportunities provide graduates with the professional and/or research skills needed to work in science and engineering? ARE HBCU–UP or other NSF-sponsored students and faculty satisfied that their NSF-funded experience advanced their careers in science or engineering? to what extent do HBCU–UP or other former-NSF-sponsored graduates engage in the science and engineering workforce conduct inter- or multi-disciplinary science? Is there evidence of a legacy from NSF-funding that changed a degree-granting department beyond number of students supported and degrees awarded? To what extent have projects achieved or contributed to individual project goals or the NSF program goals? To what extent have NSF-funded projects or programs broadened participation by diverse individuals, particularly individuals traditionally underemployed in science or engineering, including but not limited to women, minorities, and persons-with-disabilities?

Respondents: Individuals or households, not-for-profit institutions, business or other for profit, and Federal, State, Local or Tribal Government

Estimated Number of Annual Respondents: 4,155 (total).

Burden on the Public: 1,074 hours.

Dated: October 11, 2007.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 07–5104 Filed 10–16–07; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Privacy Act of 1974; System of Records

AGENCY: Office of the General Counsel, National Science Foundation.

ACTION: Notice of a new Privacy Act System of Records NSF–72: Research.gov.

System Name: Research.gov.

SUMMARY: Research.gov is a partnership, led by the National Science Foundation (NSF), of Federal, research-oriented grant making agencies with a shared vision of enhancing customer service for grant applicants while streamlining and standardizing processes among partner agencies. Research.gov displays records on research and other proposals jointly submitted by individual applicants (Principal Investigators) and their home academic or other institutions to the NSF as well as the United States Department of Agriculture (USDA) Cooperative State Research Education and Extension Service (CSREES). NSF and USDA/CSREES make awards to these institutions under which the individual applicants serve as principal investigators. Research.gov provides end users with a consolidated view of grant application data by displaying information from existing Privacy Act systems maintained by its partner agencies (NSF and USDA/CSREES). Reprints of these Privacy Act Systems are included at the end of this notice (NSF–12, NSF–50, NSF–51 and USDA–CSREES–4).

The records displayed by Research.gov are used by the applicant/grantee's home academic or other institution, Sponsored Project Offices and Principal Investigators to track the status of grant applications.

DATES: *Effective Date:* This action shall be effective without further notice on November 17, 2007 unless comments are received during or before this period that would result in a contrary determination.

Comments Due Date: Submit comments on or before November 17, 2007.

ADDRESSES: Address all comments concerning this notice to Leslie Jensen, National Science Foundation, Office of the General Counsel, Room 1265, 4201 Wilson Boulevard, Arlington, Virginia 22230 or by sending electronic mail (e-mail) to *ljensen@nsf.gov*.

SUPPLEMENTARY INFORMATION: This publication is in accordance with the Privacy Act requirement that agencies publish a new system of records in the **Federal Register**.

Submit comments as an ASCII file avoiding the use of special characters and any form of encryption. Identify all comments sent in electronic e-mail with Subject Line: Comments on new system.

FOR FURTHER INFORMATION CONTACT: Leslie Jensen (703) 292–5065.

Dated: October 12, 2007.

Lawrence Rudolph,

General Counsel.

National Science Foundation

SYSTEM NAME:

Research.gov (NSF–72).

SYSTEM LOCATION:

Research.gov is hosted by contract in Ashburn, VA. The hosting facility provides only the computer hardware, network environment, and application infrastructure for the Research.gov Portal. The data resulting from grant applications to the NSF are maintained both centrally and by individual NSF offices and programs at the National

Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230. Files resulting from submission to USDA/CSREES are maintained both centrally and by individual USDA/CSREES offices and programs at the Cooperative State Research Education and Extension Service, 1400 Independence Avenue, SW., Washington, DC 20250.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those who have submitted grant applications to:

* The NSF using FastLane since October 1999,
* The NSF using Grants.gov since June 2005,
* USDA/CSREES through Grants.gov since October 2006.

CATEGORIES OF RECORDS IN THE SYSTEM:

Research.gov displays information about grant applications submitted to NSF and/or USDA/CSREES as well as data necessary for applicants to these agencies to manage user access accounts and organizational records at Research.gov.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101; 42 U.S.C. 1870; National Agricultural Research Extension, and Teaching Policy Act of 1977 (NARETPA), 7 U.S.C. 3318.

PURPOSE OF THE SYSTEM:

Research.gov enables applicants to NSF and/or CSREES to view the status of grant application submissions to the respective agency.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

2. Information from the system may be disclosed to contractors, grantees, volunteers, experts, advisors, and other individuals who perform a service to or work on or under a contract, grant, cooperative agreement, advisory committee, committee of visitors, or other arrangement with or for the Federal government, as necessary to carry out their duties in pursuit of the purposes described above. The contractors are subject to the provisions of the Privacy Act.

3. Information from the system may be merged with other computer files in order to carry out statistical studies or otherwise assist NSF with program management, evaluation, and reporting. Disclosure may be made for this purpose to NSF contractors and collaborating researchers, other Government agencies, and qualified research institutions and their staffs. Disclosures are made only after scrutiny of research protocols and with appropriate controls. The results of such studies are statistical in nature and do not identify individuals.

4. Information from the system may be disclosed to the Department of Justice or the Office of Management and Budget for the purpose of obtaining advice on the application of the Freedom of Information Act or Privacy Act to the records.

5. Information from the system may be given to another Federal agency, a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency when the Government is a party to the judicial or administrative proceeding.

6. Information from the system may be given to the Department of Justice, to the extent disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to litigation or anticipated litigation, in which one of the following is a party or has an interest: (a) NSF or any of its components; (b) an NSF employee in his/her official capacity; (c) an NSF employee in his/her individual capacity when the Department of Justice is representing or considering representing the employee; or (d) the United States, when NSF determines that litigation is likely to affect the Agency.

7. Records from this system may be disclosed to representatives of the General Services Administration and the National Archives and Records Administration who are conducting records management inspections under the authority of 44 U.S.C. 2904 and 2906.

8. To appropriate agencies, entities, and persons when (1) the NSF suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) the NSF has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the NSF or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the NSF's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The information displayed by Research.gov is stored in separate systems maintained by participating agencies (i.e., NSF's FastLane and USDA/CSREES' C–REEEMS). Each agency maintains these systems separately, and maintains the original records electronically and/or in paper files.

RETRIEVABILITY:

Information can be retrieved electronically using an applicant's name or identifying number. An individual's name may be used to manually access material in alphabetized paper files.

SAFEGUARDS:

Buildings are locked during non-business hours. Records are kept in rooms that are locked during non-business hours. Records maintained in electronic form are password protected.

SYSTEM MANAGER(S) AND ADDRESS:

For NSF, the Division Director of particular office or program maintaining such records, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

For CSREES, the Director of the office or program maintaining such records, United States Department of Agriculture, Cooperative Research Education and Extension Service, 1400 Independence Avenue, SW, Washington, DC 20250.

NOTIFICATION PROCEDURE:

The NSF Privacy Act Officer should be contacted in accordance with procedures set forth at 45 CFR part 613.

RECORD ACCESS PROCEDURES:

See ''Notification Procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedure'' above.

RECORD SOURCE CATEGORIES:

Information is obtained from the principal investigator, academic institution or other applicant, peer reviewers, and others.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The portions of this system consisting of investigatory material that would identify reviewers or other persons supplying evaluations of NSF applicants and their proposals have been exempted at 45 CFR part 613 pursuant to 5 U.S.C. 552a(k)(5).

Attachments
NSF–12

SYSTEM NAME:

Fellowships and Other Awards.

SYSTEM LOCATION:

Numerous files are maintained in paper, microfiche, or electronic form by individual offices and programs at the National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Others are maintained by NSF contractors, currently Oak Ridge Associated Universities, PO Box 3010, Oak Ridge, Tennessee 37831–2010.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons applying or nominated for and/or receiving NSF support, either individually or through an academic institution, including fellowships or awards of various types.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information varies depending on type of fellowship or award. Normally the information includes personal information supplied with the application or nomination; reference reports; transcripts and Graduate Record Examination scores to the extent required during the application process; abstracts; evaluations and recommendations, review records and selection process results; administrative data and correspondence accumulating during fellows' tenure; and other related materials. There is a cumulative index of all persons applying for or receiving NSF Graduate and NATO fellowships.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101; 42 U.S.C. 1869, 1870, 1880, 1881a and 20 U.S.C. 3915.

PURPOSE OF THE SYSTEM:

This system enables program offices to maintain appropriate files and investigatory material in evaluating applications or nominations for fellowships or other awards. NSF employees may access the system to make decisions regarding which proposals to fund or awards to make, and to carry out other authorized internal duties.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Information from the system may be merged with other computer files in order to carry out statistical studies. Disclosure may be made for this purpose to NSF contractors and collaborating researchers, other Government agencies, and qualified research institutions and their staffs. The contractors are subject to the provisions of the Privacy Act. The results of such studies are statistical in nature and do not identify individuals.

2. Disclosure of information from the system may be made to qualified reviewers for their opinion and evaluation of applicants or nominees as part of the application review process; and to other Government agencies needing data regarding applicants or nominees as part of the application review process, or in order to coordinate programs.

3. Information (such as name, Social Security Number, field of study, and other information directly relating to the fellowship, review status including the agency's decision, year of first award, tenure pattern, start time, whether receiving international travel allowance or a mentoring assistantship) is given to the applicant, nominating, or grantee institution, or an institution the applicant, nominee, or fellow or awardee is attending or planning to attend or employed by for purposes of facilitating review or award decisions or administering fellowships or awards. Notice of the agency's decision may be given to nominators.

4. In the case of fellows or awardees receiving stipends directly from the Government, information is transmitted to the Department of Treasury for preparation of checks or electronic fund transfer authorizations.

5. Fellows' or awardees' name, home institution, and field of study may be released for public information/affairs purposes including press releases.

6. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

7. Information from the system may be given to contractors, grantees, volunteers, experts, advisors, and other individuals who perform a service to or work on or under a contract, grant, cooperative agreement, advisory committee, committee of visitors, or other arrangement with or for the Federal government, as necessary to carry out their duties. The contractors are subject to the provisions of the Privacy Act.

8. Information from the system may be given to the Department of Justice or the Office of Management and Budget for the purpose of obtaining advice on the application of the Freedom of Information Act or Privacy Act to the records.

9. Information from the system may be given to another Federal agency, a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency when the Government is a party to the judicial or administrative proceeding.

10. Information from the system may be given to the Department of Justice, to the extent disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to litigation or anticipated litigation, in which one of the following is a party or has an interest: (a) NSF or any of its components; (b) an NSF employee in his/her official capacity; (c) an NSF employee in his/ her individual capacity when the Department of Justice is representing or considering representing the employee; or (d) the United States, when NSF determines that litigation is likely to affect the Agency.

11. Records from this system may be disclosed to representatives of the General Services Administration and the National Archives and Records Administration who are conducting records management inspections under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are kept in file folders. Some records are maintained electronically or on microfiche, including records kept by NSF contractors. Original application materials are kept at NSF.

RETRIEVABILITY:

Alphabetically by applicant or nominee name.

SAFEGUARDS:

Building is locked during non-business hours. Records at NSF are kept in rooms that are locked during non-business hours. Records maintained by NSF contractors are kept in similar rooms and some records are locked in cabinets. Records maintained in electronic form are password protected.

RETENTION AND DISPOSAL:

Files are maintained in accordance with approved record retention schedules. For example, fellowship application files for awardees are kept for 10 years after completion of fellowship or award, then destroyed, while unsuccessful fellowship application files are destroyed after three years; files of recipients of the Waterman Award and National Medal of Science are permanent and eventually retired to the National Archives; those of non-recipients are destroyed after five years.

SYSTEM MANAGER(S) AND ADDRESS:

Division Director of particular office or program maintaining such records, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

NOTIFICATION PROCEDURE:

Contact the NSF Privacy Act Officer in accordance with procedures found at 45 CFR part 613. You can expedite your request if you identify the fellowship or award program about which you are interested. For example, indicate whether you applied for or received a ''Graduate Fellowship'' or a ''Faculty Fellowship in Science'' as opposed to merely saying you want a copy of your fellowship.

RECORD ACCESS PROCEDURE:

See ''Notification'' above.

CONTESTING RECORD PROCEDURE:

See ''Notification'' above.

RECORD SOURCE CATEGORIES:

Information supplied by or for individuals applying for, nominated for, or receiving support; references; the Education Testing Service; educational institutions supplying transcripts; review records and administrative data developed during selection process and award tenure.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The portions of this system consisting of investigatory material that would identify references, reviewers, or other persons supplying evaluations of applicants or nominees for fellowships or other awards (and where applicable, their proposals) have been exempted at 5 CFR 613 pursuant to 5 U.S.C. 552a(k)(5).

NSF–50

SYSTEM NAME:

Principal Investigator/Proposal file and Associated Records.

SYSTEM LOCATION:

Files are maintained both centrally and by individual NSF offices and programs at the National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who request or have previously requested and/or received support from the National Science Foundation, either individually or through an academic or other institution.

CATEGORIES OF RECORDS IN THE SYSTEM:

The names of principal investigators and other identifying information, addresses of principal investigators, demographic data, the proposal and its identifying number, supporting data from the academic institution or other applicant, proposal evaluations from peer reviewers, a review record, financial data, and other related material. Other related material may include, for example, committee or panel discussion summaries as applicable.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101; 42 U.S.C. 1870.

PURPOSE OF THE SYSTEM:

This system enables program offices to maintain appropriate files and investigatory material in evaluating applications for grants or other support. NSF employees may access the system to make decisions regarding which proposals to fund, and to carry out other authorized internal duties. Information on principal investigators is also entered in System 51, ''Reviewer/Proposal File and Associated Records,'' a subsystem of this system, to be used as a source of potential candidates to serve as reviewers as part of the merit review process, or for inclusion on a panel or advisory committee.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure of information from the system may be made to qualified reviewers for their opinion and evaluation of applicants and their proposals as part of the NSF application review process; and to other Government agencies or other entities needing information regarding applicants or nominees as part of a joint application review process, or in order to coordinate programs or policy.

2. Information from the system may be provided to the applicant or Grantee institution to provide or obtain data regarding the application review process or award decisions, or administering grant awards.

3. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

4. Information from the system may be disclosed to contractors, grantees, volunteers, experts, advisors, and other individuals who perform a service to or work on or under a contract, grant, cooperative agreement, advisory committee, committee of visitors, or other arrangement with or for the Federal government, as necessary to carry out their duties in pursuit of the purposes described above. The contractors are subject to the provisions of the Privacy Act.

5. Information from the system may be merged with other computer files in order to carry out statistical studies or otherwise assist NSF with program management, evaluation, and reporting. Disclosure may be made for this purpose to NSF contractors and collaborating researchers, other Government agencies, and qualified research institutions and their staffs. Disclosures are made only after scrutiny of research protocols and with appropriate controls. The results of such studies are statistical in nature and do not identify individuals.

6. Information from the system may be disclosed to the Department of Justice or the Office of Management and Budget for the purpose of obtaining advice on the application of the Freedom of Information Act or Privacy Act to the records.

7. Information from the system may be given to another Federal agency, a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency when the Government is a party to the judicial or administrative proceeding.

8. Information from the system may be given to the Department of Justice, to the extent disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to litigation or anticipated litigation, in which one of the following is a party or has an interest: (a) NSF or any of its components; (b) an NSF employee in his/her official capacity; (c) an NSF employee in his/her individual capacity when the Department of Justice is representing or considering representing the employee; or (d) the United States, when NSF determines that litigation is likely to affect the Agency.

9. Records from this system may be disclosed to representatives of the General Services Administration and the National Archives and Records Administration who are conducting records management inspections under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Various portions of the system are maintained electronically and/or in paper files.

RETRIEVABILITY:

Information can be retrieved electronically using an applicant's name or identifying number. An individual's

name may be used to manually access material in alphabetized paper files.

SAFEGUARDS:

Building is locked during non-business hours. Records are kept in rooms that are locked during non-business hours. Records maintained in electronic form are password protected.

RETENTION AND DISPOSAL:

Files are maintained in accordance with approved record retention schedules. Awarded proposals are transferred to the Federal Records Center for permanent retention. Declined proposals are destroyed five years after they are closed out.

SYSTEM MANAGER(S) AND ADDRESS:

Division Director of particular office or program maintaining such records, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

NOTIFICATION PROCEDURE:

The NSF Privacy Act Officer should be contacted in accordance with procedures set forth at 45 CFR part 613.

RECORD ACCESS PROCEDURES:

See ''Notification Procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedure'' above.

RECORD SOURCE CATEGORIES:

Information is obtained from the principal investigator, academic institution or other applicant, peer reviewers, and others.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The portions of this system consisting of investigatory material that would identify reviewers or other persons supplying evaluations of NSF applicants and their proposals have been exempted at 45 CFR part 613 pursuant to 5 U.S.C. 552a(k)(5).

NSF–51

SYSTEM NAME:

Reviewer/Proposal File and Associated Records.

SYSTEM LOCATION:

Files are maintained centrally, and in some cases by individual NSF offices and programs, at the National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Reviewers who evaluate Foundation applicants and their proposals, either by submitting individual comments, or serving on review panels or site visit teams, or both.

CATEGORIES OF RECORDS IN THE SYSTEM:

The ''Reviewer/Proposal File and Associated Records'' system is a subsystem of the ''Principal Investigator/Proposal File and Associated Records'' system (NSF–50), and contains the reviewer's name, title of proposal(s) reviewed and identifying number, and other related material.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101; 42 U.S.C. 1870.

PURPOSE OF THE SYSTEM:

This system enables program offices to reference specific reviewers and maintain appropriate files for use in evaluating applications for grants or other support. NSF employees may access the system to help select reviewers as part of the merit review process, and to carry out other authorized internal duties.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Disclosure of information in this system may be made to:

1. Federal government agencies needing names of potential reviewers and specialists in particular fields.

2. Contractors, grantees, volunteers, experts, advisors, and other individuals who perform a service to or work on or under a contract, grant, cooperative agreement, advisory committee, committee of visitors, or other arrangement with or for the Federal government, as necessary to carry out their duties. The contractors are subject to the provisions of Privacy Act.

3. The Department of Justice or the Office of Management and Budget for the purpose of obtaining advice on the application of the Freedom of Information Act or Privacy Act to the records.

4. Another Federal agency, a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency when the Government is a party to the judicial or administrative proceeding.

5. The Department of Justice, to the extent disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to litigation or anticipated litigation, in which one of the following is a party or has an interest: (a) NSF or any of its components; (b) an NSF employee in his/her capacity; (c) an NSF employee in his/her individual capacity when the Department of Justice is representing or considering representing the employee; or (d) the United States, when NSF determines that litigation is likely to affect the Agency.

6. Representatives of the General Services Administration and the National Archives and Records Administration who are conducting records management inspections under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Various portions of the system are maintained electronically and/or in paper files.

RETRIEVABILITY:

Information can be accessed from the electronic database by addressing data contained in the database, including individual reviewer names. An individual's name may be used to manually access material in alphabetized paper files.

SAFEGUARDS:

Building is locked during non-business hours. Records are kept in rooms that are locked during non-business hours. Records maintained in electronic form are password protected.

RETENTION AND DISPOSAL:

File is cumulative and is maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Division Director of particular office or program maintaining such records, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

NOTIFICATION PROCEDURE:

The NSF Privacy Act Officer should be contacted in accordance with procedures set forth at 45 CFR part 613.

RECORD ACCESS PROCEDURES:

See ''Notification Procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification Procedure'' above.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual reviewers, suggestions from other reviewers, the ''Principal Investigator/Proposal File'' (NSF–50), other applicants for NSF funding or other members of the research community, and from NSF program officers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The portions of this system consisting of investigatory material which would identify reviewers or other persons

supplying evaluations of NSF applicants and their proposals have been exempted at 5 CFR part 613 pursuant to 5 U.S.C. 552a(k)(5).

Privacy Act System ''CSREES Grants System,'' USDA/CSREES–4 Report

The purpose of this new system of records is to enable program offices to reference reviewers and maintain appropriate files and supporting material in processing, evaluating, and managing applications for grants or other support, including completing awards and distributing funds. CSREES employees may access the system to make decisions regarding proposals and to perform any other authorized internal duties.

The authority for maintaining this system of records is the National Agricultural Research, Extension, and Teaching Policy Act of 1977; 7 U.S.C. 3318.

Use of this system, as established, should not result in infringement of any individual's right to privacy. While the information in this system will be made available to Federal, State, and local agencies, individuals assisting CSREES staff, Department of Justice, and Members of Congress as necessary, all individuals about whom information in this system is maintained will voluntarily submit the information for the purpose of submitting proposals to CSREES and for evaluating applicants and their proposals.

The records are maintained on system file servers and paper files. All records containing personal information are maintained in secured file cabinets or are accessed by unique passwords and log-on procedures.

The system provides for seven types of routine use releases, as follows:

Routine use 1 permits disclosure to Federal agencies needing names of potential reviewers or specialists in particular fields.

Routine use 2 permits disclosure to individuals assisting CSREES staff, either through grant or contract, in the performance of their duties.

Routine use 3 permits disclosure to Federal agencies as part of the Presidential Management Initiative, E-Grants.

Routine use 4 permits disclosure to the Department of Justice when the agency or any component thereof, or any employee of the agency in his or her official capacity where the Department of Justice has agreed to represent the employee, or the United States Government is a party to a litigation or has an interest in such litigation and it is determined that the records are both relevant and necessary to the litigation.

Routine use 5 permits disclosure to an appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting a violation of law or rule, regulation, or order issued when information available indicates a violation or potential violation of law.

Routine use 6 permits disclosure in response to a request for discovery or appearance of a witness, to the extent that what is disclosed is relevant to the subject matter involved in a pending judicial or criminal proceeding or in response to a subpoena issued in a proceeding before a court or adjudicative body, to the extent that the records requested are relevant to the proceedings.

Routine use 7 permits disclosure to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the written request of the constituent about whom the record is maintained.

This new system of records will not be exempt from any provisions of the Privacy Act.

SYSTEM LOCATION:

Records are maintained in Program, Grants, and Funds Management offices and in a computerized system at the Cooperative State, Research, Education, and Extension Service (CSREES), Waterfront Centre, 800 9th Street, SW., Washington, DC 20024.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals that have submitted proposals to CSREES, either individually or through an academic or other institution, and peer reviewers that evaluate CSREES applicants and their proposals.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records of the project director, the authorized organizational representative, potential proposal reviewers, the proposal and its identifying number, supporting data from the academic institution or other applicant, proposal evaluations from peer reviewers, a review record, financial data, and other related material such as, committee or panel discussion summaries and other agency records containing or reflecting comments on the proposal or the applicants from peer reviewers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Agricultural Research, Extension, and Teaching Policy Act of 1977 (NARETPA), 7 U.S.C. 3318.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system may be disclosed to (1) Federal agencies needing names of potential reviewers or specialists in particular fields; (2) individuals assisting CSREES staff, either through grant or contract, in the performance of their duties; (3) Federal agencies as part of the Presidential Management Initiative, E-Grants; (4) the Department of Justice when: (a) The agency or any component thereof; or (b) any employee of the agency in his or her official capacity where the Department of Justice has agreed to represent the employee; or (c) the United States Government is a party to litigation or has an interest in such litigation, and by careful review, the agency determines that the records are both relevant and necessary to the litigation and the use of such records by the Department of Justice is therefore deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records; (5) an appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting a violation of law or rule, regulation, or order issued pursuant thereto, when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant to such statute; (6) in response to a request for discovery or appearance of a witness, to the extent that what is disclosed is relevant to the subject matter involved in a pending judicial or criminal proceeding or in response to a subpoena issued in a proceeding before a court or adjudicative body, to the extent that the records requested are relevant to the proceedings; and (7) a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the written request of the constituent about whom the record is maintained.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on system file servers and paper files in the program offices at CSREES, Waterfront Centre, 800 9th Street, SW, Washington, DC 20024.

RETRIEVABILITY:

Records can be retrieved by name, project leader, co-investigator, and any

other data field such as institution or title.

SAFEGUARDS:

All records containing personal information are maintained in secured file cabinets or are accessed by unique passwords and log-on procedures. Only those employees with a need-to-know in order to perform their duties will be able to access the information.

RETENTION AND DISPOSAL:

The Data File is cumulative and is maintained indefinitely, and documents are disposed according to agency file plan and disposition schedule. Non-funded proposals are maintained onsite for 1 year and then disposed after 3 years. Funded proposals are maintained onsite for 1 year after completion of the award, and then transferred to the National Archive and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Administrator, Information Systems and Technology Management (ISTM), USDA–CSREES, Stop 2216, 1400 Independence Avenue, SW, Washington, DC 20250–2216. The address for express mail or overnight courier service is: Deputy Administrator, ISTM, USDA–CSREES, Waterfront Centre, 800 9th Street, SW., Washington, DC 20024.

NOTIFICATION PROCEDURE:

Any individual may request information regarding this system of records or information as to whether the system contains records pertaining to such individual from the System Manager.

RECORD ACCESS PROCEDURE:

Any individual may gain access to a record in the system that pertains to such individual by submitting a written request to the System Manager.

CONTESTING RECORD PROCEDURES:

Any individual may contest a record in the system that pertains to such individual by submitting written information to the System Manager.

RECORD SOURCE CATEGORIES:

Information in this system is obtained from the individuals submitting the proposals and from peer reviewers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E7–20485 Filed 10–16–07; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 030–33266]

Notice of Environmental Assessment Related to the Issuance of a License Amendment to Byproduct Material License No. 21–26519–01, for Unrestricted Release of Former Facilities for Aastrom Biosciences, Ann Arbor, MI

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of Environmental Assessment and Finding of No Significant Impact for License Amendment.

FOR FURTHER INFORMATION CONTACT: George M. McCann, Senior Health Physicist, Decommissioning Branch, Division of Nuclear Materials Safety, Region III, U.S. Nuclear Regulatory Commission, 2443 Warrenville Road, Lisle, Illinois 60532; telephone: (630) 829–9856; fax number: (630) 515–1259; or by e-mail at *gmm@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of an amendment to NRC Byproduct Materials License No. 21–26519–01. This license is held by Aastrom Biosciences (licensee) for its Gene Therapy Laboratory (the facility) located at 24 Frank Lloyd Wright Drive, Lobby L, Domino's Farm, Ann Arbor, Michigan. Issuance of the amendment would authorize the unrestricted release of the licensee's Gene Therapy Laboratory and associated offices for unrestricted use. The licensee requested this action in a letter dated July 16, 2007. The NRC has prepared an Environmental Assessment (EA) in support of this proposed action in accordance with the requirements of Title 10, Code of Federal Regulations (CFR), Part 51 (10 CFR Part 51). Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate with respect to the proposed action. The amendment will be issued to the licensee following the publication of this FONSI and EA in the **Federal Register**.

II. Environmental Assessment

Identification of Proposed Action

The proposed action would approve the licensee's July 16, 2007, license amendment request, resulting in the release of the facility located at 24 Frank Lloyd Wright Drive, Lobby L, Domino's Farm, Ann Arbor, Michigan for unrestricted use. License No. 21–26519–01 was issued on September 10, 1993, pursuant to 10 CFR Part 30, and has been amended periodically since that time. This license authorized the licensee to use unsealed byproduct materials for conducting research and development activities on laboratory bench tops and in hoods.

The licensee's facility is situated in a four-story commercial office building, which is located at 24 Frank Lloyd Wright Drive, Lobby L, Domino's Farm, Ann Arbor, Michigan, and consists of office space and a ''Gene Therapy Laboratory.'' The site is located in a mixed residential, agricultural and commercial area. Within the facility, use of licensed materials was confined to the Gene Therapy Laboratory, which was approximately 414 square feet.

On May 16, 2007, the licensee ceased licensed activities in the Gene Therapy Laboratory and initiated a survey and decontamination of the licensee's facility. Based on the licensee's historical knowledge of the site and the conditions of the facility, the licensee determined that only routine decontamination activities, in accordance with their NRC-approved, operating radiation safety procedures, were required. The licensee was not required to submit a decommissioning plan to the NRC because worker cleanup activities and procedures are consistent with those approved for routine operations. The licensee conducted surveys of the facility and provided information to the NRC to demonstrate that it meets the criteria in Subpart E of 10 CFR Part 20 for unrestricted release. The licensee will continue licensed operations at another approved location.

Need for the Proposed Action

The licensee has ceased conducting licensed activities at the facility, and seeks the unrestricted use of the facility.

Environmental Impacts of the Proposed Action

The historical review of licensed research activities conducted at the facility shows that the activities involved only the use of hydrogen-3, which has a half-life greater than 120 days. Prior to performing the final status survey, the licensee conducted decontamination activities, as necessary, in the areas of the facility affected by the hydrogen-3.

The licensee conducted a final status survey on May 29, 2007. This survey covered the facility located at 24 Frank Lloyd Wright Drive, Lobby L, Domino's Farm, Ann Arbor, Michigan (ADAMS Accession No. ML072010257). The final status survey report was attached to the

Licensee's amendment request dated July 16, 2007. The licensee elected to demonstrate compliance with the radiological criteria for unrestricted release as specified in 10 CFR 20.1402 by using the screening approach described in NUREG–1757, ''Consolidated NMSS Decommissioning Guidance,'' Volume 2. The licensee used the radionuclide-specific derived concentration guideline levels (DCGLs), developed there by the NRC, which comply with the dose criterion in 10 CFR 20.1402. These DCGLs define the maximum amount of residual radioactivity on building surfaces, equipment, and materials, and in soils, that will satisfy the NRC requirements in Subpart E of 10 CFR Part 20 for unrestricted release. The licensee's final status survey results were below these DCGLs and are in compliance with the As Low As Reasonably Achievable (ALARA) requirement of 10 CFR 20.1402. The NRC thus finds that the licensee's final status survey results are acceptable.

Based on its review, the staff has determined that the affected environment and any environmental impacts associated with the proposed action are bounded by the impacts evaluated by the ''Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities'' (NUREG–1496) Volumes 1–3 (ML042310492, ML042320379, and ML042330385). The staff finds there were no significant environmental impacts from the use of radioactive material at the facility. The NRC staff reviewed the docket file records and the final status survey report to identify any non-radiological hazards that may have impacted the environment surrounding the facility. No such hazards or impacts to the environment were identified. The NRC has identified no other radiological or non-radiological activities in the area that could result in cumulative environmental impacts.

The NRC staff finds that the proposed release of the facility for unrestricted use is in compliance with 10 CFR 20.1402. Based on its review, the staff considered the impact of the residual radioactivity at the facility and concluded that the proposed action will not have a significant effect on the quality of the human environment.

Environmental Impacts of the Alternatives to the Proposed Action

Due to the largely administrative nature of the proposed action, its environmental impacts are small. Therefore, the only alternative the staff considered is the no-action alternative, under which the staff would leave things as they are by simply denying the amendment request. This no-action alternative is not feasible because it conflicts with 10 CFR 30.36(d) requiring that decommissioning of byproduct material facilities be completed and approved by the NRC after licensed activities cease. The NRC's analysis of the licensee's final status survey data confirmed that the facility meets the requirements of 10 CFR 20.1402 for unrestricted release. Additionally, denying the amendment request would result in no change in current environmental impacts. The environmental impacts of the proposed action and the no-action alternative are therefore similar, and the no-action alternative is accordingly not further considered.

Conclusion

The NRC staff has concluded that the proposed action is consistent with the NRC's unrestricted release criteria specified in 10 CFR 20.1402. Because the proposed action will not significantly impact the quality of the human environment, the NRC staff concludes that the proposed action is the preferred alternative.

Agencies and Persons Consulted

NRC provided a draft of this Environmental Assessment to the Radioactive Material and Medical Waste Materials Unit, Waste and Hazardous Materials Division, Michigan Department of Environmental Quality for review on September 10, 2007. On September 14, 2007, Mr. Robert Skowronek, Chief, Radioactive Material and Medical Waste Materials Unit, Waste and Hazardous Materials Division, Michigan Department of Environmental Quality, responded by e-mail. The State agreed with the conclusions of the EA and otherwise had no comments.

The NRC staff has determined that the proposed action is of a procedural nature, and will not affect listed species or critical habitat. Therefore, no further consultation is required under Section 7 of the Endangered Species Act. The NRC staff has also determined that the proposed action is not the type of activity that has the potential to cause effects on historic properties. Therefore, no further consultation is required under Section 106 of the National Historic Preservation Act.

III. Finding of No Significant Impact

The NRC staff has prepared this EA in support of the proposed action. On the basis of this EA, the NRC finds that there are no significant environmental impacts from the proposed action, and that preparation of an environmental impact statement is not warranted. Accordingly, the NRC has determined that a Finding of No Significant Impact is appropriate.

IV. Further Information

Documents related to this action, including the application for license amendment and supporting documentation, are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html.* From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. If you do not have access to ADAMS, or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov.* The documents related to this action are listed below, along with their ADAMS accession numbers.

1. Report on the Final Radiological Status of Areas Being Vacated by Aastrom Biosciences, Inc., dated May 29, 2007 (ADAMS Accession No. ML072010257).

2. Title 10 Code of Federal Regulations, Part 20, Subpart E, ''Radiological Criteria for License Termination;''

3. Title 10 Code of Federal Regulations, Part 51, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions;''

4. NUREG–1496, ''Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities;'' NUREG–1757, Consolidated NMSS Decommissioning Guidance.

These documents may also be viewed electronically on the public computers located at the NRC's PDR, O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Lisle, Illinois, this 5th day of October 2007.

For the Nuclear Regulatory Commission,

Patrick Louden,

Chief, Decommissioning Branch, Division of Nuclear Materials Safety Region III.

[FR Doc. E7–20453 Filed 10–16–07; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Independent External Review Panel To Identify Vulnerabilities in the U.S. Nuclear Regulatory Commission's Materials Licensing Program: Meeting Notice

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: NRC will convene a meeting of the Independent External Review Panel to Identify Vulnerabilities in the U.S. Nuclear Regulatory Commission's Materials Licensing Program on October 30, 2007. A sample of agenda items to be discussed during the public session includes: (1) Background of panel's development; (2) review of the panel's charter; and (3) initial planning for future meetings and actions. A copy of the agenda for the meeting can be obtained by e-mailing Mr. Aaron T. McCraw at the contact information below.

Purpose: Discuss the scope of the review panel's objectives and initiate planning of future meetings and actions.

Date and Time for Closed Sessions: There will be no closed sessions during this meeting.

Date and Time for Open Sessions: October 30, 2007, from 1 p.m. to 5 p.m.

Address for Public Meeting: U.S. Nuclear Regulatory Commission, Two White Flint North Building, Room T3C2, 11545 Rockville Pike, Rockville, Maryland 20852.

Public Participation: Any member of the public who wishes to participate in the meeting should contact Mr. McCraw using the information below.

Contact Information: Aaron T. McCraw, e-mail: *atm@nrc.gov,* telephone: (301) 415–1277.

Conduct of the Meeting

Mr. Thomas E. Hill will chair the meeting. Mr. Hill will conduct the meeting in a manner that will facilitate the orderly conduct of business. The following procedures apply to public participation in the meeting:

1. Persons who wish to provide a written statement should submit an electronic copy to Mr. McCraw at the contact information listed above. All submittals must be received by October 23, 2007, and must pertain to the topic on the agenda for the meeting.

2. Questions and comments from members of the public will be permitted during the meeting, at the discretion of the Chairman.

3. The transcript and written comments will be available for inspection at the NRC Public Document Room, 11555 Rockville Pike, Rockville, Maryland 20852–2738, telephone (800) 397–4209, on or about January 30, 2008.

4. Persons who require special services, such as those for the hearing impaired, should notify Mr. McCraw of their planned attendance.

This meeting will be held in accordance with the Atomic Energy Act of 1954, as amended (primarily Section 161a); the Federal Advisory Committee Act (5 U.S.C. App); and the Commission's regulations in Title 10, *U.S. Code of Federal Regulations,* Part 7.

Dated: October 11, 2007.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. E7–20448 Filed 10–16–07; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: U.S. Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:
Rule 17a–7; SEC File No. 270–147; OMB Control No. 3235–0131.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the previously approved collection of information discussed below.

Rule 17a–7 (17 CFR 240.17a–7) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) requires non-resident broker-dealers registered or applying for registration pursuant to section 15 of the Exchange Act to maintain—in the United States—complete and current copies of books and records required to be maintained under any rule adopted under the Securities Exchange Act of 1934. Alternatively, Rule 17a–7 provides that the non-resident broker-dealer may sign a written undertaking to furnish the requisite books and records to the Commission upon demand.

There are approximately 54 non-resident broker-dealers. Based on the Commission's experience in this area, it is estimated that the average amount of time necessary to preserve the books and records required by Rule 17a–7 is one hour per year. Accordingly, the total burden is 54 hours per year. With an average cost per hour of approximately $245, the total cost of compliance for the respondents is $13,230 per year.

There are no individual record retention periods in Rule 17a–7. Compliance with the rule is mandatory. However, non-resident broker-dealers may opt to provide the records upon request of the Commission rather than store the records in the United States.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Comments should be directed to (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or by sending an e-mail to *Alexander_T._Hunt@omb.eop.gov*; and (ii) R. Corey Booth, Director/Chief Information Officer, Securities and Exchange Commission, c/o Shirley Martinson, 6432 General Green Way, Alexandria, VA 22312 or send an e-mail to: *PRA_Mailbox@sec.gov*. Comments must be submitted within 30 days of this notice.

October 11, 2007.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–20457 Filed 10–16–07; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 28012; 813–326]

Raymond James Employee Investment Fund I, L.P., et al.; Notice of Application

October 11, 2007.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of application for an order under sections 6(b) and 6(e) of the Investment Company Act of 1940 (the ''Act'') granting an exemption from all provisions of the Act, except section 9, and sections 36 through 53, and the rules and regulations under the Act. With respect to sections 17 and 30 of the Act, and the rules and regulations thereunder, and rule 38a–1 under the Act, the exemption is limited as set forth in the application.

SUMMARY OF APPLICATION: Applicants request an order to exempt certain limited partnerships and other investment vehicles formed for the benefit of eligible employees of

Raymond James Financial, Inc. (''RJF'') and its affiliates from certain provisions of the Act. Each partnership or other investment vehicle will be an ''employees'' securities company'' within the meaning of section 2(a)(13) of the Act.

APPLICANTS: Raymond James Employee Investment Fund I, L.P. and Raymond James Employee Investment Fund II, L.P. (together, the ''Initial Partnerships''), RJF, and RJEIF, Inc.

FILING DATES: The application was filed on February 21, 2001, and amended on October 5, 2007.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on November 5, 2007, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090; Applicants, The Raymond James Financial Center, 880 Carillon Parkway, St. Petersburg, Florida 33716.

FOR FURTHER INFORMATION CONTACT: Laura J. Riegel, Senior Counsel, at (202) 551–6873, or Julia K. Gilmer, Branch Chief, at (202) 551–6821 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 100 F Street, NE., Washington DC 20549–0102 (telephone (202) 551–5850).

Applicants' Representations

1. RJF is a diversified financial services holding company organized under the laws of Florida, whose subsidiaries engage primarily in investment and financial planning, including securities and insurance brokerage, investment banking, asset management, banking and cash management and trust services. RJF and its ''Affiliates,'' as defined in rule 12b–2 under the Securities Exchange Act of 1934 (the ''1934 Act''), are referred to collectively as ''Raymond James.''

2. The Initial Partnerships are limited partnerships organized under the laws of the state of Delaware. RJEIF, Inc. serves as the general partner and investment adviser to the Initial Partnerships. Applicants may offer additional investment vehicles identical in all material respects (other than investment objectives and strategies and form of organization) that may be offered in the future to the same class of investors as those investing in the Initial Partnerships (together with the Initial Partnerships, the ''Partnerships''). Each Partnership will be a limited partnership or other investment vehicle formed as an ''employees' securities company'' within the meaning of section 2(a)(13) and will operate as a closed-end, non-diversified, management investment company.[1] Each Partnership has been established or will be established primarily for the benefit of highly compensated employees of Raymond James as part of a program designed to create capital building opportunities that are competitive with those at other investment banking firms and to facilitate recruitment of high caliber professionals.

3. The general partner of each Partnership will be an Affiliate of RJF (''General Partner''). Any partner in a Partnership other than a General Partner is a ''Limited Partner'' or ''Participant.'' The General Partner will manage, operate, and control each of the Partnerships. The General Partner will be authorized to delegate investment management responsibility only to a Raymond James entity or a committee of Raymond James employees. The ultimate responsibility for the Partnerships' investments will remain with the General Partner. Any Raymond James entity that is delegated the responsibility of making investment decisions for a Partnership will register as an investment adviser under the Investment Advisers Act of 1940 (the ''Advisers Act'') if required under applicable law. The General Partner, Raymond James or any employee of the General Partner or Raymond James may be entitled to receive a performance-based fee (such as a ''carried interest'') based on the gains and losses of the investment program or of the Partnership's investment portfolio.[2] All Partnership investments are referred to herein collectively as ''Portfolio Investments.''

4. Interests in the Partnerships (''Interests'') will be offered without registration in reliance on section 4(2) of the Securities Act of 1933 (the ''Securities Act''), or Regulation D under the Securities Act, and will be sold only to ''Eligible Employees'' and ''Qualified Participants,'' in each case as defined below, or to Raymond James entities.[3] Prior to offering Interests to an Eligible Employee, the General Partner must reasonably believe that the Eligible Employee will be a sophisticated investor capable of understanding and evaluating the risks of participating in the Partnership without the benefit of regulatory safeguards.

5. An ''Eligible Employee'' is (a) an individual who is a current or former employee, officer, director, or ''Consultant'' of Raymond James and, except for certain individuals who manage the day-to-day affairs of the Partnership in question (''Managing

[1] Applicants also may implement a pretax plan arrangement (''Pretax Plan''). In this case, no investment vehicle will be formed with respect to such Pretax Plan. Pursuant to a Pretax Plan, Raymond James will enter into arrangements with certain Eligible Employees, as defined below, of Raymond James, which will generally provide that (a) an Eligible Employee will defer a portion of his or her compensation payable by Raymond James, (b) such deferred compensation will be treated as having been notionally invested in investments designated for these purposes pursuant to the specific compensation plan, and (c) an Eligible Employee will be entitled to receive cash, securities or other property at the times and in the amounts set forth in the specific compensation plan, where the aggregate amount received by such Eligible Employee would be based upon the investment performance of the investments designated for these purposes pursuant to such compensation plan. The Pretax Plan will not actually purchase or sell any securities. Raymond James expects to offer, through Pretax Plans, economic benefits comparable to what would have been offered in an arrangement where an investment vehicle is formed. For purposes of the application, a Partnership will be deemed to be formed with respect to each Pretax Plan and each reference in the application to ''Partnership,'' ''capital contribution,'' ''General Partner,'' ''Limited Partner,'' ''loans,'' and ''Interest'' will be deemed to refer to the Pretax Plan, the notional capital contribution to the Pretax Plan, Raymond James, a participant of the Pretax Plan, notional loans, and participation rights in the Pretax Plan, respectively.

[2] A ''carried interest'' is an allocation to the General Partner, Limited Partner or the Raymond James entity acting as the investment adviser to a Partnership based on net gains in addition to the amount allocable to such entity in proportion to its capital contributions. A General Partner, Limited Partner or Raymond James entity that is registered as an investment adviser under the Advisers Act may charge a carried interest only if permitted by rule 205–3 under the Advisers Act. Any carried interest paid to a General Partner, Limited Partner or Raymond James entity that is not registered under the Advisers Act also will comply with rule 205–3 as if such General Partner, Limited Partner or Raymond James entity were so registered.

[3] If applicants implement a Pretax Plan, participation rights in such Pretax Plan will only be offered to Eligible Employees who are current employees or Consultants, as defined below, of Raymond James.

Employees'') [4] and a limited number of other employees of Raymond James [5] (collectively, ''Non-Accredited Investors''), meets the standards of an accredited investor under rule 501(a)(6) of Regulation D under the Securities Act, or (b) an entity that is a current or former ''Consultant'' of Raymond James and meets the standards of an accredited investor under rule 501(a) of Regulation D.[6] A Partnership may not have more than 35 Non-Accredited Investors.

6. A ''Qualified Participant,'' is an individual or entity (a) that is an Eligible Family Member or Qualified Investment Vehicle (in each case as defined below) of an Eligible Employee, and (b) if the individual or entity is purchasing an Interest from a Partnership, comes within one of the categories of an ''accredited investor'' under rule 501(a) of Regulation D. An ''Eligible Family Member'' is a spouse, parent, child, spouse of child, brother, sister, or grandchild of an Eligible Employee, including step and adoptive relationships. A ''Qualified Investment Vehicle'' is (a) a trust of which the trustee, grantor and/or beneficiary is an Eligible Employee, (b) a partnership, corporation or other entity controlled by an Eligible Employee, or (c) a trust or other entity established solely for the benefit of Eligible Family Members of an Eligible Employee.[7]

7. The terms of a Partnership will be fully disclosed to each Eligible Employee and, if applicable, to a Qualified Participant of the Eligible Employee, in a partnership agreement (the ''Partnership Agreement''), which will be furnished at the time the Eligible Employee is invited to participate in the Partnership. Each Partnership will send audited financial statements to each Participant within 120 days or as soon as practicable after the end of its fiscal year, except for any Partnership that was formed to make a single portfolio investment (in which case audited financial statements will be prepared for either the Partnership or the entity that is the single portfolio investment).[8] In addition, as soon as practicable after the end of each tax year of a Partnership, each Participant will receive a report showing the Participant's share of income, credits, deductions, and other tax items.

8. Interests in a Partnership will be non-transferable except with the prior written consent of the General Partner.[9] No person will be admitted into a Partnership unless the person is an Eligible Employee, a Qualified Participant of an Eligible Employee, or a Raymond James entity. No sales load will be charged in connection with the sale of Interests.

9. An Eligible Employee's interest in a Partnership may be subject to repurchase or cancellation if: (a) The Eligible Employee's relationship with Raymond James is terminated for cause; (b) the Eligible Employee becomes a consultant to or joins any firm that the General Partner determines, in its reasonable discretion, is competitive with any business of Raymond James; or (c) the Eligible Employee voluntarily resigns from employment with Raymond James. Upon repurchase or cancellation, the General Partner will pay to the Eligible Employee at least the lesser of (a) the amount actually paid by the Eligible Employee to acquire the Interest (less prior distributions, plus interest), and (b) the fair market value of the Interest as determined at the time of repurchase or cancellation by the General Partner. The terms of any repurchase or cancellation will apply equally to any Qualified Participant of an Eligible Employee.

10. Subject to the terms of the applicable Partnership Agreement, a Partnership will be permitted to enter into transactions involving (a) a Raymond James entity, (b) a portfolio company, (c) any Partner or person or entity affiliated with a Partner, (d) an investment fund or separate account that is organized for the benefit of investors who are not affiliated with Raymond James and over which a Raymond James entity will exercise investment discretion or which is sponsored by a Raymond James entity (''Third Party Fund''), or (e) any person or entity who is not affiliated with Raymond James and is a partner or other investor in a Third Party Fund or a third party sponsored fund or pooled investment vehicle that is not affiliated with Raymond James (a ''Third Party Investor''). Prior to entering into any of these transactions, the General Partner must determine that the terms are fair to the Partners.

11. A Raymond James entity (including the General Partner) acting as agent or broker may receive placement fees, advisory fees, or other compensation from a Partnership or a portfolio company in connection with a Partnership's purchase or sale of securities, provided that such placement fees, advisory fees, or other compensation can be deemed to be ''usual and customary.'' Such fees or other compensation will be deemed ''usual and customary'' only if (a) the Partnership is purchasing or selling securities with other unaffiliated third parties, including Third Party Funds or Third Party Investors, who are similarly purchasing or selling securities, (b) the fees or other compensation being charged to the Partnership are also being charged to the unaffiliated third parties, including Third Party Funds or Third Party Investors, and (c) the amount of securities being purchased or sold by the Partnership does not exceed 50% of

[4] A Managing Employee may invest in a Partnership if he or she meets the definition of ''knowledgeable employee'' in rule 3c–5(a)(4) under the Act with the Partnership treated as though it were a ''Covered Company'' for purposes of the rule.

[5] Such employees must meet the sophistication requirements set forth in rule 506(b)(2)(ii) of Regulation D under the Securities Act and may be permitted to invest his or her own funds in the Partnership if, at the time of the employee's investment in a Partnership, he or she (a) has a graduate degree in business, law or accounting, (b) has a minimum of five years of consulting, investment banking or similar business experience, and (c) has had reportable income from all sources of at least $100,000 in each of the two most recent years and a reasonable expectation of income from all sources of at least $140,000 in each year in which such person will be committed to make investments in a Partnership. In addition, such an employee will not be permitted to invest in any year more than 10% of his or her income from all sources for the immediately preceding year in the aggregate in such Partnership and in all other Partnerships in which he or she has previously invested.

[6] A ''Consultant'' is a person or entity whom Raymond James has engaged on retainer to provide services and professional expertise on an ongoing basis as a regular consultant or as a business or legal adviser and who shares a community of interest with Raymond James and Raymond James employees.

[7] The inclusion of partnerships, corporations, or other entities controlled by an Eligible Employee in the definition of ''Qualified Investment Vehicle'' is intended to enable Eligible Employees to make investments in the Partnerships through personal investment vehicles over which they exercise investment discretion or vehicles the management or affairs of which they otherwise control. In the case of a partnership, corporation, or other entity controlled by a Consultant entity, individual participants will be limited to senior level employees, members, or partners of the Consultant who will be required to qualify as an ''accredited investor'' under rule 501(a)(6) of Regulation D and who will have access to the directors and officers of the General Partner.

[8] If applicants implement a Pretax Plan, Eligible Employees participating in such Pretax Plan will be furnished with a copy of the Pretax Plan, which will set forth at a minimum the same terms of the proposed investment program as those that would have been set forth in a Partnership Agreement for a Partnership. Raymond James will prepare an audited informational statement with respect to the investments deemed to be made by such Pretax Plan, including, with respect to each investment, the name of the portfolio company and the amount deemed invested by such Pretax Plan in the portfolio company. Raymond James will send each participant of such Pretax Plan a separate statement prepared based on the audited informational statement within 120 days after the end of the fiscal year of Raymond James or as soon as practicable thereafter.

[9] If applicants implement a Pretax Plan, an Eligible Employee's participation rights in such Pretax Plan may not be transferred, other than to a Qualified Participant in the event of the Eligible Employee's death.

the total amount of securities being purchased or sold by the Partnership and the unaffiliated third parties, including Third Party Funds and Third Party Investors. Raymond James entities, including the General Partner, also may be compensated for services to entities in which the Partnerships invest and to entities that are competitors of these entities, and may otherwise engage in normal business activities.

12. The Partnerships may borrow from a General Partner or a Raymond James entity. The interest rate on such loans will be no less favorable to the Partnerships than the rate that could be obtained on an arm's length basis. A Partnership will not borrow from any person if the borrowing would cause any person not named in section 2(a)(13) of the Act to own outstanding securities of the Partnership (other than short-term paper). Any borrowing by a Partnership will be non-recourse to the Limited Partners of the Partnership, except indebtedness incurred specifically on behalf of a Limited Partner where such Limited Partner has agreed to guarantee the loan or act as co-obligor on the loan.

13. A Partnership will not invest more than 15% of its assets in securities issued by registered investment companies (with the exception of temporary investments in money market funds). A Partnership will not acquire any security issued by a registered investment company if immediately after the acquisition; the Partnership will own more than 3% of the outstanding voting stock of the registered investment company.

Applicants' Legal Analysis

1. Section 6(b) of the Act provides, in part, that the Commission will exempt employees' securities companies from the provisions of the Act to the extent that the exemption is consistent with the protection of investors. Section 6(b) provides that the Commission will consider, in determining the provisions of the Act from which the company should be exempt, the company's form of organization and capital structure, the persons owning and controlling its securities, the price of the company's securities and the amount of any sales load, how the company's funds are invested, and the relationship between the company and the issuers of the securities in which it invests. Section 2(a)(13) defines an employees' securities company, in relevant part, as any investment company all of whose securities (other than short-term paper) are beneficially owned (a) by current or former employees, or persons on retainer, of one or more affiliated employers, (b) by immediate family members of such persons, or (c) by such employer or employers together with any of the persons in (a) or (b).

2. Section 7 of the Act generally prohibits investment companies that are not registered under section 8 of the Act from selling or redeeming their securities. Section 6(e) of the Act provides that, in connection with any order exempting an investment company from any provision of section 7, certain provisions of the Act, as specified by the Commission, will be applicable to the company and other persons dealing with the company as though the company were registered under the Act. Applicants request an order under sections 6(b) and 6(e) of the Act exempting applicants and any Subsequent Partnerships from all provisions of the Act, except section 9 and sections 36 through 53 of the Act, and the rules and regulations under the Act. With respect to sections 17 and 30 of the Act, and the rules and regulations thereunder, and rule 38a-1 under the Act, the exemption is limited as set forth in the application.

3. Section 17(a) generally prohibits any affiliated person of a registered investment company, or any affiliated person of an affiliated person, acting as principal, from knowingly selling or purchasing any security or other property to or from the company. Applicants request an exemption from section 17(a) to permit: (a) A Raymond James entity or a Third Party Fund, acting as principal, to engage in any transaction directly or indirectly with any Partnership or any company controlled by the Partnership; (b) any Partnership to invest in or engage in any transaction with any Raymond James entity, acting as principal, (i) in which the Partnership, any company controlled by the Partnership, or any Raymond James entity or Third Party Fund has invested or will invest, or (ii) with which the Partnership, any company controlled by the Partnership, or any Raymond James entity or Third Party Fund is or will become affiliated; and (c) any Third Party Investor, acting as principal, to engage in any transaction directly or indirectly with a Partnership or any company controlled by the Partnership.

4. Applicants state that an exemption from section 17(a) is consistent with the protection of investors and is necessary to promote the purpose of each Partnership. Applicants state that the Participants in each Partnership will be fully informed of the possible extent of the Partnership's dealings with Raymond James. Applicants also state that, as professionals employed in investment banking and financial planning, Participants in each Partnership will be able to understand and evaluate the attendant risks. Applicants assert that the community of interest among the Participants and Raymond James will provide the best protection against any risk of abuse.

5. Section 17(d) of the Act and rule 17d–1 under the Act prohibit any affiliated person of a registered investment company, or any affiliated person of such person, acting as principal, from participating in any joint arrangement with the company unless authorized by the Commission. Applicants request relief to permit affiliated persons of each Partnership, or affiliated persons of any of these persons, to participate in any joint arrangement in which the Partnership or a company controlled by the Partnership is a participant.

6. Applicants assert that compliance with section 17(d) would cause the Partnerships to forgo investment opportunities simply because a Participant or other affiliated person of the Partnerships (or any affiliate of the affiliated person) made or is concurrently making a similar investment. Applicants also state that because certain attractive investment opportunities often require that each participant make available funds in an amount substantially greater than that available to one Partnership alone, there may be attractive opportunities that a Partnership may be unable to take advantage of except by co-investing with other persons, including affiliated persons. Applicants assert that the flexibility to structure co-investments and joint investments will not involve abuses of the type section 17(d) and rule 17d–1 were designed to prevent.

7. Co-investments with a Third Party Fund, or by a Raymond James entity pursuant to a contractual obligation to a Third Party Fund, will not be subject to condition 3 below. Applicants note that it is common for a Third Party Fund to require that Raymond James invest its own capital in Third Party Fund investments, and that Raymond James investments be subject to substantially the same terms as those applicable to the Third Party Fund. Applicants believe it is important that the interests of the Third Party Fund take priority over the interests of the Partnerships, and that the Third Party Fund not be burdened or otherwise affected by activities of the Partnerships. In addition, applicants assert that the relationship of a Partnership to a Third Party Fund is fundamentally different from a Partnership's relationship to Raymond James. Applicants contend

that the focus of, and the rationale for, the protections contained in the requested relief are to protect the Partnerships from any overreaching by Raymond James in the employer/employee context, whereas the same concerns are not present with respect to the Partnerships and a Third Party Fund.

8. Section 17(e) of the Act and rule 17e–1 under the Act limit the compensation an affiliated person may receive when acting as agent or broker for a registered investment company. Applicants request an exemption from section 17(e) to permit a Raymond James entity (including the General Partner) that acts as an agent or broker to receive placement fees, advisory fees, or other compensation from a Partnership in connection with the purchase or sale by the Partnership of securities, provided that the fees or other compensation can be deemed ''usual and customary.'' Applicants state that for the purposes of the application, fees or other compensation will be deemed ''usual and customary'' only if (a) the Partnership is purchasing or selling securities alongside other unaffiliated third parties, including Third Party Funds or Third Party Investors, who are similarly purchasing or selling securities, (b) the fees or other compensation being charged to the Partnership are also being charged to the unaffiliated third parties, including Third Party Funds and Third Party Investors, and (c) the amount of securities being purchased or sold by the Partnership does not exceed 50% of the total amount of securities being purchased or sold by the Partnership and the unaffiliated third parties, including Third Party Funds or Third Party Investors. Applicants assert that, because Raymond James does not wish it to appear as if it is favoring the Partnerships, compliance with section 17(e) would prevent a Partnership from participating in transactions where the Partnership is being charged lower fees than unaffiliated third parties. Applicants assert that the fees or other compensation paid by a Partnership to a Raymond James entity will be the same as those negotiated at arm's length with unaffiliated third parties.

9. Rule 17e–1(b) under the Act requires that a majority of directors who are not ''interested persons'' (as defined in section 2(a)(19) of the Act) take actions and make approvals regarding commissions, fees, or other remuneration. Rule 17e–1(c) under the Act requires each Partnership to comply with the fund governance standards defined in rule 0–1(a)(7) under the Act. Applicants request an exemption from rule 17e–1 to the extent necessary to permit each Partnership to comply with the rule without having a majority of the directors of the General Partner who are not interested persons take actions and make determinations as set forth in paragraph (b) of the rule, and without having to satisfy the standards set forth in paragraph (c) of the rule. Applicants state that because all the directors of the General Partner will be affiliated persons, without the relief requested, a Partnership could not comply with rule 17e–1. Applicants state that each Partnership will comply with rule 17e–1(b) by having a majority of the directors of the Partnership take actions and make approvals as are set forth in rule 17e–1. Applicants state that each Partnership will comply with all other requirements of rule 17e–1.

10. Section 17(f) of the Act designates the entities that may act as investment company custodians, and rule 17f–1 under the Act imposes certain requirements when the custodian is a member of a national securities exchange. Applicants request an exemption from section 17(f) and rule 17f–1 to permit a Raymond James entity to act as custodian of Partnership assets without a written contract, as would be required by rule 17f–1(a). Applicants also request an exemption from the rule 17f–1(b)(4) requirement that an independent accountant periodically verify the assets held by the custodian. Applicants state that, because of the community of interest between Raymond James and the Partnerships and the existing requirement for an independent audit, compliance with these requirements would be unnecessarily burdensome and expensive. Applicants will comply with all other requirements of rule 17f–1.

11. Section 17(g) of the Act and rule 17g–1 under the Act generally require the bonding of officers and employees of a registered investment company who have access to its securities or funds. Rule 17g–1 requires that a majority of directors who are not interested persons take certain actions and give certain approvals relating to fidelity bonding. Applicants request exemptive relief to permit the General Partner's directors, who may be deemed interested persons, to take actions and make determinations set forth in the rule. Applicants state that, because all directors of the General Partner will be affiliated persons, a Partnership could not comply with rule 17g–1 without the requested relief. Specifically, each Partnership will comply with rule 17g–1 by having a majority of the Partnership's directors take actions and make determinations as are set forth in rule 17g–1. Applicants also state that each Partnership will comply with all other requirements of rule 17g–1, except that the Partnerships request an exemption from the requirements of paragraphs (g) and (h) or rule 17g–1 relating to the filing of copies of fidelity bonds and related information with the Commission and relating to this provision of notices to the board of directors, and an exemption from the requirements of paragraph (j)(3) of rule 17g–1 that the Partnerships comply with the fund governance standards defined in rule 0–1(a)(7).

12. Section 17(j) of the Act and paragraph (b) of rule 17j–1 under the Act make it unlawful for certain enumerated persons to engage in fraudulent or deceptive practices in connection with the purchase or sale of a security held or to be acquired by a registered investment company. Rule 17j–1 also requires that every registered investment company adopt a written code of ethics and that every access person of a registered investment company report personal securities transactions. Applicants request an exemption from the provisions of rule 17j–1, except for the anti-fraud provisions of paragraph (b), because they are unnecessarily burdensome as applied to the Partnerships.

13. Applicants request an exemption from the requirements in sections 30(a), 30(b), and 30(e) of the Act, and the rules under those sections, that registered investment companies prepare and file with the Commission and mail to their shareholders certain periodic reports and financial statements. Applicants contend that the forms prescribed by the Commission for periodic reports have little relevance to a Partnership and would entail administrative and legal costs that outweigh any benefit to the Participants. Applicants request exemptive relief to the extent necessary to permit each Partnership to report annually to its Participants. Applicants also request an exemption from section 30(h) of the Act to the extent necessary to exempt the General Partner of each Partnership, directors and officers of the General Partnership and any other persons who may be deemed to be members of an advisory board of a Partnership from filing Forms 3, 4, and 5 under section 16(a) of the 1934 Act with respect to their ownership of Interests in the Partnership. Applicants assert that, because there will be no trading market and the transfers of Interests will be severely restricted, these filings are unnecessary for the protection of investors and burdensome to those required to make them.

14. Rule 38a–1 requires investment companies to adopt, implement and

periodically review written policies reasonable designed to prevent violation of the federal securities law and to appoint a chief compliance officer. Each Partnership will comply will rule 38a–1(a), (c) and (d), except that (a) because the Partnership does not have a board of directors, the board of directors of the General Partner will fulfill the responsibilities assigned to the Partnership's board of directors under the rule, (b) because the board of directors of the General Partner does not have any disinterested members, approval by a majority of the disinterested board members required by rule 38a–1 will not be obtained, and (c) because the board of directors of the General Partner does not have any independent members, the Partnerships will comply with the requirement in rule 38a–1(a)(4)(iv) that the chief compliance officer meet with the independent board members by having the chief compliance officer meet with the board of directors of the General Partner as constituted.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. Each proposed transaction otherwise prohibited by section 17(a) or section 17(d) and rule 17d to which a Partnership is a party (the ''Section 17 Transactions'') will be effected only if the General Partner determines that:

(a) The terms of the Section 17 Transaction, including the consideration to be paid or received, are fair and reasonable to the Partners of the participating Partnership and do not involve overreaching of such Partnership or its Partners on the part of any person concerned; and

(b) The Section 17 Transaction is consistent with the interests of the Partners of the participating Partnership, such Partnership's organizational documents and such Partnership's reports to its Partners.

In addition, the General Partner will record and will preserve a description of all Section 17 Transactions, the General Partner's findings and the information or materials upon which the General Partner's findings are based and the basis for the findings. All such records will be maintained for the life of the Partnership and at least six years thereafter, and will be subject to examination by the Commission and its staff. Each Partnership will preserve the accounts, books and other documents required to be maintained in an easily accessible place for the first two years.

2. In connection with the Section 17 Transactions, the General Partner will adopt, and periodically review and update, procedures designed to ensure that reasonable inquiry is made, prior to the consummation of any Section 17 Transaction, with respect to the possible involvement in the transaction of any affiliated person or promoter of or principal underwriter for such Partnership, or any affiliated person of such a person, promoter or principal underwriter.

3. The General Partner will not make on behalf of a Partnership any investment in which a '' Co-Investor'' with respect to any Partnership (as defined below) has acquired or proposes to acquire the same class of securities of the same issuer, where the investment involves a joint enterprise or other joint arrangement within the meaning of rule 17d–1 in which such Partnership and the Co-Investor are participants, unless any such Co-Investor, prior to disposing of all or part of its investment, (a) gives such General Partner sufficient, but not less than one day's notice of its intent to dispose of its investment; and (b) refrains from disposing of its investment unless the participating Partnership holding such investment has the opportunity to dispose of its investment prior to or concurrently with, on the same terms as, and on a *pro rata* basis with the Co-Investor. The term ''Co-Investor'' with respect to any Partnership means any person who is: (a) An ''affiliated person'' (as defined in section 2(a)(3) of the Act) of such Partnership (other than a Third Party Fund); (b) a Raymond James entity; (c) an officer or director of a Raymond James entity; or (d) an entity (other than a Third Party Fund) in which the General Partner acts as a general partner or has a similar capacity to control the sale or other disposition of the entity's securities.

The restrictions contained in this condition, however, shall not be deemed to limit or prevent the disposition of an investment by a Co-Investor: (a) To its direct or indirect wholly-owned subsidiary, to any company (a ''Parent'') of which such Co-Investor is a direct or indirect wholly-owned subsidiary, or to a direct or indirect wholly-owned subsidiary of its Parent; (b) to immediate family members of such Co-Investor, including step and adoptive relationships, or to a trust or other investment vehicle established for any such immediate family member; (c) when the investment is comprised of securities that are listed on any exchange registered as a national securities exchange under section 6 of the 1934 Act; (d) when the investment is comprised of securities that are national market system securities pursuant to section 11A(a)(2) of the 1934 Act and rule 11Aa2–1 thereunder; (e) when the investment is comprised of securities that are listed or traded on any foreign securities exchange or board of trade that satisfies regulatory requirements under the law of the jurisdiction in which such foreign securities exchange or board of trade is organized similar to those that apply to a national securities exchange or a national market system for securities; or (f) when the investment is comprised of securities that are government securities as defined in section 2(a)(16) of the Act.

4. Each Partnership and its General Partner will maintain and preserve, for the life of such Partnership and at least six years thereafter, such accounts, books, and other documents as constitute the record forming the basis for the audited financial statements that are to be provided to the Participants in such Partnership, and each annual report of such Partnership required to be sent to such Participants, and agree that all such records will be subject to examination by the Commission and its staff. Each Partnership will preserve the accounts, books and other documents required to be maintained in an easily accessible place for the first two years.

5. The General Partner of each Partnership will send to each Participant in that Partnership, at any time during the fiscal year then ended, Partnership financial statements audited by such Partnership's independent accountants, except in the case of a Partnership formed to make a single Portfolio Investment. In such cases, financial statements will be unaudited, but each Participant will receive financial statements of the single Portfolio Investment audited by such entity's independent accountants. At the end of each fiscal year, the General Partner will make a valuation or have a valuation made of all of the assets of the Partnership as of such fiscal year end in a manner consistent with customary practice with respect to the valuation of assets of the kind held by the Partnership. In addition, within 120 days after the end of each fiscal year of each Partnership or as soon as practicable thereafter, the General Partner will send a report to each person who was a Participant at any time during the fiscal year then ended, setting forth such tax information as shall be necessary for the preparation by the Participant of his, her or its U.S. federal and state income tax returns and a report of the investment activities of the Partnership during that fiscal year.

6. If a Partnership makes purchases or sales from or to an entity affiliated with the Partnership by reason of an officer,

director or employee of Raymond James (a) serving as an officer, director, general partner or investment adviser of the entity, or (b) having a 5% or more investment in the entity, such individual will not participate in the Partnership's determination of whether or not to effect the purchase or sale.

For the Commission, by the Division of Investment Management, under delegated authority.

Florence E. Harmon,

Deputy Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56640; File No. SR–CBOE–2007–118]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Its Marketing Fee Program

October 11, 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 October 1, 2007, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by the Exchange. CBOE has designated this proposal as one establishing or changing a due, fee, or other charge imposed by CBOE under Section 19(b)(3)(A)(ii) of the Act [3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

CBOE proposes to amend its Marketing Fee Program. The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and *http://www.cboe.com*.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change, and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. CBOE has substantially prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Recently, CBOE amended its Marketing Fee Program to, among other things, collect an administrative fee to offset its costs in administering the marketing fee program and also to provide funds to the association of members for its costs and expenses in supporting CBOE's marketing fee program and in seeking to bring order flow to CBOE.[5] Under the amended Marketing Fee Program, CBOE collects an administrative fee of .45% on the total amount of funds collected each month prior to making the remaining funds available to DPMs and Preferred Market-Makers to attract orders to CBOE.

CBOE now proposes to limit the total amount that any Market-Maker, RMM, e–DPM, or DPM would contribute to the administrative fee. Specifically, CBOE proposes to amend its Marketing Fee Program such that no Market-Maker, RMM, e–DPM, or DPM would contribute more than 15% of the total amount collected by the .45% administrative fee. As amended, if the assessment of CBOE's marketing fee resulted in any Market-Maker, RMM, e–DPM or DPM contributing more than 15% of the funds collected for the administrative fee, the amount of money in excess of the 15% would not be allocated to the administrative fee and instead would be allocated to the DPMs or Preferred Market-Makers to attract orders to CBOE.

The following is an example of how this 15% limit would be applied, where there is one DPM and three Market-Makers on CBOE, and collectively they generated $100,000 in marketing fee funds in August. The administration fee of .45% would be collected from the total amount of funds collected, *i.e.*, $100,000, resulting in $450. Assume that based on their trading in August, the DPM accounted for 70%, or $70,000, of the marketing fee funds collected in August, and each of the Market-Makers accounted for 10%, or $10,000 each. CBOE would then determine whether the DPM or any of the Market-Makers contributed more than 15% of the total funds collected and allocated to the .45% admin fee (15% of $450 is $67.50). In this case, because the DPM accounted for 70% of the marketing fee funds available in August, the DPM also would have accounted for 70% of the $450 administration fee (or $315), since the administration fee is a percentage taken from the total amount of marketing fee funds collected in August.[6]

Because the DPM would have contributed more than 15% of the total amount of funds raised by the .45% administrative fee, would be capped at $67.50, and the balance of $247.50 ($315 − $67.50) would be provided to DPMs and Preferred Market-Makers to pay for order flow. Accordingly, in August the administration fee amount would be $202.50 instead of $450. CBOE intends to calculate the 15% limit on a firm-wide basis. If a member organization and its nominees operate on the Exchange in various approved statuses, such as a Market-Maker, RMM, DPM or e–DPM, CBOE intends to aggregate it and its nominees' activity to determine if the member firm exceeded the 15% limit. CBOE believes that limiting the total amount that any Market-Maker, RMM, DPM, or e–DPM would contribute to the administrative fee is fair and reasonable and an equitable allocation of fees.

CBOE proposes to implement these changes to the marketing fee program beginning on October 1, 2007. CBOE is not amending its marketing fee program in any other respects.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act [7] in general, and Section 6(b)(4) of the Act [8] in particular, in that it is designed to provide for the equitable allocation of reasonable dues,

[5] *See* Securities Exchange Release No. 56289 (August 20, 2007), 72 FR 49030 (August 27, 2007) (SR–CBOE–2007–95).

[6] A Market-Maker's, RMM's, e–DPM's or DPM's percentage contribution to the total amount of marketing fee funds collected in a month is directly proportional to its percentage contribution to the funds collected as part of the administration fee.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(4).

fees, and other charges among CBOE members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has been designated as a fee change pursuant to Section 19(b)(3)(A)(ii) of the Act [9] and Rule 19b–4(f)(2) [10] thereunder, because it establishes or changes a due, fee, or other charge imposed by the Exchange. Accordingly, the proposal will take effect upon filing with the Commission. At any time within 60 days of the filing of such proposed rule change the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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–2007–118 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–2007–118. 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 on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of 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–2007–118 and should be submitted on or before November 7, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–20458 Filed 10–16–07; 8:45 am]

BILLING CODE 8011–01–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. 34–56641; File No. SR–CBOE–2007–117]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Its Marketing Fee Program in Connection With the Expansion of the Penny Pilot Program

October 11, 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 September 28, 2007, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by the Exchange. CBOE has designated this proposal as one establishing or changing a due, fee, or other charge imposed by CBOE under Section 19(b)(3)(A)(ii) of the Act [3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

CBOE proposes to amend its Marketing Fee Program in connection with the expansion of the Penny Pilot Program. The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and *http://www.cboe.com*.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change, and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. CBOE has substantially prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

CBOE proposes to amend its marketing fee program in connection with the expansion of the Penny Pilot Program. Currently, CBOE assesses a marketing fee of $.10 per contract in the 13 Penny Pilot classes, except for QQQQ options and IWM options in which CBOE does not assess any marketing fee.[5]

On September 28, 2007, the Penny Pilot Program expanded by adding 22 option classes, including two ETFs in which CBOE does not assess the marketing fee, namely the Energy Select

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] The Exchange notes that prior to the Penny Pilot commencing in late January 2007, the marketing fee was not assessed in these two classes.

Sector SPDR (XLE) and the Financial Select Sector SPDR (XLF).[6] CBOE proposes to amend Footnote 6 of its Fee Schedule to note that XLE and XLF are not among the Penny Pilot classes in which it assesses a $.10 per contract marketing fee, similar to QQQQ options and IWM options. All other option classes being added to the Penny Pilot Program, including DIA options and SPY options, will be assessed the marketing fee at a rate of $.10 per contract.

CBOE also proposes to make a non-substantive change to the text of Footnote 6 of its Fee Schedule to delete references to ''LMM'' because LMMs are not appointed in any option classes in which the marketing fee is assessed.

CBOE is not amending its marketing fee program in any other respects.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act[7] in general, and Section 6(b)(4) of the Act[8] in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among CBOE members and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has been designated as a fee change pursuant to Section 19(b)(3)(A)(ii) of the Act[9] and Rule 19b–4(f)(2)[10] thereunder, because it establishes or changes a due, fee, or other charge imposed by the Exchange. Accordingly, the proposal will take effect upon filing with the Commission. At any time within 60 days of the filing of such proposed rule change the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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–2007–117 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–2007–117. 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 on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of 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–2007–117 and should be submitted on or before November 7, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–20459 Filed 10–16–07; 8:45 am]

BILLING CODE 8011–01–P

[6] *See* Securities Exchange Release No. 56565 (September 27, 2007), 72 FR 56403 (October 3, 2007) (SR–CBOE–2007–117) (approving expansion of Penny Pilot Program).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(4).

[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. 34–56639; File No. SR–NASD–2007–035]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc. (n/k/a Financial Industry Regulatory Authority, Inc.); Notice of Filing of Proposed Rule Change Related to Mandated Use of an Automated Liability Notification System

October 11, 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 May 25, 2007, the National Association of Securities Dealers (''NASD'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I, II, and III below, which items have been prepared primarily by the NASD.[3] The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASD is proposing to amend Rule 11810(i) to mandate the use of the automated liability notification system of a registered clearing agency when issuing liability notices in connection with certain securities transactions provided both parties to the contract are participants in a registered clearing agency that has such an automated system.[4]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] On July 26, 2007, the Commission approved a proposed rule change filed by NASD to amend NASD's Certificate of Incorporation to reflect its name change to Financial Industry Regulatory Authority, Inc., or FINRA, in connection with the consolidation of the member firm regulatory functions of NASD and NYSE Regulation, Inc. See Exchange Act Release No. 56146 (July 26, 2007); 72 FR 42190 (Aug. 1, 2007).

[4] Proposed new rule text is attached to NASD's filing as Exhibit 1 and can be found at *http://*

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 NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NASD has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[5]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

NASD Rule 11810(i) sets forth the procedures that must be followed when a party is owed securities that have become the subject of a voluntary corporate action, such as a tender or exchange offer. Under Rule 11810(i), the owed party delivers a liability notice to the owing or failing party. The liability notice sets a cut off date for the delivery of the securities by the owing party and provides notice to the owing party that the counterparty will be held liable for any damages caused by its failure to deliver the securities in time for the owed party to participate in the voluntary corporate action.

If the owing party delivers the securities in response to the liability notice, it has met its delivery obligation. If the owing party fails to deliver the securities in sufficient time for the owed party to participate in the voluntary corporate action, it will be liable for any damages that may accrue thereby (*i.e.*, in lieu of delivering the securities the owing party must deliver proceeds equivalent to the proceeds that the owed party would have received if it had been able to participate in the offer). The owed party has the responsibility to communicate its intentions to the owing party and to prove, if necessary, that the owing party received the liability notice.

Rule 11810(i) currently requires broker-dealers to send liability notices using ''electronic media having immediate receipt capabilities.'' Although there is currently no one acceptable means for sending and tracking liability notices, NASD members have advised that it is industry practice to send liability notices by fax to the failing counterparty. Sending liability notices by fax is a manual, paper-intensive process that is subject to error. For example, the fax may be directed to the wrong department and not timely received by the correct department, or sent to the correct department but overlooked by the responsible person(s). In other cases, the receiver may not notify the sender that the fax has been received, and the sender must follow up with another fax or telephone call or both. The financial risk to an owing firm that misses or incorrectly processes a liability notice relating to a voluntary corporate action can be considerable, since the corporate action may involve hundreds of shareholders.

In response to industry need for a reliable and uniform method of transmitting liability notices, The Depository Trust Company (''DTC'') developed SMART/Track for Corporate Action Liability Notification Service (''SMART/Track''). SMART/Track is a web-based system for the communication of corporate action liability notices that allows DTC participants and the clearing members of the National Securities Clearing Corporation to create, send, process and tract such notices.[6] Transmitting liability notices through SMART/Track eliminates paper liability notices and provides firms with an electronic, centralized system for the distribution, management and control of liability notices and helps reduce the risks, costs, and delays resulting from missing or inaccurate information associated with paper corporate action liability notices. Specifically, SMART/Track provides participants with (1) more timely receipt and distribution of corporation action liability notifications; (2) a centralized system to manage and control all liability notifications on all issues; (3) immediate identification of the security affected by a corporate action liability notification; (4) detailed disclosure and clearer explanation of the terms and conditions of the corporate action; and (5) an audit trail with a complete record of actions taken regarding a liability notice.

As proposed, NASD Rule 11810(i) will mandate the use of the automated liability notification system of a registered clearing agency when the parties to a contract are both participants in a registered clearing agency that has an automated service for corporate action liability notices. When either or both parties to a contract are not participants in a registered clearing agency that has an automated service for corporate action liability notices, Rule 11810(i) will continue to require the liability notice to be issued using written or comparable electronic media having immediate receipt capabilities.

NASD proposes to announce the effective date of the proposed rule change in a ''Notice to Members'' that will be published no later than sixty days following the date of approval of the proposed rule change by the Commission. The NASD anticipates that the effective date of the proposed rule change will be thirty days following publication of the Notice to Members announcing the Commission's approval of the proposed rule change.

(2) Statutory Basis

The statutory basis under the Act for this proposed rule change is the requirement under Section 15A of the Act, which requires, among other things, that the rules of a national securities association are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to perfect the mechanism of a free and open market and a national market system, and in general to protect investors and the public interest.[7] NASD believes that the proposed rule change is consistent with the provisions of the Act in that SMART/Track will eliminate the use of paper corporate action liability notices and will provide firms with an electronic, centralized system to distribute, manage, and control liability notices. In addition to reducing the risks, costs, and delays resulting from missing or inaccurate information associated with paper corporate action liability notices, SMART/Track gives firms detailed disclosure of the terms and conditions of the corporate action, enables firms to more timely receive and distribute corporate action liability notices, and provides an audit trail with a complete record of actions taken regarding a liability notice.

(B) Self-Regulatory Organization's Statement on Burden on Competition

NASD 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.

www.finra.org/RulesRegulation/RuleFilings/index.htm.

[5] The Commission has modified portions of the text of the summaries prepared by the NASD.

[6] Currently DTC is the only registered clearing agency operating an automated corporate liability notification service.

[7] 15 U.S.C. 78f(b)(5).

(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 thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*) or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NASD–2007–035 in the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASD–2007–035. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filings also will be available for inspection and copying at the principal office of the NASD and on NASD's Web site, *http://www.finra.org/RulesRegulation/RuleFilings/index.htm.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASD–2007–035 and should be submitted on or before November 7, 2007.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[8]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–20385 Filed 10–16–07; 8:45 am]

BILLING CODE 8011–01–P

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56644; File No. SR–FINRA–2007–016]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Reflect the Closing of the NASD/BSE Trade Reporting Facility

October 11, 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 October 9, 2007, the Financial Industry Regulatory Authority, Inc. (''FINRA'') (f/k/a the National Association of Securities Dealers, Inc. (''NASD'')) filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared substantially by FINRA. FINRA has submitted the proposed rule change under Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposal effective upon filing with the Commission.[5] 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

FINRA proposes to delete in their entirety the NASD Rule 4000D, 6000D, and 7000D Series and the Limited Liability Company Agreement of The NASD/BSE Trade Reporting Facility LLC (the ''NASD/BSE TRF LLC Agreement''), in light of the recent closing of the NASD/BSE Trade Reporting Facility (the ''NASD/BSE TRF'').[6]

The text of the proposed rule change is available at *http://www.finra.org,* at the principal offices of FINRA, 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, FINRA 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. FINRA 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 NASD/BSE TRF was approved by the Commission[7] and commenced operation in February 2007 to provide members with a mechanism for reporting locked-in trades in NMS stocks, as defined in Rule 600(b)(47) of Regulation NMS under the Act,[8] effected otherwise than on an exchange. The Boston Stock Exchange, Inc. (''BSE''), the ''Business Member'' under the NASD/BSE TRF LLC Agreement,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] FINRA has asked the Commission to waive the 30-day operative delay provided in Rule 19b–4(f)(6)(iii). 17 CFR 240.19b–4(f)(6)(iii).

[6] Effective July 30, 2007, FINRA was formed through the consolidation of NASD and the member regulatory functions of NYSE Regulation, Inc. Accordingly, from that date until the date it closed on September 21, 2007, the NASD/BSE TRF was doing business as the FINRA/BSE TRF.

[7] *See* Securities Exchange Act Release No. 54931 (December 13, 2006), 71 FR 76409 (December 20, 2006) (order approving File No. SR–NASD–2006–115).

[8] 17 CFR 242.600(b)(47).

determined to close the NASD/BSE TRF for business reasons. Accordingly, as of the close of business on September 21, 2007, the NASD/BSE TRF ceased accepting trade reports.[9]

FINRA members were given prior notice of the closing and were further notified that any members using the NASD/BSE TRF to report trades were required to find an alternative mechanism to satisfy their trade reporting obligations. Prior to September 21, 2007, FINRA and BSE staff worked to ensure that FINRA members that had been reporting trades to the NASD/BSE TRF were transitioned to another FINRA facility. FINRA represents that, notwithstanding the closing of the NASD/BSE TRF, FINRA is able to fulfill all of its regulatory obligations with respect to over-the-counter trade reporting through its other facilities, *i.e.*, the Alternative Display Facility, the NASD/Nasdaq Trade Reporting Facility, the NASD/NSX Trade Reporting Facility, and the NASD/NYSE Trade Reporting Facility.

Accordingly, FINRA proposes to delete the NASD Rule 4000D and 6000D Series relating to trade reporting to the NASD/BSE TRF and the NASD Rule 7000D Series relating to fees and credits for use of the NASD/BSE TRF. In addition, FINRA proposes to delete the NASD/BSE TRF LLC Agreement, a copy of which is included in the Manual. The proposed rule change will ensure that FINRA's rules accurately reflect only the FINRA facilities that are available to members for trade reporting.[10]

FINRA has filed the proposed rule change for immediate effectiveness and requested a waiver of the 30-day operative delay. FINRA proposes that the proposed rule change be operative on the date of filing.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with Section 15A(b)(6) of the Act,[11] which requires, among other things, that FINRA rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. FINRA believes that by deleting rules that apply to a FINRA facility that is no longer in operation, the proposed rule change will prevent potential member confusion and trade reporting errors and violations.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

FINRA has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act[12] and subparagraph (f)(6) of Rule 19b–4 thereunder.[13] Because FINRA has designated the foregoing proposed rule change as one that: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not become operative for 30 days from the date of filing, 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) thereunder. As required under Rule 19b–4(f)(6)(iii), FINRA provided the Commission with written notice of its intention to file the proposed rule change at least five business days prior to filing the proposal with the Commission or such shorter period as designated by the Commission.

A proposed rule change filed under Rule 19b-4(f)(6) normally does not become operative prior to 30 days after the date of filing. However, Rule 19b-4(f)(6)(iii) permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. FINRA has asked the Commission to waive the 30-day operative delay to expedite the deletion of rules that applied to the NASD/BSE TRF, a FINRA facility that is no longer in operation, thereby preventing potential member confusion and trade reporting errors and violations.

The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because the proposal will delete rules that applied to the NASD/BSE TRF, a FINRA facility that ceased operations on September 21, 2007.[14] Accordingly, the Commission believes that the proposal will ensure that FINRA's rules accurately reflect the FINRA trade reporting facilities that are in operation currently and available to accept trade reports. For these reasons, the Commission designates the proposal to be operative on filing with the Commission.

At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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-FINRA–2007–016 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-FINRA–2007–016. 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/*

[9] Although the NASD/BSE TRF is no longer operating, pursuant to the termination provisions in the NASD/BSE TRF LLC Agreement, the NASD/BSE Trade Reporting Facility LLC will continue its corporate existence until October 30, 2007.

[10] On September 12, 2007, FINRA filed a proposed rule change, SR–FINRA–2007–012, proposing certain changes to its trade reporting rules, including NASD Rule 6130D. *See* SR–FINRA–2007–012, available at *http://www.finra.org/RulesRegulation/RuleFilings/2007RuleFilings/P036903.* FINRA will file an amendment to SR–FINRA–2007–012 to delete the references to the NASD/BSE TRF and the proposed changes to NASD Rule 6130D contained in that filing.

[11] 15 U.S.C. 78o–3(b)(6).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6).

[14] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

rules/sro.shtml). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the FINRA. 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 SR–FINRA–2007–016 and should be submitted on or before November 7, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[15]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–20406 Filed 10–16–07; 8:45 am]

BILLING CODE 8011–01–P

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56646; File No. SR–ISE–2007–96]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Payment for Order Flow Fees

October 11, 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 October 9, 2007, the International Securities Exchange, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by the Exchange. ISE has designated this proposal as one establishing or changing a due, fee, or other charge imposed by ISE under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The ISE is proposing to amend its payment for order flow program. The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and *www.iseoptions.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for the proposed rule change, and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The ISE has substantially prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange currently has a payment-for-order-flow (''PFOF'') program that helps its market makers establish PFOF arrangements with an EAM (''Electronic Access Member'') in exchange for that EAM preferencing some or all of its order flow to that market maker. This program is funded through a fee paid by Exchange market makers for each customer contract they execute, and is administered by both Primary Market Makers (''PMM'')[5] and Competitive Market Makers (''CMM''),[6] depending on who the order is preferenced to. Further, the maximum amount of PFOF fees currently collected by the exchange for PMMs and CMMs to administer is $450,000 and $50,000, respectively. When the pool balance exceeds these threshold levels, ISE rebates funds proportionately to those who have paid the PFOF fees. The Exchange states that it closely monitors the levels of the cap to ensure that there are adequate funds available to market makers to be competitive. In order to allow the Exchange's market makers to better compete in attracting order flow to the Exchange, it proposes to adopt a uniform PFOF cap of $100,000 for both its PMM- and CMM-administered pools.The Exchange believes that the PMM ceiling of $450,000 is a considerable amount of money, and thus seeks to reduce that amount to $100,000. With regard to the CMM ceiling, the Exchange believes that $50,000 is too little an amount for these market makers to better compete in attracting order flow and thus proposes to raise that ceiling to $100,000.

Additionally, the Exchange proposes to amend its fee schedule to reflect that PFOF funds are rebated on a monthly basis, instead of on a quarterly basis.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act[7] in general, and furthers the objectives of Section 6(b)(4) of the Act[8] in particular, because it is an equitable allocation of reasonable dues, fees, and other charges among exchange members and other persons using exchange facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has been designated as a fee change pursuant to Section 19(b)(3)(A)(ii) of the Act[9] and Rule 19b–4(f)(2)[10] thereunder, because it establishes or changes a due,

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] *See* Securities Exchange Act Release No. 43833 (January 10, 2001), 66 FR 7822 (January 25, 2001) (SR–ISE–00–10).

[6] *See* Securities Exchange Act Release No. 53127 (January 13, 2006), 71 FR 3582 (January 23, 2006) (SR–ISE–2005–57).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(4).

[9] 15 U.S.C. 78s(b)(3)(A)(ii).

[10] 17 CFR 240.19b–4(f)(2).

fee, or other charge imposed by the Exchange. Accordingly, the proposal will take effect upon filing with the Commission. At any time within 60 days of the filing of such proposed rule change the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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–2007–96 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–ISE–2007–96. 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 on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of 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–2007–96 and should be submitted on or before November 7, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–20460 Filed 10–16–07; 8:45 am]

BILLING CODE 8011–01–P

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56642; File No. SR–NYSEArca–2007–100]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Exchange Fees and Charges

October 11, 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 October 1, 2007, NYSE Arca, Inc. (''NYSE Arca'' 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. NYSE Arca has designated this proposal as one establishing or changing a due, fee, or other charge imposed by NYSE Arca 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 from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NYSE Arca proposes to amend its Schedule of Fees and Charges for Exchange Services (''Fee Schedule''). The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and *http://www.nysearca.com*.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

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. 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

NYSE Arca states that the purpose of this filing is to amend the existing Fee Schedule by eliminating the Marketing Charges associated with options on the S&P 500 Index (SPY). The Exchange also proposes to revise a footnote in the Fee Schedule that references the Penny Pilot program.

The Exchange presently assesses a $1.00 per contract Marketing Charge on certain Market Maker transactions in options that overlie the S&P 500 Index (SPY). As per the Fee Schedule, the Exchange does not assess Marketing Charges on issues that trade as part of the Penny Pilot Program (''Pilot''). On September 28, 2007, options on SPY were included in the Pilot. Therefore, the Exchange will no longer assess a Marketing Fee on SPY options.

In addition, in the Transaction Fees section on the Fee Schedule, the Exchanges lists fees that are specific to the Pilot. The original Pilot expired on July 27, 2007 and was extended through September 27, 2007. The Exchange has received approval to once again extend the Pilot, this time until March 27, 2009.[5] A footnote referencing the expiration date of the Pilot is included on the Fee Schedule, and has been revised each time the Pilot was extended. The Exchange now proposes to remove the expiration date of the Pilot in the associated footnote and instead reference NYSEArca Rule 6.72. The terms of the Pilot, including any expiration date, are contained in Rule 6.72 and are revised each time the Pilot is extended.

[5] *See* Securities Exchange Act Release No. 56568 (September 27, 2007), 72 FR 56422 (October 3, 2007) (SR–NYSEArca–2007–88).

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act[6] in general, and furthers the objectives of section 6(b)(4) of the Act[7] in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among NYSE Arca members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition 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 foregoing proposed rule change has been designated as a fee change pursuant to section 19(b)(3)(A)(ii) of the Act[8] and Rule 19b–4(f)(2)[9] thereunder, because it establishes or changes a due, fee, or other charge imposed on members by the Exchange. Accordingly, the proposal will take effect upon filing with the Commission. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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–2007–100 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–2007–100. 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, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2007–100 and should be submitted on or before November 7, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–20445 Filed 10–16–07; 8:45 am]

BILLING CODE 8011–01–P

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(4).

[8] 15 U.S.C. 78s(b)(3)(A)(ii).

[9] 17 CFR 240.19b–4(f)(2).

[10] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[License No. 02/72–0625]

Founders Equity SBIC I, L.P.; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Founders Equity SBIC I, L.P., 711 Fifth Avenue, 5th Floor, New York, NY 10022, a Federal Licensee under the Small Business Investment Act of 1958, as amended (''the Act''), in connection with the financing of a small concern, has sought an exemption under section 312 of the Act and section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration (''SBA'') Rules and Regulations (13 CFR 107.730). Founders Equity SBIC I, L.P. proposes to provide equity security financing to CORE Business Technology Solutions, Inc., 201 West 103rd Street, Suite 240, Indianapolis, IN 46290. The financing is contemplated as part of a capital restructuring of the company.

The financing is brought within the purview of § 107.730(a) of the Regulations because Founders Equity NY, L.P., an Associate of Founders Equity SBIC I, L.P., owns more than ten percent of CORE Business Technology Solutions, Inc., and therefore CORE Business Technology Solutions, Inc. is considered an Associate of Founders Equity SBIC I, L.P. as defined in § 107.50 of the Regulations.

Notice is hereby given that any interested person may submit written comments on the transaction to the Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416.

Dated: September 25, 2007.

A. Joseph Shepard,

Associate Administrator for Investment.

[FR Doc. E7–20454 Filed 10–16–07; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. OST–2004–16951]

Notice of Request for Renewal of a Previously Approved Collection

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Notice, correction.

SUMMARY: The Office of the Secretary published a document in the **Federal Register** on October 9, 2007, concerning

a request for a renewal of a previously approved information collection. We are correcting the document as set forth below.

FOR FURTHER INFORMATION CONTACT: Lauralyn Remo, Air Carrier Fitness Division (X–56), Office of Aviation Analysis, Office of the Secretary, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590, (202) 366–9721.

Correction

In the October 9, 2007, **Federal Register** [72 FR 57375], correct the Estimate Total Burden on Respondents to read:

Total Annual Responses: 5,988.

Issued in Washington, DC on October 11, 2007.

Todd M. Homan,

Director, Office of Aviation Analysis.

[FR Doc. E7–20501 Filed 10–16–07; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advisory Circular 33.75–1A, Guidance Material for 14 CFR 33.75, Safety Analysis

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of issuance of advisory circular.

SUMMARY: This notice announces the issuance of Advisory Circular (AC) 33.75–1A, Guidance Material for 14 CFR 33.75. This advisory circular (AC) provides guidance and describes acceptable methods, but not the only methods, for demonstrating compliance with the safety analysis requirements of § 33.75 of Title 14 of the Code of Federal Regulations (14 CFR). The information provided in this AC replaces the guidance in AC 33.75–1, issued on March 4, 2005.

DATES: The Engine and Propeller Directorate issued AC 33.75–1A on September 26, 2007.

FOR FURTHER INFORMATION CONTACT: The Federal Aviation Administration, Attn: Robert Grant, Engine and Propeller Standards Staff, ANE–110, 12 New England Executive Park, Burlington, MA 01803–5299; telephone: (781) 238–7739; fax (781) 238–7199; e-mail: *robert.grant@faa.gov.*

We have filed in the docket all substantive comments received, and a report summarizing them. If you wish to review the docket in person, you may go to the above address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. If you wish to contact the above individual directly, you can use the above telephone number or e-mail address provided.

How to Obtain Copies: A paper copy of AC 33.75–1A may be obtained by writing to the U.S. Department of Transportation, Subsequent Distribution Office, DOT Warehouse, SVC–121.23, Ardmore East Business Center, 3341Q 75th Ave., Landover, MD 20785, telephone 301–322–5377, or by faxing your request to the warehouse at 301–386–5394. The AC will also be available on the Internet at *http://www.faa.gov/regulations_policies* (then click on ''Advisory Circulars''.

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

Issued in Burlington, Massachusetts, on September 26, 2007.

Thomas A. Boudreau,

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

[FR Doc. 07–5103 Filed 10–16–07; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Exposure Map Notice; Receipt of Noise Compatibility Program and Request for Review, Cincinnati/Northern Kentucky International Airport, Covington, KY

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the Noise Exposure Maps submitted by the Kenton County Airport Board for Cincinnati/Northern Kentucky International Airport under the provisions of 49 U.S.C. 47501 et seq. (Aviation Safety and Noise Abatement Act) and 14 CFR Part 150 are in compliance with applicable requirements. The FAA also announces that it is reviewing a proposed Noise Compatibility Program that was submitted for Cincinnati/Northern Kentucky International Airport under Part 150 in conjunction with the Noise Exposure Map, and that this program will be approved or disapproved on or before April 7, 2008.

EFFECTIVE DATE: The effective date of the FAA's determination on the Noise Exposure Maps and of the start of its review of the associated Noise Compatibility Program is October 9, 2007. The public comment period ends December 8, 2007.

FOR FURTHER INFORMATION CONTACT: Peggy S. Kelley, Federal Aviation Administration, 2862 Business Park Drive, Building G, Memphis, Tennessee 38118–1555, telephone 901–322–8186. Comments on the proposed Noise Compatibility Program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This Notice announces that the FAA finds that the Noise Exposure Maps submitted for Cincinnati/Northern Kentucky International Airport are in compliance with applicable requirements of Part 150, effective October 9, 2007. Further, FAA is reviewing a proposed Noise Compatibility Program for that Airport which will be approved or disapproved on or before April 7, 2008. This notice also announces the availability for this Program for public review and comment.

Under 49 U.S.C. 47503 (the Aviation and Noise Abatement Act, (the Act)) an airport operator may submit to the FAA Noise Exposure Maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted Noise Exposure Maps that are found by FAA to be in compliance with the requirements of Part 150, promulgated pursuant to the Act, may submit a Noise Compatibility Program for FAA approval which sets forth the measures the operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The Kenton County Airport Board submitted to the FAA on February 21, 2007, Noise Exposure Maps, descriptions and other documentation that were produced during the Cincinnati/Northern Kentucky International Airport FAR Part 150 Noise Compatibility Study conducted between December 2003 and December 2006. It was requested that the FAA review this material as the Noise Exposure Maps, as described in Section 47503 of the Act, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a Noise Compatibility Program under Section 47504 of the Act.

The FAA has completed its review of the Noise Exposure Maps and related

descriptions submitted by Kenton County Airport Board. The specific documentation determined to constitute the Noise Exposure Maps includes: NEM–1 Existing (2006) Noise Exposure Map and Exhibit NEM–2 Future (2011) Noise Exposure Map/Noise Compatibility Program; Exhibit 2–1, Airport Environs; Exhibit 2–3, Generalized Existing Land Use; Exhibit 2–4 Existing Noise Sensitive Public Facilities; Exhibit 3–1 Existing (2006) Baseline Noise Exposure Contour; Exhibit 3–2 Future 2011 Baseline Noise Exposure Contour; Exhibit 3–3 Comparison of Existing (2006) Baseline and Future (2011) Baseline Noise Exposure Contours; Exhibit 4–1, Existing and Recommended Departure Corridors; Exhibit 4–2 Existing and Recommended Runup Locations; Exhibit 4–3, 36R Proposed Departure; Exhibit 4–6 2011 NEM/NCP Noise Exposure Contour compared to Future (2011) Baseline Noise Exposure contour; Table 4–2, Comparison of Baseline and NCP Housing, Population and Noise-Sensitive Public Facility Incompatibilities; Exhibit 4–7 Future (2006) NCP Noise Exposure Contour with 60 DNL; and Exhibit 4–8, Future (2011) NCP Noise Exposure Contour with 60 DNL description. The FAA has determined that these maps for Cincinnati/Northern Kentucky International Airport are in compliance with applicable requirements. This determination is effective on October 9, 2007. FAA's determination on the airport operator's Noise Exposure Maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of FAR Part 150. Such determination does not constitute approval of the airport operator's data, information or plans, or a commitment to approve a Noise Compatibility Program or to fund the implementation of that Program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a Noise Exposure Map submitted under Section 47503 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise exposure contours, or in interpreting the Noise Exposure Maps to resolve questions concerning, for example, which properties should be covered by the provisions of Section 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changes in any way under Part 150 or through FAA's review of Noise Exposure Maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted those maps, or with those public agencies and planning agencies with which consultation is required under Section 47503 of the Act. The FAA has relied on the certification by the airport operator, under Section 150.21 of Part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the Noise Compatibility Program for Cincinnati/Northern Kentucky International Airport, also effective on October 9, 2007. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of Noise Compatibility Programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before April 7, 2008.

The FAA's detailed evaluation will be conducted under the provisions of Part 150, Section 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing non-compatible land uses and preventing the introduction of additional non-compatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the Noise Exposure Maps, the FAA's evaluation of the maps, and the proposed Noise Compatibility Program are available for examination at the following locations: Federal Aviation Administration, Memphis Airports District Office, 2862 Business Park Drive, Building G, Memphis, Tennessee 38118–1555; Kenton County Airport Board, Cincinnati/Northern Kentucky Airport, Second Floor, Terminal One, Hebron, Kentucky.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT**.

Issued in Memphis, Tennessee, October 9, 2007.

Phillip J. Braden,

Manager, Memphis Airports District Office.

[FR Doc. 07–5102 Filed 10–16–07; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2007–29250]

Agency Information Collection Activities; Revision of an Approved Information Collection: OMB Control No. 2126–0011 (Commercial Driver Licensing and Test Standards)

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the existing Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for review and approval. This information collection is necessary to ensure that drivers, motor carriers and the States comply with the notification and recordkeeping requirements for information related to testing, licensing, violations, convictions and disqualifications and that the information is accurate. On July 10, 2007, FMCSA published a **Federal Register** notice allowing for a 60-day comment period on the ICR. One comment was received.

DATES: Please send your comments by November 16, 2007. OMB must receive your comments by this date in order to act quickly on the ICR.

ADDRESSES: You may submit comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 Seventeenth Street, NW., Washington, DC 20503, Attention: DOT/FMCSA Desk Officer.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Redmond, Senior Transportation Specialist, Office of Safety Programs, Commercial Driver's License Division, MC–ESL (W65–227), 1200 New Jersey Avenue, SE, Washington, DC 20590–0001. Telephone: 202–366–5014; e-mail *robert.redmond@dot.gov.* Office hours are from 9 a.m. to 5:30 p.m., e.t., Monday through Friday, except Federal Holidays.

SUPPLEMENTARY INFORMATION:

Title: Commercial Driver Licensing and Test Standards.

OMB Control Number: 2126–0011.

Type of Request: Revision of a currently-approved information collection.

Respondents: Drivers with a commercial driver's license (CDL) and State driver licensing agencies.

Estimated Number of Respondents: 8,332,800 driver respondents and 7,870,720 State respondents.

Estimated Time per Response: 5.15 minutes.

Expiration Date: October 31, 2007.

Frequency of Response: Variable.

Estimated Total Annual Burden: 1,391,456 hours.

The information collection is comprised of seven components:

(1) *Notification of Convictions/Disqualifications:* There are approximately 11.52 million active commercial driver's license (CDL) driver records. Each driver averages 1 conviction every 3 years. The estimated number of annual responses = 3,840,000 (11.52 million CDL drivers/3 = 3,840,000). It takes approximately 10 minutes to notify a motor carrier concerning convictions. The notification requirement has an estimated annual burden of 640,000 burden hours (3,840,000 convictions × 10/60 hours = 640,000 hours);

(2) *Providing Previous Employment History:* Estimated annual turnover rate of drivers is approximately 14 percent. There are an estimated 1,612,800 annual responses to this requirement (11.52 million CDL drivers × .14 annual turnover rate = 1,612,800). It takes approximately 15 minutes to complete this requirement. The employment history requirement has an estimated annual burden of 403,200 hours (1,612,800 annual responses × 15/60 hours = 403,200 hours);

(3) *State Certification of Compliance:* There are 51 responses (50 States and the District of Columbia) to this requirement and it takes approximately 32 hours to complete each response. The compliance certification requirement has an estimated annual burden of 1,632 hours (51 responses × 32 hours = 1,632 hours);

(4) *State Compliance Review Documentation:* A State CDL compliance review is conducted approximately every 3.4 years. There are 15 responses (51 States/3.4 years = 15 States/year). It takes approximately 160 hours to complete each response. The State compliance review documentation requirement has an estimated annual burden of 2,400 hours (15 States × 160 hours = 2,400 hours).

(5) *CDLIS Recordkeeping:* Fifty (50) States and the District of Columbia are required to enter data into the commercial driver's license information system (CDLIS) about operators of CMVs and to perform record checks before issuing, renewing, upgrading or transferring a CDL.

There are approximately 576,000 new drivers a year (11.52 million drivers × .05 = 576,000 new drivers). We estimate that the average amount of time for each CDLIS inquiry performed by a State to add a new driver is 2 minutes. The new driver requirement has an estimated annual burden of 19,200 hours (576,000 transactions × 2/60 = 19,200 hours).

There are 230,400 drivers a year who change their State of domicile (11.52 million drivers × .02 = 230,400 drivers). We estimate that the average amount of time for each CDLIS inquiry performed by a State to change a driver's State of domicile is 2 minutes. The State of domicile change requirement has an estimated annual burden of 7,680 hours (230,400 transactions × 2/60 hours = 7,680 hours).

Approximately 25 percent of convictions result in a disqualification. There are 4,800,000 driver convictions and disqualifications (3,840,000 convictions × 1.25 = 4,800,000). We estimate that the average amount of time for each transaction performed by a State is 2 minutes. The driver conviction/disqualification transaction requirement has an estimated annual burden of 160,000 hours (4,800,000 transactions × 2/60 hours = 160,000 hours).

Approximately 33 percent of active CDL drivers have a hazardous materials endorsement. The average renewal period is approximately 5 years. There are 760,320 drivers a year applying for, or renewing, a hazardous materials endorsement to their CDL (11.52 million active CDL drivers × .33/5 years = 760,320 drivers). We estimate that the average amount of time for each citizenship/resident alien status check performed by a State is 2 minutes. The citizenship/resident alien status check transaction requirement has an estimated annual burden of 25,344 hours (760,320 transactions × 2/60 hours = 25,344 hours).

The total burden hours for these combined collection of information activities is 212,224 hours (19,200 hours + 7,680 hours + 160,000 hours + 25,344 hours = 212,224 hours).

(6) *CDL Application Form:* There are approximately 576,000 new CDL applicants a year. It takes approximately 1 minute to complete the CDL application. The new applicant CDL application requirement has an estimated annual burden of 9,600 hours (576,000 applications × 1 /60 hours = 9,600 hours).

The average CDL renewal period is approximately 5 years. Therefore, 2,304,000 drivers renew their CDL a year (11.52 million active CDL drivers/5 years = 2,304,000 drivers). It takes approximately 1 minute for renewal drivers to complete the CDL application. The renewal driver CDL application requirement has an estimated annual burden of 38,400 hours (2,304,000 × 1/60 hours = 38,400 hours).

The total burden hours for these combined collection of information activities is 48,000 hours (9,600 hours + 38,400 hours = 48,000 hours).

(7) *Knowledge and Skills Test Recordkeeping*: There are approximately 576,000 new CDL applicants a year. It takes approximately 2 minutes to record the results of knowledge tests and 5 minutes for the skills tests. Approximately 25 percent of the applicants fail the knowledge and skills tests.

The knowledge test recordkeeping requirement has an estimated annual burden of 24,000 hours (576,000 applicants × 2 /60 hours × 1.25 = 24,000 hours).

The skills test recordkeeping requirement has an estimated annual burden of 60,000 hours (576,000 applicants × 5/60 hours × 1.25 = 60,000).

The total burden hours are 84,000 hours for these combined activities (24,000 + 60,000 = 84,000).

Background: The licensed drivers in the United States deserve reasonable assurance that their fellow motorists are properly qualified to drive the vehicles they operate. Before the Commercial Motor Vehicle Safety Act of 1986 (CMVSA or the Act at Public Law 99–570, Title XII, 100 Stat. 3207–170), was signed by the President on October 27, 1986, 18 States and the District of Columbia authorized any person licensed to drive an automobile to also legally drive a large truck or bus. No special training or special license was required to drive these vehicles, even though it was widely recognized that operation of certain types of vehicles called for special skills, knowledge and training. Even in the 32 States that had a classified driver licensing system, only 12 required an applicant to take a skills test in a representative vehicle. Equally serious was the problem of drivers possessing multiple driver licenses that enabled the commercial motor vehicle (CMV) drivers to avoid license suspension for traffic law convictions. By spreading their convictions among several States, CMV drivers could avoid punishment for their infringements and stay behind the wheel.

The CMVSA addressed these problems. Section 12002 of the Act makes it illegal for a CMV operator to have more than one driver's license. Section 12003 requires the CMV driver conducting operations in commerce to notify both the designated State of licensure official and the driver's employer of any convictions of State or local laws relating to traffic control (except parking tickets). This section also requires each person who applies for employment as a CMV operator to notify prospective employers of all previous employment as a CMV operator for at least the previous ten years.

In section 12005 of the Act, the Secretary of Transportation (Secretary) is required to develop minimum Federal standards for testing and licensing of operators of CMVs.

Section 12007 of the Act also directs the Secretary, in cooperation with the States, to develop a clearinghouse to aid the States in implementing the one driver, one license, and one driving record requirement. This clearinghouse is known as the CDLIS.

The CMVSA further requires each person who has a CDL suspended, revoked or canceled by a State, or who is disqualified from operating a CMV for any period, to notify his or her employer of such actions. Drivers of CMVs must notify their employers within 1 business day of being notified of the license suspension, revocation, and cancellation, or of the lost right to operate or disqualification. These requirements are reflected in 49 CFR part 383, titled ''*Commercial Driver's License Standards; Requirements and Penalties.*''

Specifically, section 383.21 prohibits a person from having more than one license; section 383.31 requires notification of convictions for driver violations; section 383.33 requires notification of driver's license suspensions; section 383.35 requires notification of previous employment; and section 383.37 outlines employer responsibilities. Section 383.111 requires the passing of a knowledge test by the driver and section 383.113 requires the passing of a skills test by the driver; section 383.115 contains the requirement for the double/triple trailer endorsement, section 383.117 contains the requirement for the passenger endorsement, section 383.119 contains the requirement for the tank vehicle endorsement and section 383.121 contains the requirement for the hazardous materials endorsement.

Section 12011 of the CMVSA states that the Secretary shall withhold a portion of the Federal-aid highway funds apportioned to a State if the State does not substantially comply with the requirements in section 12009(a) of the Act. The information gathered during State compliance reviews is used to determine whether States are complying with these requirements.

A final rule was published on July 31, 2002 (67 FR 4972) implementing 15 of the 16 CDL-related provisions of the Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106–159, 113 Stat. 1748 (Dec. 9, 1999)) that were designed to enhance the safety of drivers on our nation's highways by ensuring that only safe drivers operate CMVs. These new requirements are contained in 49 CFR part 383 and include: five new major and serious disqualifying offenses (section 383.51): non-CMV disqualifying offenses by a CDL holder (section 383.51); disqualification of drivers determined to be an imminent hazard (section 383.52); a new school bus endorsement (section 383.123); a prohibition on issuing a hardship license to operate a CMV while under suspension (section 384.210); a prohibition on masking convictions (section 384.226); and various requirements for transmitting, posting and retaining driver convictions and disqualification records

An interim final rule (IFR) was published on May 5, 2003 (68 FR 23844) as a companion rule to the Transportation Security Administration's (TSA's) May 5, 2003 IFR implementing section 1012 of the USA PATRIOT Act (Public Law 107–56) on security threat assessments for drivers applying for, or renewing, a CDL with a hazardous materials endorsement. While TSA set the requirements in their rule; FMCSA has the responsibility as part of the CDL testing and issuance process to ensure that States are in compliance with the TSA requirements.

The 10-year employment history information supplied by the CDL holder to the employer upon application for employment (49 CFR 383.35) is used to assist the employer in meeting his/her responsibilities to ensure that the applicant does not have a history of high safety risk behavior.

State officials use the information collected on the license application form (49 CFR 383.71) and the conviction and disqualification data posted to the driving record (49 CFR 383.73) to prevent unqualified and/or disqualified CDL holders from operating CMVs on the nation's highways. State officials are also required to administer knowledge and skills tests to CDL driver applicants (49 CFR 384.202). The driver applicant is required to correctly answer at least 80 percent of the questions on each knowledge test in order to achieve a passing score on that test. To achieve a passing score on the skills test, the driver applicant must demonstrate that he/she can successfully perform all of the skills listed in the regulations. During State CDL compliance reviews, FMCSA officials review this information to ensure that the provisions of the regulations are being carried out. Without the aforementioned requirements, there would be no uniform control over driver licensing practices to prevent unqualified and/or disqualified drivers from being issued a CDL and to prevent unsafe drivers from spreading their convictions among several licenses in several States and remaining behind the wheel of a CMV. Failure to collect this information would render the regulations unenforceable.

Information submitted by the States will be used by FMCSA to determine if individual States are in ''substantial compliance'' with section 12009(a) of the CMVSA. The FMCSA reviews information submitted by the States and conducts such reviews, audits, and investigations of each State once every three years or as it deems necessary to make compliance determinations for all States and the District of Columbia. If this information were not available, FMCSA would have no means of independently verifying State compliance.

This request for renewed approval includes three additional information collection items: (1) ''State completing documents for a State-CDL compliance review [49 CFR 384],'' (2) ''CDL Knowledge and Skills Tests Recordkeeping [49 CFR 384.202]'' and 3) driver renewals under ''Driver Completion of the CDL Application [49 CFR 383.71].''

Only one comment was received in response to the 60-day notice that was published on July 10, 2007 (72 FR 37563). It was in the form of a report on covert monitoring of third-party testers from the State of North Carolina, Division of Motor Vehicles. The report did not provide any information that would affect the information collection burden hour estimate.

Definitions: Under 49 CFR 383.5, a CMV is defined as a motor vehicle or combination of motor vehicles which: (a) Has a gross combination weight rating of 11,794 or more kilograms (kg) (26,001 or more pounds (lbs) inclusive of a towed unit with a gross vehicle weight rating (GVWR) of more than 4,536 kg (10,000 lbs); (b) has a GVWR of 11,794 or more kg (26,001 or more lbs); (c) is designed to transport 16 or

more passengers, including the driver; or (d) is of any size and is used to transport hazardous materials as hazardous materials are defined in 49 CFR 383.5.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for the FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued on: October 11, 2007.

Terry Shelton,

Associate Administrator, Research & Information Technology.

[FR Doc. E7–20490 Filed 10–16–07; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

Availability of Grant Program Funds for Commercial Driver's License Program Improvements

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice.

SUMMARY: The Federal Motor Carrier Safety Administration announces the availability of Commercial Driver's License Program Improvement (CDLPI) grant funding as authorized by Section 4124 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU). The program is a discretionary grant program that provides funding for improving States' implementation of the Commercial Driver's License (CDL) program, including expenses for computer hardware and software, publications, testing, personnel, training, and quality control. Grants to bring States into compliance with the requirements in 49 CFR parts 383 and 384 will receive priority. Grants made under this program may not be used to rent, lease, or buy land or buildings. The agency in each State designated as the primary driver licensing agency responsible for the development, implementation, and maintenance of the CDL program is eligible to apply for grant funding. To apply for funding, applicants must register with the grants.gov Web site (*http://www.grants.gov/applicants/get_registered.jsp*) and submit an application in accordance with instructions provided. Applications for grant funding must be submitted electronically to the FMCSA through the grants.gov Web site.

DATES: FMCSA will initially consider funding for applications submitted by January 8, 2008, by qualified applicants. If additional funding remains available, applications submitted after January 8, 2008, will be considered on a case-by-case basis. Funds will not be available for allocation until fiscal year 2008 appropriations legislation is passed and signed into law.

FOR FURTHER INFORMATION CONTACT: Visit *http://www.grants.gov.* Information on the grant, application process, and additional contact information is available at that Web site. General information about the CDLPI grant is available in The Catalog of Federal Domestic Assistance (CFDA) which can be found on the Internet at *http://www.cfda.gov.* The CFDA number for CDLPI is 20.232. You may also contact Mr. James Davis, Federal Motor Carrier Safety Administration, Office of Safety Programs, Commercial Driver's License Division (MC–ESL), 202–366–6406, 1200 New Jersey Avenue, SE., Suite W65–226, Washington, DC 20590. Office hours are from 8 a.m. to 4:30 p.m., ET, Monday through Friday, except Federal holidays.

William Quade,

Associate Administrator, Enforcement and Policy Program Delivery.

[FR Doc. E7–20487 Filed 10–16–07; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2007–28055]

Demonstration Project on NAFTA Trucking Provisions

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice; request for public comment.

SUMMARY: The FMCSA announces and requests public comment on data and information concerning the Pre-Authority Safety Audits (PASAs) for motor carriers that have applied to participate in the Agency's project to demonstrate the ability of Mexico-domiciled motor carriers to operate safely in the United States beyond the commercial zones along the U.S.-Mexico border. This action is required by the ''U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007.''

DATES: Comments must be received on or before November 1, 2007.

ADDRESSES: You may submit comments identified by FDMS Docket ID Number FMCSA–2007–28055 by any of the following methods:

- *Federal eRulemaking Portal*: Go to *http://www.regulations.gov*. Follow the online instructions for submitting comments.

Alternatively, you can file comments using the following methods:

- *Mail*: Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590.
- *Hand Delivery or Courier*: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- *Fax*: 202–493–2251.

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process, see the Request for Comments heading of the Supplementary Information section of this document. Note that all comments received will be posted without change to *http://www.regulations.gov*, including any personal information provided. Please see the Privacy Act heading below.

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 (65 FR 19477–78).

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov*. Follow the online instructions for accessing the dockets.

FOR FURTHER INFORMATION CONTACT: Mr. Milt Schmidt, Division Chief, North American Borders Division, Telephone (202) 366–4049; e-mail *milt.schmidt@dot.gov*.

SUPPLEMENTARY INFORMATION:

Background

On May 25, 2007, the President signed into law the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (the Act), (Public Law 110–28). Section 6901 of the Act requires that certain actions be

taken by the Department of Transportation (the Department) as a condition of obligating or expending appropriated funds to grant authority to Mexico-domiciled motor carriers to operate beyond United States municipalities and commercial zones on the United States-Mexico border (border commercial zones).

Section 6901(b)(2)(B)(i) of the Act requires FMCSA to publish comprehensive data and information on the pre-authorization safety audits (PASAs) conducted before and after the date of enactment of the Act of motor carriers domiciled in Mexico that are granted authority to operate beyond the border commercial zones. As of October 9, 2007, five carriers have been granted authority to operate beyond the border commercial zones as part of this demonstration project. However, FMCSA has chosen to publish for public comment data and information relating to all PASAs conducted as of October 9, 2007.

On June 8, 2007, FMCSA published PASA data for all motor carriers that had applied to participate in the demonstration project, based on information available as of May 31, 2007. The FMCSA announces that the following Mexico-domiciled motor carriers in Table 1 have successfully completed their PASAs since the publication of the June 8 notice:

TABLE 1

Row number in tables 2 through 4 of the Appendix to today's notice	Name of carrier	USDOT umber
3	ARTEMIO GUERRERO ZAVALA	555995
6	GUADALUPE OCON & RUFUGIO ROMO SAUCEDO	557217
12	JOSE DAVID RUVALCABA ADAME	563815
13	TRINITY INDUSTRIES DE MÉXICO, S. DE R.L. DE C.V.	610385
15	GCC TRANSPORTE, S.A. DE C.V.	650155
18	MOISES ALVAREZ PEREZ	677516
22	VERONICA GONZALEZ & GILBERTO GONZALEZ NUNO	736405
24	NOE BASILIO MONTIEL	786826
25	QNW DE BAJA SA DE CV	791091
31	EDS INTERNACIONAL SA DE CV	924559
32	OSCAR HILARIO MARTINEZ	947058
34	FIDEPAL S DE RL DE IP Y CV	975522
44	AVOMEX INTERNACIONAL SA DE CV	1142107
45	AGUIRRE RAMOS JORGE LUIS	1286830
47	TRANSPORTES SELG SA DE CV	1658656

The FMCSA includes as an appendix to this **Federal Register** notice, data and information on the PASAs for which the motor carrier successfully completed the process before the enactment of the Act, and any completed since then. See Tables 2, 3, and 4 in the appendix. The appendix also includes information about carriers that failed the PASA in Table 5. Although failure to successfully complete the PASA precludes their participation in the project and the Act only requires publication of data for carriers receiving operating authority, FMCSA is publishing this information to show that an additional 20 motor carriers, in addition to the six motor carriers published on June 8, have failed to meet U.S. safety standards. A narrative description of each column heading contained within the appendix's Tables 2, 3, and 4, ''Successful Pre-Authority Safety Audit (PASA) Information as of October 9, 2007'' as well as in Table 5 ''Failed Pre-Authority Safety Audit (PASA) Information as of October 9, 2007,'' is provided below:

A. *Row Number in the Appendix:* The line in the table on which all the PASA information concerning the motor carrier is presented.

B. *Name of Carrier:* The legal name of the Mexico-domiciled motor carrier that applied for authority to operate in the United States (U.S.) beyond the border commercial zones and was considered for participation in the cross border demonstration project.

C. *U.S. DOT Number:* The identification number assigned to the Mexico-domiciled motor carrier and required to be displayed on each side of the power unit. If granted provisional operating authority, the Mexico domiciled motor carrier will be required to add the suffix ''X'' to the ending of its assigned U.S. DOT Number.

D. *PASA Scheduled:* The date the Pre-Authorization Safety Audit (PASA) was scheduled to be initiated.

E. *PASA Completed:* The date the PASA was completed.

F. *PASA Results:* The results upon completion of the PASA. The PASA receives a quality assurance review before approval. The quality assurance process involves a dual review by the FMCSA Division Office Supervisor of the Auditor assigned to conduct the PASA and the FMCSA Service Center New Entrant Specialist designated for the specific FMCSA Division Office. The dual review ensures the successfully completed PASA was conducted in accordance with FMCSA policy, procedures and guidance. Upon approval, the PASA results are uploaded into the FMCSA Motor Carrier Management Information System (MCMIS). The PASA information and results are then recorded in the Mexico-domiciled motor carrier's safety performance record in MCMIS.

G. *FMCSA Register:* The date the FMCSA published notice of a successfully completed PASA in the FMCSA Register. The FMCSA Register notice advises interested parties that the application has been preliminarily granted and that protests to the application must be filed within 10 days of the publication date. Protests are filed with FMCSA Headquarters in Washington, DC. The notice in the FMCSA Register lists the following information:

a. Current registration number (e.g., MX–123456);

b. Date the notice was published in the FMCSA Register;

c. The applicant's name and address; and

d. Representative or contact information for the applicant.

H. *U.S. Drivers:* The total number of drivers the motor carrier intends to use in the United States.

I. *U.S. Vehicles:* The total number of power units the motor carrier intends to operate in the United States.

J. *Passed Verification 5 Elements (Yes/No):* A Mexico-domiciled motor carrier will not be granted provisional operating authority if FMCSA cannot verify all of the following five mandatory elements. FMCSA must:

a. Verify a controlled substances and alcohol testing program consistent with 49 CFR Part 40.

b. Verify a system of compliance with hours-of-service rules of 49 CFR Part 395, including recordkeeping and retention;

c. Verify proof of financial responsibility;

d. Verify records of periodic vehicle inspections; and

e. Verify the qualifications of each driver the carrier intends to use under such authority, as required by 49 CFR Parts 383 and 391, including confirming the validity of each driver's Licencia Federal de Conductor.

K. *If No, Which Element Failed:* If FMCSA could not verify one or more of the five mandatory elements outlined in 49 CFR Part 365, Appendix A, Section III, this column will specify which mandatory element(s) could not be verified.

Please note that for items L through P below, during the PASA, after verifying the five mandatory elements discussed in item G above, FMCSA will gather information by reviewing a motor carrier's compliance with ''acute and critical'' regulations of the Federal Motor Carrier Safety Regulations (FMCSRs) and Hazardous Materials Regulations (HMRs). Acute regulations are those where noncompliance is so severe as to require immediate corrective actions by a motor carrier regardless of the overall basic safety management controls of the motor carrier. Critical regulations are those where noncompliance relates to management and/or operational controls. These are indicative of breakdowns in a carrier's management controls. A list of acute and critical regulations is included in 49 CFR Part 385, Appendix B, Section VII.

Parts of the FMCSRs and HMRs having similar characteristics are combined together into six regulatory areas called ''factors.'' The regulatory factors are intended to evaluate the adequacy of a carrier's management controls.

Factor 5 relates to the transportation of hazardous materials and was omitted below, as Mexico-domiciled motor carriers that transport hazardous materials are not permitted to participate in the cross-border demonstration project.

L. *Passed Phase 1, Factor 1:* A ''yes'' in this column indicates the carrier has successfully met Factor 1 (listed in Part 365, Subpart E, Appendix A, Section IV(f)). Factor 1 includes the General Requirements outlined in Parts 387 (Minimum Levels of Financial Responsibility for Motor Carriers) and 390 (Federal Motor Carrier Safety Regulations-General).

M. *Passed Phase 1, Factor 2:* A ''yes'' in this column indicates the carrier has successfully met Factor 2, which includes the Driver Requirements outlined in Parts 382 (Controlled Substances and Alcohol Use and Testing), 383 (Commercial Driver's License Standards; Requirements and Penalties) and 391 (Qualifications of Drivers and Longer Combination Vehicle (LCV) Driver Instructors).

N. *Passed Phase 1, Factor 3:* A ''yes'' in this column indicates the carrier has successfully met Factor 3, which includes the Operational Requirements outlined in Parts 392 (Driving of Commercial Motor Vehicles) and 395 (Hours of Service of Drivers).

O. *Passed Phase 1, Factor 4:* A ''yes'' in this column indicates the carrier has successfully met Factor 4, which includes the Vehicle Requirements outlined in Parts 393 (Parts and Accessories Necessary for Safe Operation) and 396 (Inspection, Repair and Maintenance) and vehicle inspection and out-of-service data for the last 12 months.

P. *Passed Phase 1, Factor 6:* A ''yes'' in this column indicates the carrier has successfully met Factor 6, which includes Accident History. This factor is the recordable accident rate during the past 12 months. A recordable ''accident'' is defined in 49 CFR 390.5, and means an accident involving a commercial motor vehicle operating on a public road in interstate or intrastate commerce which results in: a fatality; a bodily injury to a person who, as a result of the injury, immediately received medical treatment away from the scene of the accident; or one or more motor vehicles incurring disabling damage as a result of the accident requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

Q. *Number U.S. Vehicles Inspected:* The total number of vehicles (power units and trailers) the motor carrier intends to operate in the United States that received a vehicle inspection during the PASA. During a PASA, FMCSA inspected all vehicles that did not display a current Commercial Vehicle Safety Alliance (CVSA) inspection decal. This number reflects the vehicles that were inspected, irrespective of whether the vehicle received a CVSA inspection decal as a result of a passed inspection.

R. *Number U.S. Vehicles Issued CVSA Decal:* The total number of inspected vehicles (power units and trailers) the motor carrier intends to operate in the United States that received a CVSA inspection decal as a result of an inspection during the PASA.

S. *Number U.S. Vehicles with Current CVSA Decal:* The total number of vehicles (power units and trailers) the motor carrier intends to operate in the United States that displayed a current CVSA inspection decal at the time of the PASA.

T. *Controlled Substances Collection:* Refers to the applicability and/or country of origin of the controlled substance and alcohol collection facility that will be used by a motor carrier who has successfully completed the PASA.

a. ''US'' means the controlled substance and alcohol collection facility is based in the United States.

b. ''MX'' means the controlled substance and alcohol collection facility is based in Mexico.

c. ''Non-CDL'' means that during the PASA, FMCSA verified that the motor carrier is not utilizing commercial motor vehicles subject to the commercial driver's license requirements as defined in 49 CFR 383.5 (Definition of Commercial Motor Vehicle). Any motor carrier that does not operate commercial motor vehicles as defined in § 383.5 is not subject to DOT controlled substance and alcohol testing requirements.

U. *Name of Controlled Substances and Alcohol Collection Facility:* Shows the name and location of the U.S. controlled substances and alcohol collection facility that will be used by a Mexico-domiciled motor carrier who has successfully completed the PASA.

Request for Comments

In accordance with the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, FMCSA requests public comment from all interested persons on the PASA information presented in the appendix to this notice. All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the address section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In

addition to late comments, the FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Issued on: October 11, 2007.

John H. Hill,

Administrator.

Appendix

BILLING CODE 4910–EX–P

Table 2 - Successful Pre-Authority Safety Audit (PASA) Information as of October 9, 2007 (see also Tables 3 and 4)

Column A - Row	Column B - Name of Carrier	Column C - US DOT Number	Column D - PASA Scheduled	Column E - PASA Completed	Column F - PASA Result	Column G - FMCSA Register	Column H - Drivers Identified Who Motor Carrier Intends to Operate in the United States	Column I - Vehicles Identified Who Motor Carrier Intends to Operate in the United States
1	JUAN MARTIN RAMIREZ AMEZ	264875	3/19/2007	3/29/2007	Passed	4/20/2007	15	16
2	FERNANDO PAEZ TREVINO	555188	2/22/2007	2/22/2007	Passed	3/2/2007	2	2
3*	ARTEMIO GUERRERO ZAVALA	555995	9/5/2007	9/5/2007	Passed		3	1
4	DAVID KLASSEN PETERS	556741	3/14/2007	3/14/2007	Passed	5/7/2007	1	2
5	LUIS EUSEBIO SALGADO ESQUER	557042	3/6/2007	3/6/2007	Passed	4/5/2007	6	5
6*	GUADALUPE OCON & RUFUGIO ROMO SAUCEDO	557217	7/17/2007	7/17/2007	Passed		1	1
7	JORGE EDUARDO VALENZUELA MORENO	557969	3/28/2007	3/28/2007	Passed	4/18/2007	1	1
8	LUCIANO PADILLA MARTINEZ	557972	4/3/2007	4/4/2007	Passed	4/20/2007	3	3
9	FRANCISCA BURGOS VIZCARRA	558189	3/12/2007	3/15/2007	Passed	4/19/2007	12	10
10	RICARDO CESAR MARTINEZ MONTEMAYOR	559560	2/22/2007	2/22/2007	Passed	3/10/2007	4	1
11	ORLANDO NEVID LOPEZ HERNANDEZ	559947	3/16/2007	3/16/2007	Passed	4/20/2007	1	1
12 *	JOSE DAVID RUVALCABA ADAME	563815	6/13/2007	6/13/2007	Passed		1	1
13*	TRINITY INDUSTRIES DE MÉXICO, S. DE R.L. DE C.V.	610385	9/10/2007	9/13/2007	Passed		14	16
14	ALFREDO SOLORIO TOLENTINO	635221	3/13/2007	3/13/2007	Passed	4/18/2007	6	6
15 *	GCC TRANSPORTE, S.A. DE C.V.	650155	7/19/2007	7/20/2007	Passed	8/10/2007	13	13
16	TRANSPORTES RAFA DE BAJA CALIFORNIA, S.A. DE C.V.	650383	3/26/2007	3/29/2007	Passed	9/5/2007	3	2
17	RAUL SOLORIO ORTIZ	650954	5/22/2007	5/30/2007	Passed	7/5/2007	4	2
18*	MOISES ALVAREZ PEREZ	677516	8/21/2007	8/21/2007	Passed		1	1
19	FLETES GARIBAY S.A. DE C.V.	677669	3/14/2007	3/16/2007	Passed	4/18/2007	3	4
20	HIGIENICOS Y DESECHABLES DEL BAJIO, S.A. DE C.V.	710491	4/17/2007	4/19/2007	Passed	5/7/2007	3	3
21	SERVICIOS DE TRANSPORTACION JAGUAR S.A.	721671	3/15/2007	3/15/2007	Passed	5/7/2007	18	42
22*	VERONICA GONZALEZ & GILBERTO GONZALEZ NUNO	736405	8/30/2007	8/30/2007	Passed		4	2
23	HOMERO BELTRAN AND ALFONSO DEL REAL MONTOYA	777182	3/12/2007	3/14/2007	Passed	4/17/2007	3	4
24*	NOE BASILIO MONTIEL	786826	9/13/2007	9/14/2007	Passed		5	2
25*	QNW DE BAJA SA DE CV	791091	8/28/2007	8/28/2007	Passed	10/4/2007	1	1
26	MATEO CARDENAS ARROYO AND GUSTAVO VEGA	812869	4/17/2007	4/17/2007	Passed	5/7/2007	13	12
27	FRANCISCO ULLOA MONTANO	817872	4/2/2007	4/10/2007	Passed	4/25/2007	7	7
28	HECTOR OBETH PIMENTEL GUERRERO	845669	5/1/2007	5/4/2007	Passed	6/20/2007	5	1
29	JUAN MANUEL MALDONADO TOPETE	879793	4/3/2007	4/4/2007	Passed	5/29/2007	3	3
30	RICARDO BRAVO MAR AND JACK CLAYTON CASNER	880852	4/17/2007	4/18/2007	Passed	5/4/2007	5	5
31*	EDS INTERNACIONAL SA DE CV	924559	8/20/2007	9/4/2007	Passed	9/25/2007	2	1
32*	OSCAR HILARIO MARTINEZ	947058	7/17/2007	7/19/2007	Passed	8/15/2007	2	2
33	ROBERTO MONTEMAYOR CRUZ	951134	3/27/2007	3/28/2007	Passed	6/4/2007	2	2
34*	FIDEPAL S DE RL DE IP Y CV	975522	8/28/2007	8/29/2007	Passed		1	1
35	SERVICIOS REFRIGERADOS INTERNACIONALES SA DE CV	1052546	3/22/2007	3/22/2007	Passed	5/7/2007	5	5
36	MEXICANA DE TRASLADOS CALDERON SA DE CV	1054803	3/20/2007	3/21/2007	Passed	5/7/2007	1	2
37	MARIA DEL CARMEN LOPEZ ARMENTA	1055053	4/3/2007	4/4/2007	Passed	4/20/2007	1	1
38	TRANSPORTES MONTEBLANCO SA DE CV	1059694	3/13/2007	3/13/2007	Passed	5/7/2007	2	1
39	EDMUNDO JESUS GUAJARDO BURSIAN	1068315	3/28/2007	3/28/2007	Passed	5/7/2007	1	1
40	RICARDO JAIDREL RODRIGUEZ BOGARIN & DANIEL CARRILLORODRIGUEZ	1068792	4/4/2007	4/5/2007	Passed	5/1/2007	4	4
41	JOSE ANAYA ROMERO	1080131	4/25/2007	4/25/2007	Passed	5/29/2007	1	1
42	MARIA DEL SOCORRO VALERIO LIZCANO	1082863	3/6/2007	3/6/2007	Passed	5/7/2007	1	1
43	TRANSPORTES DE CARGA SANTOYO SA DE CV	1106825	4/18/2007	4/20/2007	Passed	5/8/2007	3	3
44*	AVOMEX INTERNACIONAL SA DE CV	1142107	8/28/2007	8/30/2007	Passed		6	6
45*	AGUIRRE RAMOS JORGE LUIS	1286830	7/10/2007	7/10/2007	Passed	5/8/2007	1	1
46	MARCO VINICIO PINEDA VILLEGAS	1292413	4/24/2007	4/24/2007	Passed	5/29/2007	1	1
47*	TRANSPORTES SELG SA DE CV	1658656	9/25/2007	9/27/2007	Passed		5	8
	Number of Drivers and Vehicles Which Mexico-Domiciled Motor Carriers Intend to Operate in the United States That Have Passed a Pre-Authority Safety Audit						200	211

* - This motor carrier is an additional successful applicant which has passed the Pre-Authority Safety Audit after the June 8, 2007, Federal Register Notice.

Table 3 - Successful Pre-Authority Safety Audit (PASA) Information as of October 9, 2007 (see also Tables 2 and 4)

Column A - Row	Column B - Name of Carrier	Column C - US DOT Number	Column J - Passed Verification 5 Elements (Yes/No)	Column K - If No, Which Element Failed	Column L - Passed Phase 2 Factor 1	Column M - Passed Phase I Factor 2	Column N - Passed Phase I Factor 3	Column O - Passed Phase I Factor 4	Column P - Passed Phase I Factor 6
1	JUAN MARTIN RAMIREZ AMEZ	264875	YES		YES	YES	YES	YES	YES
2	FERNANDO PAEZ TREVINO	555188	YES		YES	YES	YES	YES	YES
3*	ARTEMIO GUERRERO ZAVALA	555995	YES		YES	YES	YES	YES	YES
4	DAVID KLASSEN PETERS	556741	YES		YES	YES	YES	YES	YES
5	LUIS EUSEBIO SALGADO ESQUER	557042	YES		YES	YES	YES	YES	YES
6*	GUADALUPE OCON & RUFUGIO ROMO SAUCEDO	557217	YES		YES	YES	YES	YES	YES
7	JORGE EDUARDO VALENZUELA MORENO	557969	YES		YES	YES	YES	YES	YES
8	LUCIANO PADILLA MARTINEZ	557972	YES		YES	YES	YES	YES	YES
9	FRANCISCA BURGOS VIZCARRA	558189	YES		YES	YES	YES	YES	YES
10	RICARDO CESAR MARTINEZ MONTEMAYOR	559560	YES		YES	YES	YES	YES	YES
11	ORLANDO NEVID LOPEZ HERNANDEZ	559947	YES		YES	YES	YES	YES	YES
12 *	JOSE DAVID RUVALCABA ADAME	563815	YES		YES	YES	YES	YES	YES
13*	TRINITY INDUSTRIES DE MÉXICO, S. DE R.L. DE C.V.	610385	YES		YES	YES	YES	YES	YES
14	ALFREDO SOLORIO TOLENTINO	635221	YES		YES	YES	YES	YES	YES
15 *	GCC TRANSPORTE, S.A. DE C.V.	650155	YES		YES	YES	YES	YES	YES
16	TRANSPORTES RAFA DE BAJA CALIFORNIA, S.A. DE C.V.	650383	YES		YES	YES	YES	YES	YES
17	RAUL SOLORIO ORTIZ	650954	YES		YES	YES	YES	YES	YES
18*	MOISES ALVAREZ PEREZ	677516	YES		YES	YES	YES	YES	YES
19	FLETES GARIBAY S.A. DE C.V.	677669	YES		YES	YES	YES	YES	YES
20	HIGIENICOS Y DESECHABLES DEL BAJIO, S.A. DE C.V.	710491	YES		YES	YES	YES	YES	YES
21	SERVICIOS DE TRANSPORTACION JAGUAR S.A.	721671	YES		YES	YES	YES	YES	YES
22*	VERONICA GONZALEZ & GILBERTO GONZALEZ NUNO	736405	YES		YES	YES	YES	YES	YES
23	HOMERO BELTRAN AND ALFONSO DEL REAL MONTOYA	777182	YES		YES	YES	YES	YES	YES
24*	NOE BASILIO MONTIEL	786826	YES		YES	YES	YES	YES	YES
25*	QNW DE BAJA SA DE CV	791091	YES		YES	YES	YES	YES	YES
26	MATEO CARDENAS ARROYO AND GUSTAVO VEGA	812869	YES		YES	YES	YES	YES	YES
27	FRANCISCO ULLOA MONTANO	817872	YES		YES	YES	YES	YES	YES
28	HECTOR OBETH PIMENTEL GUERRERO	845669	YES		YES	YES	YES	YES	YES
29	JUAN MANUEL MALDONADO TOPETE	879793	YES		YES	YES	YES	YES	YES
30	RICARDO BRAVO MAR AND JACK CLAYTON CASNER	880852	YES		YES	YES	YES	YES	YES
31*	EDS INTERNACIONAL SA DE CV	924559	YES		YES	YES	YES	YES	YES
32*	OSCAR HILARIO MARTINEZ	947058	YES		YES	NO	YES	YES	YES
33	ROBERTO MONTEMAYOR CRUZ	951134	YES		YES	YES	YES	YES	YES
34*	FIDEPAL S DE RL DE IP Y CV	975522	YES		YES	YES	YES	YES	YES
35	SERVICIOS REFRIGERADOS INTERNACIONALES SA DE CV	1052546	YES		YES	YES	YES	YES	YES
36	MEXICANA DE TRASLADOS CALDERON SA DE CV	1054803	YES		YES	YES	YES	YES	YES
37	MARIA DEL CARMEN LOPEZ ARMENTA	1055053	YES		YES	YES	YES	YES	YES
38	TRANSPORTES MONTEBLANCO SA DE CV	1059694	YES		YES	YES	YES	YES	YES
39	EDMUNDO JESUS GUAJARDO BURSIAN	1068315	YES		YES	YES	YES	YES	YES
40	RICARDO JAIDREL RODRIGUEZ BOGARIN & DANIEL CARRILLORODRIGUEZ	1068792	YES		YES	YES	YES	YES	YES
41	JOSE ANAYA ROMERO	1080131	YES		YES	YES	YES	YES	YES
42	MARIA DEL SOCORRO VALERIO LIZCANO	1082863	YES		YES	YES	YES	YES	YES
43	TRANSPORTES DE CARGA SANTOYO SA DE CV	1106825	YES		YES	YES	YES	YES	YES
44*	AVOMEX INTERNACIONAL SA DE CV	1142107	YES		YES	YES	YES	YES	YES
45*	AGUIRRE RAMOS JORGE LUIS	1286830	YES		YES	YES	YES	YES	YES
46	MARCO VINICIO PINEDA VILLEGAS	1292413	YES		YES	YES	YES	YES	YES
47*	TRANSPORTES SELG SA DE CV	1658656	YES		YES	YES	YES	YES	YES

* - This motor carrier is an additional successful applicant which has passed the Pre-Authority Safety Audit after the June 8, 2007, Federal Register Notice.

Table 4 - Successful Pre-Authority Safety Audit (PASA) Information as of October 9, 2007 (see also Tables 2 and 3)

Column A - Row	Column B - Name of Carrier	Column C - US DOT Number	Column Q - Number US Vehicles Inspected Which Carrier Intends to Operate in the US	Column R - Number US Vehicles Issued CVSA Decal Which Carrier Intends to Operate in the US	Column S - Number US Vehicles with current CVSA Decal Which Carrier Intends to Operate in the US	Column T - Controlled Substances Collection	Column U - Name of Controlled Substances and Alcohol Collection Facility
1	JUAN MARTIN RAMIREZ AMEZ	264875	2	13	0	US	Behavior Research, San Diego, CA
2	FERNANDO PAEZ TREVINO	555188	4	4	0	US	In-House Random Selections-LabCorp, Houston, TX
3*	ARTEMIO GUERRERO ZAVALA	555995	1	1	0	NON CDL **	Not Applicable
4	DAVID KLASSEN PETERS	556741	2	2	0	US	Access Drug Testing Inc, El Paso, TX
5	LUIS EUSEBIO SALGADO ESQUER	557042	1	1	UNKNOWN	US	Behavior Research, San Diego, CA
6*	GUADALUPE OCON & RUFUGIO ROMO SAUCEDO	557217	0	0	1	US	Ruiz & Associates, Imperial, CA
7	JORGE EDUARDO VALENZUELA MORENO	557969	2	2	0	US	Ruiz & Associates, Imperial, CA
8	LUCIANO PADILLA MARTINEZ	557972	0	0	6	US	Ruiz & Associates, Imperial, CA
9	FRANCISCA BURGOS VIZCARRA	558189	2	0	8	US	USIS/UIS, Calexico, CA
10	RICARDO CESAR MARTINEZ MONTEMAYOR	559560	2	1	0	US	The Center of Industrial Rehabilitation Services, Mission TX
11	ORLANDO NEVID LOPEZ HERNANDEZ	559947	2	1	0	US	Ruiz & Associates, Imperial, CA
12*	JOSE DAVID RUVALCABA ADAME	563815	0	0	0	US	Ruiz & Associates, San Diego, CA
13*	TRINITY INDUSTRIES DE MÉXICO, S. DE R.L. DE C.V.	610385	25	25	0	US	CAD Services, Eagle Pass, TX
14	ALFREDO SOLORIO TOLENTINO	635221	0	0	6	US	Valley Testing, El Centro, CA
15*	GCC TRANSPORTE, S.A. DE C.V.	650155	17	11	20	US	Ritech- El Paso, TX
16	TRANSPORTES RAFA DE BAJA CALIFORNIA, S.A. DE C.V.	650383	9	7	3	US	Ruiz & Associates, Imperial, CA
17	RAUL SOLORIO ORTIZ	650954	2	1	3	US	Ruiz & Associates, San Diego, CA
18*	MOISES ALVAREZ PEREZ	677516	0	0	1	US	Ruiz & Associates, El Centro, CA
19	FLETES GARIBAY S.A. DE C.V.	677669	1	1	8	US	Ruiz & Associates, Imperial, CA
20	HIGIENICOS Y DESECHABLES DEL BAJIO, S.A. DE C.V.	710491	3	0	0	US	Ruiz & Associates, Imperial, CA
21	SERVICIOS DE TRANSPORTACION JAGUAR S.A.	721671	36	36	0	US	Laredo Urgent Care, Laredo, TX
22*	VERONICA GONZALEZ & GILBERTO GONZALEZ NUNO	736405	0	0	2	NON CDL **	Not Applicable
23	HOMERO BELTRAN AND ALFONSO DEL REAL MONTOYA	777182	4	3	1	US	Ruiz & Associates, Imperial, CA
24*	NOE BASILIO MONTIEL	786826	1	1	1	NON CDL **	Not Applicable
25*	QNW DE BAJA SA DE CV	791091	0	0	1	NON CDL **	Not Applicable
26	MATEO CARDENAS ARROYO AND GUSTAVO VEGA	812869	0	0	9	US	Ruiz & Associates, Imperial, CA
27	FRANCISCO ULLOA MONTANO	817872	3	2	0	US	Ruiz & Associates, Imperial, CA
28	HECTOR OBETH PIMENTEL GUERRERO	845669	0	0	0	US	Valley Testing, El Centro, CA
29	JUAN MANUEL MALDONADO TOPETE	879793	0	0	5	US	Ruiz & Associates, Imperial, CA
30	RICARDO BRAVO MAR AND JACK CLAYTON CASNER	880852	4	4	6	US	Ruiz & Associates, Imperial, CA
31*	EDS INTERNACIONAL SA DE CV	924559	1	1	0	NON CDL **	Not Applicable
32*	OSCAR HILARIO MARTINEZ	947058	1	1	1	US	CAD Services, Eagle Pass, TX
33	ROBERTO MONTEMAYOR CRUZ	951134	4	4	0	US	A&C Drug & Alcohol Screening, Pharr, TX
34*	FIDEPAL S DE RL DE IP Y CV	975522	1	1	0	US	Safetynet Motor Carrier Services, Brownsville, TX
35	SERVICIOS REFRIGERADOS INTERNACIONALES SA DE CV	1052546	5	5	3	US	Ruiz & Associates, Imperial, CA
36	MEXICANA DE TRASLADOS CALDERON SA DE CV	1054803	2	1	0	US	Analytical Group, Inc., Brownsville, TX
37	MARIA DEL CARMEN LOPEZ ARMENTA	1055053	1	0	0	US	Ruiz & Associates, Imperial, CA
38	TRANSPORTES MONTEBLANCO SA DE CV	1059694	2	2	0	US	Laredo Examiners Inc., Laredo, TX
39	EDMUNDO JESUS GUAJARDO BURSIAN	1068315	1	1	0	US	CAD Services, Eagle Pass, TX
40	RICARDO JAIDREL RODRIGUEZ BOGARIN & DANIEL CARRILLORODRIGUEZ	1068792	7	4	0	US	Behavior Research, San Diego, CA
41	JOSE ANAYA ROMERO	1080131	0	0	0	NON CDL **	Not Applicable
42	MARIA DEL SOCORRO VALERIO LIZCANO	1082863	1	1	0	NON CDL **	Not Applicable
43	TRANSPORTES DE CARGA SANTOYO SA DE CV	1106825	0	0	5	US	Ruiz & Associates, Imperial, CA
44*	AVOMEX INTERNACIONAL SA DE CV	1142107	12	9	3	US	CAD Services, Eagle Pass, TX
45*	AGUIRRE RAMOS JORGE LUIS	1286830	2	2	0	US	Ruiz & Associates, San Diego, CA
46	MARCO VINICIO PINEDA VILLEGAS	1292413	0	0	2	US	Ruiz & Associates, Imperial, CA
47*	TRANSPORTES SELG SA DE CV	1658656	14	7	0	US	CMI, Pharr TX

* - This motor carrier is an additional successful applicant which has passed the Pre-Authority Safety Audit after the June 8, 2007, Federal Register Notice.

** - NON CDL - This acronym means the Mexico-domiciled drivers are not subject to controlled substances and alcohol testing requirements as required by 49 U.S.C. 31306. Such drivers are not subject to testing because the vehicles the Mexico-domiciled motor carrier intends to operate in the United States are not of a size or operating in such a manner requiring the operator to hold a commercial driver's license (CDL) as required by 49 U.S.C. 31301 et seq. The statute, 49 U.S.C. 31306, treats U.S.-, Canada-, and Mexico-domiciled motor carriers and drivers exactly the same way with respect to controlled substances and alchol testing requirements for light-and medium-duty truck and truck-tractor vehicles, if the drivers only operate vehicles not requiring a CDL to operate the vehicles.

Table 5 - Failed Pre-Authority Safety Audit (PASA) Information as of October 9, 2007

Column A - Row	Column B - Name of Carrier	Column C - US DOT Number	Column D - PASA Scheduled	Column F - PASA Result	Column J - Passed Verification 5 Elements (Yes/No)	Column K - If No, Which Element Failed
1*	TRANSPORTES SALO SA DE CV	556406	9/10/2007	Failed	NO	Footnote 3
2	ISAIAS VENEGAS CABRAL	556751	3/27/2007	Failed	NO	Footnote 3
3*	ANGEL GUERRERO FLORES	665858	8/13/2007	Failed	NO	Footnotes 2 and 5
4	JESUS PIMENTEL JIMENEZ	667250	4/23/2007	Failed	NO	Footnotes 1, 2, 4 and 5
5*	ARMANDO ULLOA VENEGAS	677291	8/27/2007	Failed	NO	Footnote 5
6*	MADERAS NAVACHISTE SA DE CV	683397	6/13/2007	Failed	NO	Footnote 5
7*	CESAR HIGUERA VILLAVICENCIO	802447	9/11/2007	Failed	NO	Footnote 3
8	SISTEMAS DE RIEGO DEL NORTE SA DE CV	822291	3/27/2007	Failed	NO	Footnote 3
9*	ATAUDES DE LA FRONTERA SA DE CV	845972	9/11/2007	Failed	NO	Footnote 5
10*	RODOLFO GONZALEZ MARTINEZ	905680	7/11/2007	Failed	NO	Footnote 5
11*	ALMA AURORA VILLARREAL HUERTA	924237	7/18/2007	Failed	NO	Footnotes 1, 2, 3, 4 and 5
12*	SEMILLAS COSECHA DE ORO SA DE CV	1039175	8/28/2007	Failed	NO	Footnotes 3, 4 and 5
13*	JACOB DYCK FRIESSEN	1040520	8/28/2007	Failed	NO	Footnote 3
14*	MADERAS Y MATERIALES, JR S. A. DE C.V.	1054019	7/26/2007	Failed	NO	Footnote 3
15*	JUAN GARZA REYNA	1060682	8/7/2007	Failed	NO	Footnote 5
16*	CARLOS FERNANDEZ VILLARREAL	1065224	7/18/2007	Failed	NO	Footnotes 1, 2, 3, 4 and 5
17*	CARPINTERIA HERMANOS CORRAL S DE RL MI	1067592	8/23/2007	Failed	NO	Footnotes 1, 2, 3, 4 and 5
18	BENJAMIN DE LA TORRE QUIRARTE	1069031	3/28/2007	Failed	NO	Footnotes 1 and 3
19*	COMERCIALIZACION Y SERVICIO DE NOGALES SA DE CV	1083756	6/14/2007	Failed	NO	Footnote 5
20*	JOSE EDUARDO VELASCO ROBLES	1094184	8/9/2007	Failed	NO	Footnote 3
21*	DANIEL ACOSTA	1101328	7/11/2007	Failed	NO	Footnotes 4 and 5
22*	FAB DE CHOCOLATES LA POPULAR SA DE CV	1147667	8/7/2007	Failed	NO	Footnotes 1, 2 and 4
23	LA OTRA DEL OJINAGA SA DE CV	1159371	3/11/2007	Failed	NO	Footnote 3
24	MORALES GONZALEZ JOSE JESUS	1227541	4/16/2007	Failed	NO	Footnotes 2 and 4
25*	JUVENTINO SANTILLAN DE LEON	1289339	6/25/2007	Failed	NO	Footnotes 1, 2, 3 and 4
26*	TEKPOL SA DE CV	1368600	9/12/2007	Failed	NO	Footnote 5

Legend for Column K	If Motor Carrier Failed Pre-Authority Safety Audit, Which Element Failed:
Footnote 1	Maintenance files and Annual Inspection of Motor Vehicles
Footnote 2	Driver Qualification
Footnote 3	Controlled Substances and Alcohol Testing
Footnote 4	Hours-of-Service of Drivers
Footnote 5	Financial Responsibility (Insurance or Surety Bond)

* - This motor carrier is an additional applicant which failed the Pre-Authority Safety Audit after the June 8, 2007, Federal Register Notice.

[FR Doc. 07–5134 Filed 10–16–07; 8:45 am]
BILLING CODE 4910–EX–C

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. USCG–2007–26844]

Woodside Natural Gas, Inc. OceanWay Secure Energy Liquefied Natural Gas Deepwater Port License Application; Preparation of Environmental Impact Statement/Environmental Impact Report

AGENCY: Maritime Administration, DOT.

ACTION: Notice extending the scoping comment period to October 31, 2007.

SUMMARY: By **Federal Register** notice of September 14, 2007 (72 FR 52607–52611) the Maritime Administration (MARAD) and the U.S. Coast Guard (Coast Guard) announced the intent to prepare an environmental impact statement/environmental impact report (EIS/EIR) for the Woodside Natural Gas, Inc. OceanWay Secure Energy Deepwater LNG Port license application located in the Federal waters of the Santa Monica Basin, approximately 27 miles southwest of Los Angeles International Airport (LAX).

The EIS/EIR will be prepared with the City of Los Angeles (City) as a cooperating agency in the environmental review with the Coast Guard since the applicant has also filed an application for a lease/franchise of submerged City lands and an onshore pipeline franchise for the natural gas pipeline through the City. The EIS/EIR will meet the requirements of both the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA).

Publication of that notice began a 30-day scoping process and requested public participation to assist in the identification and determination of the environmental issues to be addressed in the EIS/EIR with a deadline for submitting comments of October 12, 2007.

In addition to receiving comments at the public scoping meeting on September 26, 2007, instructions were provided for submitting comments to the Department of Transportation (DOT) Docket Management System and to the new Federal Docket Management System (FDMS). On September 27, 2007 the DOT Docket Management System began migration to be replaced by the Federal Docket Management System to be effective October 1, 2007. Because of planned outages in the migration, the comment period was extended to October 15, 2007, as announced at the public meeting.

Because of additional system migration outages; the need for familiarization time with the FDMS; and interest generated by the project, by this notice, MARAD; the Coast Guard; and the City of Los Angeles have extended the scoping comment period to October 31, 2007.

DATES: Comments or related material must be received by October 31, 2007.

ADDRESSES: The public docket for USCG–2007–26844 is maintained by the Department of Transportation, Docket Management Facility, 1200 New Jersey Avenue, SE., West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.

Docket contents are available for public inspection and copying at this address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Facility's telephone number is 202–366–9329, the fax number is 202–493–2251, and the web site for electronic submissions or for electronic access to docket contents is *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Questions regarding the proposed Project, the license application process, or the EIS/EIR process may be directed to Roddy Bachman, U.S. Coast Guard, telephone: (202) 372–1451, e-mail: (*Roddy.C.Bachman@uscg.mil*), or Linda Moore, City of Los Angeles, telephone: (213) 485–5751, e-mail: (*Linda.Moore@lacity.org*). Questions on viewing or commenting on the Docket should be directed to Renee V. Wright, Program Manager, Docket Operations, telephone: (202) 493–0402, e-mail: *renee.wright@dot.gov.*

The FDMS also contains the notices, application and related correspondence; informational open house materials; will also contain the public meeting transcripts; and will contain the Draft and the Final EIS/EIR and all comments submitted whether at public meetings or submitted directly. This can be accessed at *http://www.regulations.gov,* and by entering docket number 26844.

Information pertaining to the proposed OceanWay Deepwater Port Project is also available online with the City of Los Angeles at: *http://eng.lacity.org/techdocs/emg/Environmental_Review_Documents.htm.*

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard, MARAD, and the City request submittal of comments and related material on environmental issues related to the proposed deepwater port using one of the methods described below. We most particularly seek comments that identify potentially significant impacts, alternatives, or mitigation measures that should be taken into account in determining the scope of the EIS/EIR.

The Coast Guard, MARAD and City will consider all comments and material received during the comment period. It is not necessary to present comments more than once. Comments need not be submitted to multiple agencies; all comments received will be shared amongst agencies. In our coordinated effort, City of Los Angeles has agreed that the Federal Docket Management System and Docket Management Facility is the system that should be used for submitting all comments.

Submissions to the Federal Docket Management System should include:

- Docket number USCG–2007–26844.
- Your name and address.
- Your reasons for making each comment or for bringing information to our attention.

Submit comments or material using only one of the following methods:

- Electronic submission to FDMS (preferred) at *http://www.regulations.gov:* Click on ''Search for Dockets''; Enter Docket ID 26844; click on USCG–2007–26844; view documents by clicking the PDF icon under ''Views''; and/or follow the online instructions for submitting comments.
- Fax, mail, or hand delivery to the Docket Management Facility (see **ADDRESSES**). Faxed or hand delivered submissions must be unbound, no larger than 8½ by 11 inches, and suitable for copying and electronic scanning. If you mail your submission and want to know when it reaches the Facility, include a stamped, self-addressed postcard or envelope.

Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the FDMS Web site (*http://www.regulations.gov*), and will include any personal information provided. Therefore, submitting this information makes it public. You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78). You may view docket submissions at the Docket Management Facility (see **ADDRESSES**), or electronically on the FDMS Web site.

Additional FDMS Information

For additional information on the migration and Docket instructions please see **Federal Register** notice of September 24, 2007 (72 FR 54315–54317).

The Coast Guard is still working with the FDMS to correct some document numbering and order issues caused by the migration to the new system. In particular, some application documents are out of sequence. The correct chronological order and application document sequence as of this notice for the documents is as follows by document ID number:

26844–1	Notice of Application.
26844–2–6	License Application Parts 1–5.
26844–54	City of LA Pipeline Franchise Application.
26844–7	Exhibit A Project Description.
26844–13	Exhibit B Environmental Report.
26844–14	Exhibit C Health, Safety, Security, Environment.
26844–15	Topic Report 1 Aesthetics.
26844–16	Topic Report 2 Water Quality.
26844–17	Topic Report 3 Biological Resources.
26844–18–19	Topic Report 4 Cultural Resources.
26844–20–21	Topic Report 5 Socioeconomics.
26844–22–31	Topic Report 6 Geological Resources.
26844–58	Topic Report 6 Geological Resources.
26844–32–38	Topic Report 7 Land Use.
26844–39	Topic Report 8 Air Quality.
26844–40–41	Topic report 9 Traffic.
26844–42	Topic Report 10 Noise.
26844–43	Topic Report 11 Public Services and Utilities.
26844–44	Topic Report 12 Hazardous Materials and Waste.
26844–45–52	Topic Report 13 Alternatives.
26844–53	Topic Report 14 Cumulative Impacts.
26844–8	Appendix A to Exhibit A.
26844–12	Appendix B through O to Exhibit A.
26844–57, 59	Appendix K to Topic Report 6.
26844–60–62	Appendix K to Topic Report 6.
26844–63–70	Appendix L to Topic Report 6.
26844–71–75	Appendix M to Topic Report 6.
26844–76–81	Appendix N to Topic Report 6.
26844–82–94	Appendix O to Topic Report 6.
26844–95–129	Appendix P to Topic Report 6.
26844–130–133	Appendix V to Topic Report 9.
26844–134	Appendix Y to Topic Report 12.
26844–55–56	Appendix AA to Topic Report 12.
26844–135	Dear Interested Party Letter.
26844–136	Public Notice.
26844–137	Notice of Intent; Notice of Public Meeting; Request for Comments.
26844–138	Start of Comments.

Dated: October 12, 2007.

By order of the Maritime Administrator.

Christine Gurland,

Secretary, Maritime Administration.

[FR Doc. E7–20492 Filed 10–16–07; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–33 (Sub-No. 247X)]

Union Pacific Railroad Company—Abandonment Exemption—in Malheur County, OR

Union Pacific Railroad Company (UP) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 9.4-mile line of railroad known as the Homedale Industrial Lead, extending from milepost 2.0 near Nyssa to milepost 11.4 near Adrian, in Malheur County, OR. The line traverses United States Postal Service Zip Code 97901.

UP has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line to be rerouted; (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 November 16, 2007, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by October 29, 2007. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by November 6, 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 UP's representative: Gabriel S. Meyer, Assistant General Attorney, 1400 Douglas Street, STOP 1580, Omaha, NE 68179.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

UP has filed a combined environmental and historic report addressing the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by October 22, 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.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), UP 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 UP's filing of a notice of consummation by October 17, 2008, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

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[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each OFA must be accompanied by the filing fee, which currently is set at $1,300. *See* 49 CFR 1002.2(f)(25).

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: October 10, 2007.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. E7–20280 Filed 10–16–07; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Departmental Offices; Debt Management Advisory Committee Meeting

Notice is hereby given, pursuant to 5 U.S.C. App. 2, § 10(a)(2), that a meeting will be held at the Hay-Adams Hotel, 16th Street and Pennsylvania Avenue, NW., Washington, DC, on October 30, 2007 at 11:30 a.m. of the following debt management advisory committee: Treasury Borrowing Advisory Committee of The Securities Industry and Financial Markets Association.

The agenda for the meeting provides for a charge by the Secretary of the Treasury or his designate that the Committee discuss particular issues, and a working session. Following the working session, the committee will present a written report of its recommendations. The meeting will be closed to the public, pursuant to 5 U.S.C. App. 2, § 10(d) and Public Law 103–202, § 202(c)(1)(B) (31 U.S.C. 3121 note).

This notice shall constitute my determination, pursuant to the authority placed in heads of agencies by 5 U.S.C. App. 2, § 10(d) and vested in me by Treasury Department Order No. 101–05, that the meeting will consist of discussions and debates of the issues presented to the Committee by the Secretary of the Treasury and the making of recommendations of the Committee to the Secretary, pursuant to Public Law 103–202, § 202(c)(1)(B). Thus, this information is exempt from disclosure under that provision and 5 U.S.C. 552(b)(c)(3)(B). In addition, the meeting is concerned with information that is exempt from disclosure under 5 U.S.C. 552b(c)(9)(A). The public interest requires that such meetings be closed to the public because the Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decisions on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community. When so utilized, such a committee is recognized to be an advisory committee under 5 U.S.C. App. 2, § 3.

Although the Treasury's final announcement of financing plans may not reflect the recommendations provided in reports of the Committee, premature disclosure of the Committee's deliberations and reports would be likely to lead to significant financial speculation in the securities market. Thus, this meeting falls within the exemption covered by 5 U.S.C. 552b(c)(9)(A).

Treasury staff will provide a technical briefing to the press on the day before the Committee meeting, following the release of a statement of economic conditions, financing estimates and technical charts. This briefing will give the press an opportunity to ask questions about financing projections and technical charts. The day after the Committee meeting, Treasury will release the minutes of the meeting, any charts that were discussed at the meeting, and the Committee's report to the Secretary.

The Office of Debt Management is responsible for maintaining records of debt management advisory committee meetings and for providing annual reports setting forth a summary of Committee activities and such other matters as may be informative to the public consistent with the policy of 5 U.S.C. 552(b). The Designated Federal Officer or other responsible agency official who may be contacted for additional information is Karthik Ramanathan, Director, Office of Debt Management, at (202) 622–2042.

Dated: October 10, 2007.

Anthony W. Ryan,

Assistant Secretary, Financial Markets.

[FR Doc. 07–5106 Filed 10–16–07; 8:45 am]

BILLING CODE 4810–25–M

DEPARTMENT OF THE TREASURY

Review by the Treasury Department of the Regulatory Structure Associated With Financial Institutions

AGENCY: Department of the Treasury, Departmental Offices.

ACTION: Notice; request for comments.

SUMMARY: The Treasury Department is undertaking a broad review of the regulatory structure associated with financial institutions. To assist in this review and obtain a broad view of all perspectives, the Treasury Department is issuing this notice seeking public comment.

DATES: Comments should be submitted electronically and received by Wednesday, November 21, 2007.

ADDRESSES: Please submit comments electronically through the Federal eRulemaking Portal—''Regulations.gov.'' Go to *http://www.regulations.gov*, select ''Department of the Treasury—All'' from the agency drop-down menu, then click ''Submit.'' In the ''Docket ID'' column, select ''TREAS–DO–2007–0018'' to submit or view public comments and to view supporting and related materials for this notice. The ''User Tips'' link at the top of the Regulations.gov home page provides information on using Regulations.gov, including instructions for submitting or viewing public comments, viewing other supporting and related materials, and viewing the docket after the close of the comment period.

Please include your name, affiliation, address, e-mail address and telephone number(s) in your comment. Where appropriate, comments should include a short Executive Summary (no more than five single-spaced pages). All statements, including attachments and other supporting materials, received are part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Jeffrey Stoltzfoos, Senior Advisor, Office of the Assistant Secretary for Financial Institutions, (202) 622–2610 or Mario Ugoletti, Director, Office of Financial Institutions Policy, (202) 622–2730 (not toll free numbers).

SUPPLEMENTARY INFORMATION: The Treasury Department is currently engaged in a number of initiatives associated with maintaining the competitiveness of United States capital markets. One of those initiatives is evaluating the regulatory structure associated with financial institutions.

The regulatory structure for financial institutions in the United States has served us well over the course of our history. Much of the basic regulatory structure associated with financial institutions was established decades ago. While there have been important changes over time in the way financial institutions have been regulated, the Treasury Department believes that it is important to continue to evaluate our regulatory structure and consider ways to improve efficiency, reduce overlap, strengthen consumer and investor protection, and ensure that financial institutions have the ability to adapt to evolving market dynamics, including the increasingly global nature of financial markets.

The Treasury Department's review of regulatory structure will focus on all types of financial institutions: Commercial banks and other insured depository institutions; insurance companies; securities firms; futures firms; and other types of financial intermediaries.

The Treasury Department is soliciting comments to assist in this review. The Treasury Department would be particularly interested in comments on the specific questions set forth below, or on other issues related to the regulatory structure associated with financial institutions. We are also interested in specific ideas or recommendations as to how we can improve our current regulatory structure.

I. General Issues

1.1 What are the key problems or issues that need to be addressed by our review of the current regulatory structure for financial institutions?

1.2 Over time, there has been an increasing convergence of products across the traditional ''functional'' regulatory lines of banking, insurance, securities, and futures. What do you view as the significant market developments over the past two decades (e.g. securitization, institutionalization, financial product innovation and globalization) and please describe what opportunities and/or pressures, if any, these developments have created in the regulation of financial institutions?

1.2.1 Does the ''functional'' regulatory framework under which banking, securities, insurance, and futures are primarily regulated by respective functional regulators lead to inefficiencies in the provision of financial services?

1.2.2 Does the ''functional'' regulatory framework pose difficulties for considering overall risk to the financial system? If so, to what extent have these difficulties been resolved through regulatory oversight at the holding company level?

1.2.3 Many countries have moved towards creating a single financial market regulator (e.g., United Kingdom's Financial Services Authority; Japan's Financial Services Agency; and Germany's Federal Financial Supervisory Authority (BaFin)). Some countries (e.g., Australia and the Netherlands) have adopted a twin peaks model of regulation, separating prudential safety and soundness regulation and conduct-of-business regulation. What are the strengths and weaknesses of these structural approaches and their applicability in the United States? What ideas can be gleaned from these structures that would improve U.S. capital market competitiveness?

1.3 What should be the key objectives of financial institution regulation? How could the framework for the regulation of financial institutions be more closely aligned with the objectives of regulation? Can our current regulatory framework be improved, especially in terms of imparting greater market discipline and providing a more cohesive look at overall financial system risk? If so, how can it be improved to achieve these goals? In regards to this set of questions, more specifically:

1.3.1 How should the regulation of financial institutions with explicit government guarantees differ from financial institutions without explicit guarantees? Is the current system adequate in this regard?

1.3.2 Is there a need for some type of market stability regulation for financial institutions without explicit Federal Government guarantees? If so, what would such regulation entail?

1.3.3 Does the current system of regulating certain financial institutions at the holding company level allow for sufficient amounts of market discipline? Are there ways to improve holding company regulation to allow for enhanced market discipline?

1.3.4 In recent years, debate has emerged about ''more efficient'' regulation and the possibility of adopting a ''principles-based'' approach to regulation, rather than a ''rules-based'' approach. Others suggest that a proper balance between the two is essential. What are the strengths, weaknesses and feasibility of such approaches, and could a more ''principles-based'' approach improve U.S. competitiveness?

1.3.5 Would the U.S. financial regulatory structure benefit if there was a uniform set of basic principles of regulation that were agreed upon and adopted by each financial services regulator?

1.4 Does the current regulatory structure adequately address consumer or investor protection issues? If not, how could we improve our current regulatory structure to address these issues?

1.5 What role should the States have in the regulation of financial institutions? Is there a difference in the appropriate role of the States depending on financial system protection or consumer and investor protection aspects of regulation?

1.6 Europe is putting in place a more integrated single financial market under its Financial Services Action Plan. Many Asian countries as well are developing their financial markets. Often, these countries or regions are doing so on the basis of widely adopted international regulatory standards. Global businesses often cite concerns about the costs associated with meeting diverse regulatory standards in the numerous countries in which they operate. To address these issues, some call for greater global regulatory convergence and others call for mutual recognition. To what extent should the design of regulatory initiatives in the United States be informed by the competitiveness of U.S. institutions and markets in the global marketplace? Would the U.S. economy and capital market competitiveness be better served by pursuing greater global regulatory convergence?

II. Specific Issues

2.1 Depository Institutions

2.1.1 Are multiple charters for insured depository institutions the optimal way to achieve regulatory objectives? What are the strengths and weaknesses of having charters tied to specific activities or organizational structures? Are these distinctions as valid and important today as when these charters were granted?

2.1.2 What are the strengths and weaknesses of the dual banking system?

2.1.3 What is the optimal role for a deposit insurer in depository institution regulation and supervision? For example, should the insurer be the primary regulator for all insured depository institutions, should it have back-up regulatory authority, or should its functions be limited to the pricing of deposit insurance, or other functions?

2.1.4 What role should the central bank have in bank regulation and supervision? Is central bank regulatory authority necessary for the development of monetary policy?

2.1.5 Is the current framework for regulating bank or financial holding companies with depository institution subsidiaries appropriate? Are there other regulatory frameworks that could or should be considered to limit the transfer of the safety net associated with insured depository institutions?

2.1.6 What are the key consumer protection elements associated with products offered by depository institutions? What is the best regulatory enforcement mechanism for these elements?

2.2 Insurance

2.2.1 What are the costs and benefits of State-based regulation of the insurance industry?

2.2.2 What are the key Federal interests for establishing a presence or

greater involvement in insurance regulation? What regulatory structure would best achieve these goals/interests?

2.2.3 Should the States continue to have a role (or the sole role) in insurance regulation? Insurance regulation is already somewhat bifurcated between retail and wholesale companies (e.g., surplus lines carriers). Does the current structure work? How could that structure be improved?

2.2.4 States have taken an active role in some aspects of the insurance marketplace (e.g., workers' compensation and residual markets for hard to place risks) for various policy reasons. Are these policy reasons still valid? Are these necessarily met through State (as opposed to federal) regulation?

2.3 Securities and Futures

2.3.1 Is there a continued rationale for distinguishing between securities and futures products and their respective intermediaries?

2.3.2 Is there a continued rationale for having separate regulators for these types of financial products and institutions?

2.3.3 What type of regulation would be optimal for firms that provide financial services related to securities and futures products? Should this regulation be driven by the need to protect customers or by the broader issues of market integrity and financial system stability?

2.3.4 What is the optimal role for the states in securities and futures regulation?

2.3.5 What are the key consumer/investor protection elements associated with products offered by securities and futures firms? Should there be a regulatory distinction among retail, institutional, wholesale, commercial, and hedging customers?

2.3.6 Would it be useful to apply some of the principles of the Commodity Futures Modernization Act of 2000 to the securities regulatory regime? Is a tiered system of regulation appropriate? Is it appropriate to make distinctions based on the relative sophistication of the market participants and/or the integrity of the market?

Dated: October 11, 2007.

Taiya Smith,

Executive Secretary of the Treasury.

[FR Doc. E7–20433 Filed 10–16–07; 8:45 am]

BILLING CODE 4811–42–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Assistance Center Committee of the Taxpayer Advocacy Panel

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Assistance Center Committee of the Taxpayer Advocacy Panel will be conducted (via teleconference). The Taxpayer Advocacy Panel (TAP) is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, November 20, 2007.

FOR FURTHER INFORMATION CONTACT: Dave Coffman at 1–888–912–1227 or 206–220–6096.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Assistance Center Committee of the Taxpayer Advocacy Panel will be held Tuesday, November 20, 2007, from 10 to 11:30 a.m. Pacific Time via a telephone conference call. If you would like to have the TAP consider a written statement, please call 1–888–912–1227 or 206–220–6096, or write to Dave Coffman, TAP Office, 915 2nd Avenue, MS W–406, Seattle, WA 98174, or you can contact us at *www.improveirs.org*. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Dave Coffman. Mr. Coffman can be reached at 1–888–912–1227 or 206–220–6096.

The agenda will include the following: Various IRS issues.

Dated: October 9, 2007.

Sandra L. McQuin,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E7–20486 Filed 10–16–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

Proposed Collection: Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the U.S. Treasury Auction Submitter Agreement.

DATES: Written comments should be received on or before December 18, 2007, to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Judi Owens, 200 Third Street, A4-A, Parkersburg, WV 26106–5312, or *Judi.Owens@bpd.treas.gov*.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Judi Owens, Bureau of the Public Debt, 200 Third Street, A4–A, Parkersburg, WV 26106–5312, (304) 480–8150.

SUPPLEMENTARY INFORMATION: Title: U.S. Treasury Auctions Submitter Agreement.

OMB Number: 1535–0137.

Form Number: PD F 5441.

Abstract: The information is requested from entities wishing to participate in U.S. Treasury Securities Auctions via TAAPSLink.

Current Actions: None.

Type of Review: Extension.

Affected Public: Depository Institutions, Brokers/Dealers, Assessment Management Companies, Pension Funds, and other Institutional Investors.

Estimated Number of Respondents: 1000.

Estimated Time Per Respondent: 5 minutes.

Estimated Total Annual Burden Hours: 80.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection

techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: October 11, 2007.

Judi Owens,

Manager, Information Management Branch.

[FR Doc. E7–20480 Filed 10–16–07; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Bureau of the Public Debt

Proposed Collection: Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Authorization for purchase and request for change of United States Savings Bonds.

DATES: Written comments should be received on or before December 18, 2007, to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of the Public Debt, Judi Owens, 200 Third Street, A4–A, Parkersburg, WV 26106–5312, or *Judi.Owens@bpd.treas.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Judi Owens, Bureau of the Public Debt, 200 Third Street, A4–A, Parkersburg, WV 26106–5312, (304) 480–8150.

SUPPLEMENTARY INFORMATION:

Title: U.S. Treasury Auctions Submitter Agreement.

OMB Number: 1535–0111.

Form Number: SB 2362, 2378, and 2383.

Abstract: The information is requested to support a request by employees to authorize employers to allot funds from their pay for the purchase of savings bonds.

Current Actions: None.

Type of Review: Extension.

Affected Public: Individuals.

Estimated Number of Respondents: 1,300,000.

Estimated Time Per Respondent: 1 minute.

Estimated Total Annual Burden Hours: 21,667.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: October 11, 2007.

Judi Owens,

Manager, Information Management Branch

[FR Doc. E7–20481 Filed 10–16–07; 8:45 am]

BILLING CODE 4810–39–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

[AC–16: OTS Nos. 05763 and H–4444]

First Advantage Bancorp, Inc., Clarksville, Tennessee; Approval of Conversion Application

Notice is hereby given that on October 10, 2007, the Office of Thrift Supervision approved the application of First Federal Savings Bank, Clarksville, Tennessee, to convert to the stock form of organization. Copies of the application are available for inspection by appointment (phone number: 202–906–5922 or e-mail: *Public.Info@OTS.Treas.gov*) at the Public Reading Room, 1700 G Street, NW., Washington, DC 20552, and the OTS Southeast Regional Office, 1475 Peachtree Street, NE., Atlanta, Georgia 30309.

Dated: October 11, 2007.

By the Office of Thrift Supervision.

Sandra E. Evans,

Legal Information Assistant.

[FR Doc. 07–5117 Filed 10–16–07; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Prosthetics and Special Disabilities Programs; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 (Federal Advisory Committee Act) that a meeting of the Advisory Committee on Prosthetics and Special Disabilities Programs will be held November 7–8, 2007, in Room C7A, at VA Central Office, 810 Vermont Avenue, NW., Washington, DC. The sessions will convene at 8:30 a.m. each day and will adjourn at 4:30 p.m. on November 7 and will end at 12 Noon on November 8. The meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on VA's prosthetic programs designed to provide state-of-the-art prosthetics and the associated rehabilitation research, development, and evaluation of such technology. The Committee also provides advice to the Secretary on special disability programs which are defined as any program administered by the Secretary to serve veterans with spinal cord injury, blindness or visual impairment, loss of extremities or loss of function, deafness or hearing impairment, and other serious incapacities in terms of daily life functions.

On November 7, the Committee will be briefed by the Chief Consultant for Rehabilitation Strategic Healthcare Group, Chief of Physical Medicine & Rehabilitation Service, Deputy Director of Vocational Rehabilitation & Employment Services, the Chief of Prosthetics and Clinical Logistics, Director of Retinal Surgery from Walter Reed Army Medical Center, a VA panel presentation on amputee care, and the Chief Consultant for Rehabilitation Strategic Healthcare Group. On November 8, the Committee will be briefed by the Chief Consultant for Rehabilitation Strategic Healthcare Group on Audiology and Speech Pathology Programs.

No time will be allocated for receiving oral presentations from the public. However, members of the public may direct questions or submit written statements in advance of the meeting for review by the Committee to Mr. Larry N. Long, Designated Federal Officer, Veterans Health Administration, Patient Care Services, Rehabilitation Strategic Healthcare Group (117D), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. Any member of the public wishing to attend

the meeting should contact Mr. Long at (202) 273–8479.

Dated: October 12, 2007.

By Direction of the Secretary.

E. Philip Riggin,

Committee Management Officer.

[FR Doc. 07–5123 Filed 10–16–07; 8:45 am]

BILLING CODE 8320–01–M

Federal Register

Wednesday,
October 17, 2007

Part II

Postal Service

39 CFR Parts 121 and 122

Modern Service Standards for Market-Dominant Products; Proposed Rule

POSTAL SERVICE

39 CFR Parts 121 and 122

Modern Service Standards for Market-Dominant Products

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: The Postal Service proposes modern service standards for its market-dominant products. Section 301 of the Postal Accountability and Enhancement Act (PAEA) (codified at 39 U.S.C. 3691) requires the Postal Service, in consultation with the Postal Regulatory Commission (PRC), to establish by regulation a set of modern service standards for market-dominant products, no later than December 20, 2007.

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

ADDRESSES: Mail written comments to Modern Service Standards for Market-Dominant Products Comments, Post Office Box 23280, Washington, DC 20026–3280. You may inspect and photocopy copies of all written comments between 9 a.m. and 4 p.m., Monday through Friday at the Postal Service headquarters library, 11th Floor North, 475 L'Enfant Plaza, SW., Washington, DC 20260–1540.

FOR FURTHER INFORMATION CONTACT: Wanda Ayala 202–268–5380.

SUPPLEMENTARY INFORMATION: After stating the requirements of the law, the remainder of this notice is divided into five sections. Section 1 recites the objectives that the Postal Service must satisfy and the factors that it must consider in establishing modern service standards, as mandated by the PAEA. The second section summarizes the customer outreach performed to ascertain customers' expectations regarding modern service standards, and describes the Postal Service's consultations with the PRC. The third section describes the Postal Service's proposed modern market-dominant mail product service standards. Section 4 describes how the proposed standards reflect consideration of the objectives and factors listed in the law. The final section gives notice of the specific service standard regulations the Postal Service is proposing to adopt and solicits public comment.

Requirements of the Postal Accountability and Enhancement Act

Section 301 of the Postal Accountability and Enhancement Act (codified at 39 U.S.C. 3691) requires the Postal Service, in consultation with the Postal Regulatory Commission, to establish a set of modern service standards for market-dominant products no later than December 20, 2007. Ordinarily, the Postal Service is required to request an advisory opinion from the Commission regarding proposed changes in service standards of at least a substantially nationwide nature under the terms of 39 U.S.C. 3661. However, section 3691(a) sets forth an alternative process for the required establishment of baseline modern service standards by December 20, 2007, stating that the Postal Service is to consult with the Commission.[1]

Section 3691(b)(1) directs the Postal Service to design modern service standards to achieve the following objectives:

(A) To enhance the value of postal services to both senders and recipients.

(B) To preserve regular and effective access to postal services in all communities, including those in rural areas or where Post Offices are not self-sustaining.

(C) To reasonably assure Postal Service customers delivery reliability, speed, and frequency consistent with reasonable rates and best business practices.

(D) To provide a system of objective external performance measurements for each market-dominant product as a basis for measurement of Postal Service performance. However, with the approval of the Commission, an internal measurement system may be implemented instead of an external measurement system.

See 120 Stat. 3218. Subsection 3691(c) directs the Postal Service to take the following factors into account in establishing these standards:

(1) The actual level of service that Postal Service customers receive under any service guidelines previously established by the Postal Service.

(2) The degree of customer satisfaction with Postal Service performance in the acceptance, processing, and delivery of mail.

(3) The needs of Postal Service customers, including those with physical impairments.

(4) Mail volume and revenues projected for future years.

(5) The projected growth in the number of addresses the Postal Service will be required to serve in future years.

(6) The current and projected cost of serving Postal Service customers.

(7) The effect of changes in technology, demographics, and population distribution on the efficient and reliable operation of the postal delivery system.

(8) The policies of [Title 39, United States Code, as amended by the PAEA] and such other factors as the Postal Service determines appropriate.

120 Stat. 3218–19.

Section 1: General Background Information on Service Standards

According to 39 U.S.C. 3621(a), as amended by the PAEA (120 Stat. 3200), the market-dominant products for which section 3691(a) requires the establishment of modern service standards in consultation with the Commission include the following domestic services: First-Class Mail® Letters and Sealed Parcels, First-Class Mail Cards, Periodicals, Standard Mail™, Single-Piece Parcel Post®, Media Mail, Bound Printed Matter, Library Mail, and Special Services.[2] Section 3621(a) also designates Single-Piece International Mail as a market-dominant product. The Postal Service proposes that outbound Single-Piece First-Class Mail International be included within the market dominant category.[3]

The Postal Service defines service standards as ''[a] stated goal for service achievement for each mail class.'' Publication 32, *Glossary of Postal Terms*, (May 1997, as updated with revisions through July 2007). This definition forms the basis for Postal Service statements and postal customers' expectations concerning the number of days that it should take for the Postal Service to deliver a mailpiece

[1] Section 3691(a) explicitly acknowledges that the Postal Service may, from time to time, by regulation revise the modern service standards for market-dominant products established though this consultative process. Therefore, the service standards that ultimately emerge at the conclusion of this notice-and-comment rulemaking should be regarded as establishing a baseline for any subsequent service changes. The Postal Service recognizes that any such subsequent proposals for service changes that are substantially nationwide in scope could be subject to the requirement that they be submitted to the Postal Regulatory Commission for review in the form of a request for an advisory opinion under the terms of 39 U.S.C. 3661.

[2] Single-Piece Parcel Post, Media Mail, Bound Printed Matter, and Library Mail are separate products under the terms of section 3621(a). The service standards for these products, historically, have been the same. For as long as that remains the case, and for purposes of this notice and the regulations proposed herein, these products are collectively referred to as Package Services Mail.

[3] Docket No. RM2007–1, United States Postal Service Submission of Initial Mail Classification Schedule in Response to Order No. 26, at 22 (September 24, 2007). The Postal Service also proposed that, for a variety of reasons, inbound International Mail should be treated on an exceptional basis and not ''classified'' within the Mail Classification Schedule. Docket No. RM2007–1, Initial Comments of the United States Postal Service in Response to Order No. 26, at 13–24 (September 24, 2007). Accordingly, the Postal Service is not proposing service standards for inbound International Mail.

from its point of entry in the mailstream to its destination.

The service standard for a mail product consists of two related elements: the day range and the business rules. The ''day range'' is the range of days within which all mail of a particular product type is expected to be delivered. For example, the current First-Class Mail service standard is often described as ranging ''from one to three days'' after acceptance. As implemented by the Postal Service, ''business rules'' determine the precise delivery day within the range that applies to a specific origin-destination pair within the postal mail processing network.

Presently, the domestic postal mail processing network includes all 50 states and the territories of Guam, Puerto Rico and the U.S. Virgin Islands. These states and territories are divided into service areas, and each service area is represented by a unique 3-digit ZIP Code® prefix. Currently, the postal network is divided into 915 originating 3-digit ZIP Code areas and 930 destinating 3-digit ZIP Code areas.[4]

As a consequence, there currently are a total of approximately 851,000 3-digit ZIP Code origin-destination pair combinations in the Postal Service network. The different business rules for each mail product determine which of these origin-destination pairs are overnight, 2-day, 3-day, etc., for each product. As a result, for example, a 3-digit ZIP Code origin-destination pair with a 3-day First-Class Mail service standard can have an 8-day delivery expectation for Standard Mail.[5]

For purposes of counting delivery days, the day of entry is ''day-zero,'' if the mailpiece is accepted by the Postal Service before the posted ''critical entry time'' (CET)[6] for that day. Assume, for example, that the application of the current First-Class Mail business rules results in a 2-day standard from a particular origin to a particular destination. Then, a piece of First-Class Mail deposited in a collection box before the last pickup time posted on the collection box at origin on a Monday is expected to be delivered at the destination the following Wednesday, provided that Wednesday is not a holiday.

Currently, the service standard business rules for each domestic mail product (First-Class Mail, Periodicals, Standard Mail, and Packages Services) vary on the basis of applicable statutory postal policies and such factors as:

- The distance from the center of the origin mail processing facility s service area, as measured in great circle miles.
- The relative degree of expedition or deferability intrinsic to the mail product in question.
- Whether the mail product is subject only to surface, or both surface and air transportation.
- The availability, speed, and relative reliability of available modes of transportation between specific nodes in the Postal Service network.
- Whether an objectively determined significant business relationship'' exists between a particular 3-digit ZIP Code origin-destination pair.

All mail designated by the same product name (e.g., First-Class Mail, Periodicals, Standard Mail, or Package Services) receives the same particular service standard day to a given 3-digit ZIP Code origin-destination pair, irrespective of mailpiece shape or level of mailer presortation. Thus, within Standard Mail, the senders of cards and parcels currently expect to receive the same level of service that is provided to Standard Mail flats entered at the same origin and delivered to the same destination.

Section 2: Customer Outreach and Consultations With the Postal Regulatory Commission

The law requires that the Postal Service take customer satisfaction, the needs of customers, and the actual level of service that customers receive into account in the establishment of modern service standards. The law also requires the Postal Service to develop service standards in consultation with the PRC.

Customer satisfaction, needs, and service have always been important to the Postal Service. Therefore, the Postal Service was able to use a combination of long-established methods, as well as efforts undertaken specifically because of the enactment of the PAEA, to reach out to customers. Methods included consultations with the Mailers' Technical Advisory Committee (MTAC), review of the Postal Service's Customer Satisfaction Measurement—Residential/Business surveys (CSM), and the administration of a separate consumer and small business survey. Postal Service representatives also met with and solicited comments from mailers at the National Postal Forum, from postal unions and management associations, and from attendees at the Postal Service/Postal Regulatory Commission Summit on Meeting Customer Needs in a Changing Regulatory Environment. Additionally, the Postal Service reviewed the comments received by the Commission at its three public hearings (Kansas City, Missouri; Los Angeles, California; and Wilmington, Delaware) and in PRC Docket PI2007–1, *Service Standards and Performance Measurement For Market-Dominant Products.*

The main themes that emerged from this outreach were that customers want standards that are reliable, consistent, realistic, and attainable, and that any proposed changes reflect sensitivity to the impact of increased postal costs on rates that they pay. The proposed service standards, described in Section 3, seek to meet these goals by aligning standards with today's operational and logistical realities, while continuing to differentiate among distinct products and minimize any adverse impact on postal costs.

Each of the outreach methods is explained in greater detail below.

1. *MTAC.* The Postmaster General's Mailers' Technical Advisory Committee (MTAC) is a venue for the Postal Service to share technical information with and to receive advice and recommendations from, mailers on matters concerning mail-related products and services. Membership in MTAC is comprised of mailer associations and other associations/organizations related to the mailing industry. The member associations/organizations reflect the mailing community in terms of classes and categories of mail used and include both large and small volume mailers and organizations with significant or unique mailing needs. MTAC has been in existence since 1965.

In early February 2007, a special MTAC workgroup was formed to concentrate specifically on service standards and the requirements of the PAEA. The main workgroup consisted of nearly 200 participants, including representatives from the Postal Service, mail users, mail service providers, and observers from the PRC and the General Accountability Office. This workgroup subdivided into four subgroups, which focused on First-Class Mail, Periodicals, Standard Mail, and Package Services, respectively.

[4] The 930 destinating service areas include the 3-digit ZIP Code prefixes assigned to domestic Army/Fleet Post Office (APO/FPO) gateway processing facilities through which mail originating from or destinating at United States overseas military installations enters and exits the Postal Service network.

[5] Each 3-digit ZIP Code service area is further divided into 5-digit ZIP Code areas that are served by particular Post Offices. Each 5-digit zone is further subdivided into sectors and segments that are represented by the 4-digit suffixes that are elements of the ZIP+4 Codes to which each of the over 145 million domestic delivery points served by the United States Postal Service postal network are assigned. Irrespective of the 5-digit or ZIP+4™ Codes assigned to particular addresses, service standards generally are established on the basis of 3-digit ZIP Code prefixes, and apply to post offices and addresses in a given 3-digit ZIP Code area.

[6] For a definition of Critical Entry Time, see Section 3.

2. *Customer Satisfaction Measurement (CSM)—Residential/Business.* For over a decade, the Postal Service has been conducting surveys to provide ongoing assessments of customer experiences with Postal Service products and services, to provide rating and diagnostic results for important customer issues, to identify opportunities for improvement, to promote positive change by linking management actions with customer satisfaction, and to provide operational and process-related information to the Postal Service. Residential measurement began in 1991, and business measurement was added in 1994. Surveys are redesigned every two or three years, with the survey and analysis conducted independently by The Gallup Organization and IBM Global Business Services, respectively.

For residential customers, the Postal Service surveys, on a continuous basis, randomly selected households across the United States. Customers have the option of completing the survey online or in hard copy. Currently, the Postal Service receives completed survey questionnaires from about 250,000 households per quarter. Responses provide direct feedback from customers on their experiences when they visit a post office, when they send and receive mail, and when they contact the Postal Service for information or to report a problem. When responding, customers are asked to reflect on the service they have received in the past 30 days. Specific to service standards and performance, residential customers rate the Postal Service on: time for local letters to be delivered, time for nonlocal letters to be delivered, overall Postal Service performance, and comparison to other delivery service companies.

For business customers, the Postal Service conducts two types of surveys. One survey is mailed on an ongoing basis to randomly selected medium- and small-size business customers who have the option of responding online or by mail. Approximately 100,000 survey responses are received quarterly from these customers. The Postal Service also surveys its larger business customers via telephone or through an online response option to assess satisfaction with Postal Service products and services. Like residential customers, business customers are asked about their experiences with sending and receiving mail, but questions are tailored by segment to address the way these customers typically interact with the Postal Service. With regard to service standards and performance, business customers are asked more specifically, by type of mail, about their ratings of service.

In addition to its ongoing CSM survey process, the Postal Service has periodically conducted one-time surveys to determine customer expectations of service. Such surveys have been conducted in 2001, 2006, and 2007. The 2007 survey asked residential customers, and small to medium-size business customers, for their opinions on overall Postal Service performance, and about their expectations regarding delivery (both in their local delivery area and outside their local delivery area) for First-Class Mail, Parcel Post, Periodicals (monthly and weekly magazines and national, out-of-town, and local newspapers delivered by mail), advertising mail and flyers, Library Rate Mail, Media Mail, and Bound Printed Matter. Survey responses were received from approximately 6500 residential and 2500 business customers who had recently responded to the Postal Services CSM survey, and then opted to participate in additional Postal Service research by providing an e-mail address.

3. *National Postal Forum Survey.* The National Postal Forum was held on March 25–28, 2007, in Washington, DC. The forum is an annual conference that serves as an educational venue, trade show, and networking event for mailing industry professionals. At this forum, the Postal Service distributed a survey to a group of attendees. The survey asked respondents how closely they pay attention to service standards when planning mailings and what they thought the Postal Service should consider when re-evaluating its service standards.

4. *Briefings to Labor Unions and Management Associations.* On July 17, 2007, representatives from the Postal Service held a briefing on service standards to which representatives from all of its labor unions and management associations were invited. Issues discussed included service standard elements of the Postal Accountability and Enhancement Act and the implications for the Postal Service; the current service standards and the rules to create them; revenue protection; and, how to approach modernization.

5. *PRC Docket No. PI2007–1.* On June 13, 2007, the PRC established Docket No. PI2007–1, to obtain a broad spectrum of public opinion on service standards and service performance measurement issues. The Postal Service reviewed the comments received in this docket as it developed the proposed modern service standards reflected in this notice.

6. *PRC Field Hearings.* On June 12, 2007, the Commission announced that it would hold three public hearings as part of its development of regulations for a modern postal ratemaking system. The Commission invited different segments of the mailing community to testify at three public hearings on their vision for a new ratemaking system and their views on delivery service standards. These hearings were held in Kansas City, Missouri (June 22, 2007); Los Angeles, California (June 28, 2007); and Wilmington, Delaware (July 9, 2007). The Postal Service reviewed the comments made on delivery service standards and took them into account in developing its proposed modern service standards.

7. *Postal Service/Postal Regulatory Commission Summit Meeting on Meeting Customer Needs in a Changing Regulatory Environment.* On March 13, 2007, the Postal Service and the Commission met with mailers and other stakeholders to discuss various aspects of the recently enacted PAEA. Approximately three hundred people attended the summit. The summit included panel discussions on customer needs related to market-dominant and competitive products and services the PRC–USPS-designed regulatory framework, and service standards and measurements.

Beginning in March 2007, the Postal Service initiated a series of regular informational briefings with the Postal Regulatory Commissioners and their technical staff to address service standard issues on an informal basis. Members of the Postal Service Executive Committee met with Commissioners and PRC staff monthly, beginning in May 2007, to discuss preliminary work performed by the Postal Service in developing modern service standards, measurement systems, methods for reporting data, and customer outreach. In September 2007, the Postal Service initiated formal consultations with the Commission for the purpose of developing modern service standard proposals for each market-dominant product. The consultations regarding service standards, which were concluded in October 2007, were very constructive. The Postal Service and the Commission found common ground on many issues and the Postal Service was able to incorporate valuable suggestions offered by the Commission. Equally productive meetings with the Commission regarding the development of external and/or internal service performance measurement systems under the terms of section 3691(b)(2) are ongoing.

Section 3: Proposed Modern Service Standards

The Postal Service began the development of service standards for market-dominant products by examining the existing standards applicable to the matrix of nearly 851,000 origin-destination 3-digit ZIP Code pairs in the Postal Service network for each mail product. For First-Class Mail, Periodicals, Standard Mail, Package Services, and Outbound Single-Piece First-Class Mail International, the delivery service day ranges were reviewed, along with the business rules that determine the precise number of delivery days for each 3-digit ZIP Code origin-destination pair.

As it reviewed the survey data and other information regarding customer preferences described above in Section 2, the Postal Service performed extensive computer modeling to determine how best to match its current mail processing and transportation network capabilities with customer expectations. An internal cross-functional team was organized to define and map standardized mail processing and transportation flows for all market-dominant mail products. The resulting flows were benchmarked against existing network capabilities by utilizing internal mail processing and transportation data systems to ensure accuracy. Computer programs were then written to calculate the resulting days-to-deliver for all of the approximately 851,000 3-digit ZIP Code origin-destination pairs, separately for each product: First-Class Mail, Periodicals, Standard Mail, and Package Services. Numerous iterations of the model were run to test different service standard day ranges and business rules, and the various alternative outputs were carefully analyzed. As refined potential outcomes were developed, they became the subject of consultations with the Commission.

The creation of new business rules was a key step in the modernization of service standards. Business rules define how the mail should move through the network and include precise facility-to-facility highway transportation distance measurements. For example, the business rules for surface products, such as Periodicals, Standard Mail, and Package Services, allow for shared product transportation, which will keep transportation costs down. Where appropriate, the business rules also recognize the deferability of Standard Mail. The proposed service standards maintain the policy of requiring the same service level for each mail class, irrespective of mailpiece shape. And, for the first time, the standards reflect consideration of the logistical challenges associated with providing service to, from, and within the states of Alaska and Hawaii, as well as the territories of Guam, Puerto Rico, and the United States Virgin Islands.

For special services products, each service was examined to determine which services logically could have standards. Then, standards for those services were proposed. As discussed further below, for certain special services, the establishment of a universal service standard would be unnecessary, redundant, or infeasible.

Subsection A, below, highlights some of the key features of the proposed modern service standards for market-dominant mail products. Subsection B describes the modern service standards proposed for domestic special services. In some instances, the business rules for the proposed modern service standards refer to certain postal terminology and types of postal mail processing facilities. For purposes of clarification, the following brief definitions and descriptions are provided:

An *Area Distribution Center* (ADC) is a mechanized or automated Postal Service mail processing facility that receives and distributes mail destined for specific 3-digit ZIP Codes within its service area under a managed mail program. The program identifies, on first handling, First-Class Mail that cannot make next-day delivery owing to destination distance and eliminates a secondary sorting for this mail, so that it can be airlifted to the destination plant for processing during non-rush hours the next day.

An *Automated Area Distribution Center* (AADC) is a Postal Service mail distribution center that uses multiline optical character readers, barcode sorters, and other equipment designed for processing automation-compatible mail.

A *Bulk Mail Center* (BMC) is a highly mechanized Postal Service mail processing plant that distributes Package Services mail in piece and bulk form, as well as Standard Mail parcels, and Standard Mail letters and flats in bulk form. An *Auxiliary Service Facility* (ASF) is a mechanized facility, usually part of a general mail facility, that has its own service area and serves as a satellite processing hub for a particular BMC.

A *Critical Entry Time* (CET) is the latest time a particular type of mail can be accepted by the Postal Service in order for it to undergo the processing and/or dispatch to downstream operations necessary for delivery within the service standard for that mail.

A *Destination Delivery Unit* (DDU) is the downstream Postal Service facility at which mail is dispatched to carriers for delivery on their routes or at which it is sorted to a Post Office box.

Destination entry refers to the qualified drop-shipment of bulk quantities of mail at a designated postal facility, either a Destination Bulk Mail Center (DBMC), Destination Area Distribution Center (DADC), Destination Sectional Center Facility (SCF), or Destination Delivery Unit (DDU).

An *International Service Center* (ISC) is a Postal Service mail processing facility that, among other things, distributes and dispatches outbound International Mail originating from designated 3-digit ZIP Code areas in the United States or its territories. A functionally equivalent *International Mail Processing Unit* (IMPU) may be established to serve a smaller range of origin 3-digit ZIP Code areas.

The *Periodicals Origin Split and First-Class Mail Mixed ADC/AADC DMM Label List (L201)* is a 3-digit origin sortation scheme utilized by Postal Service mail processing plants and referenced in the *Mailing Standards of the United States Postal Service,* Domestic Mail Manual. Periodicals mailers use the scheme to create ''origin'' mixed ADC bundles, sacks, and tubs of mail. Mixed ADC volume is separated into two groups. Pieces and bundles destinating within the 3-digit ZIP Code ranges (surface destinations for First-Class Mail) listed in L201 for the origin mail processing plant serving the customer's mailing location are presorted separately, and can then be combined and processed with First-Class Mail at the origin plant. This allows economies of scale to be realized in mail processing, thereby both maintaining and increasing Postal Service network efficiency.

A *Sectional Center Facility* (SCF) is a Postal Service facility that serves as the processing and distribution center/facility (P&DC/F) for Post Offices in a designated geographic area, as defined by the first three digits of the ZIP Codes of those offices. Some SCFs serve multiple 3-digit ZIP Code areas. *SCF turnaround mail* has its originating and destinating processing occur at the same Sectional Center Facility

A. Service Standards for First-Class Mail, Periodicals, Standard Mail, Package Services, and Single-Piece First-Class Mail International

Current mail product service standards were originally designed to reflect a general end-to-end mailflow through the Postal Service network. However, the proliferation of

destination entry rate discounts in Standard Mail, Periodicals, and Package Services has provided incentives for significant mailer presortation and containerized entry deeper into the network. Today, approximately 75 percent of all Standard Mail and 70 percent of all Periodicals Mail enters the Postal Service network as destination entry mail, bypassing significant portions of the postal processing and transportation network. Over time, the network has adjusted to accommodate the many methods of mailer worksharing and the varying degrees of destination entry. Both the Postal Service and Postal Service customers realize that modern service standards need to reflect destination entry, as well as end-to-end mail flows.

To develop modern service standards, the Postal Service began by examining data generated by the External First-Class (EXFC) measurement system for single-piece First-Class Mail, by the International Mail Measurement System for outbound Single-Piece First-Class Mail International, and by its Product Tracking System for Single-Piece Parcel Post, Media Mail, Bound Printed Matter, and Library Mail. In the absence of systems for the measurement of commercial First-Class Mail, Periodicals, and Standard Mail service performance, the Postal Service examined internal diagnostic data, as well as similar data provided by specific mailers in relation to delivery performance they have experienced. Such data are useful as potential indicators of service performance and in evaluating Postal Service network capability. In addition, the Postal Service designed an internal test which covered over 300,000 random pieces of live First-Class Mail, Periodicals, and Standard Mail, with different preparation levels, to track how mail flows through its network, and to help identify potential operational and logistical barriers to the provision of reliable and consistent service.

Service standards and the underlying business rules are now being adjusted to give appropriate consideration to contemporary mail processing network capabilities and mail entry practices. Business rules for the end-to-end product flow have been developed to accurately depict the need to consolidate and share both processing and transportation resources in order to keep the Postal Service network efficient and cost effective. For mail products with destination entry rate discounts, the Postal Service is proposing a new destination entry service standard dimension to its current origin-destination 3-digit ZIP Code matrices. Destination entry service standards have been integrated with end-to-end service standards. This results in more realistic and accurate delivery expectations for all categories of mailers.

For mail that both originates and destinates within the contiguous 48 states, no changes are proposed in the 1- to 3-day service standard range for First-Class Mail or the 3- to 10-day range for Standard Mail. The outer limit of the Periodicals service standard range has been expanded by 2 days, from 7 to 9 days. This expansion more realistically reflects network capabilities, allows for efficient and economical transportation routing, and will provide customers with more reliable and consistent service. The outer limit of the service standard day range for Package Services is narrowed by 1 day, from 9 to 8 days, for the same reasons. These day ranges are summarized in the table below.

	PROPOSED
Mail Class	**End-to-End Flow Range (days)***
First-Class Mail	1 - 3
Periodicals	1 - 9
Standard Mail	3 - 10
Package Services	2 - 8

*The table above reflects service standard day ranges for the 48 contiguous states. See the table below for the proposed end-to-end service standard day ranges for the states of Alaska and Hawaii, and the territories of Guam, Puerto Rico, and the U.S. Virgin Islands.

Mail Class	PROPOSED								
	End-to-End Flow								
	Intrastate/Territory			To/From 48 Contiguous States			To/From states of Alaska and Hawaii, and the territories of Guam, Puerto Rico, and the U.S. Virgin Islands		
	Alaska	Hawaii & Guam	Puerto Rico & USVI	Alaska	Hawaii	Puerto Rico & USVI	Alaska	Hawaii	Puerto Rico & USVI
First-Class Mail	1 - 3	1 - 3	1 - 2	3 - 4	3 - 5	3 - 4	4 - 5	4 - 5	4 - 5
Periodicals	1 - 4	1 - 4	1 - 2	10 - 16	11 - 17	9 - 14	18 - 21	18 - 23	18 - 23
Standard Mail	3 - 5	3 - 5	3 - 4	11 - 17	12 - 18	10 - 15	19 - 21	19 - 24	19 - 24
Package Services	2 -4	2 - 4	2 - 3	8 - 14	10 - 16	7 - 13	17 - 19	17 - 22	17 - 22

The service standards for mail to and from addresses in the states of Alaska and Hawaii and the territories of Guam, Puerto Rico, and the U.S. Virgin Islands have been designed using the same mail processing concepts. However, transporting mail to and from (and sometimes within) these locations presents significant challenges, many of which the Postal Service cannot control. For mail products that rely exclusively on interstate or interterritorial surface transportation, for example, the proposed service standard day ranges reflect transportation availability and the number of days that it is expected for a ship to travel from port to port between origin and destination. The extended day ranges reflect the limited availability of economical surface transportation options and the logistical challenges present.

The modern service standard day ranges for mail to and/or from these states and territories is depicted above. The lower end of the day range illustrates the service expectation for local mail, while the higher end of the day range represents the expectation for mail traveling between the most extreme origin-destination pairs, for example: between Alaska and the U.S. Virgin Islands (USVI), between Puerto Rico and Hawaii, or between Guam and all points other than Hawaii. Additional transportation time is allotted on a case-by-case basis to reflect the logistics required to serve these areas.

In addition to the end-to-end service standards, a separate matrix has been developed to depict the service standards for those market-dominant mail products that include destination entry mail: Periodicals, Standard Mail, and Package Services. For the contiguous 48 states, these destination entry standards are summarized in the table below.

	PROPOSED			
	Destination Entry			
Mail Class	DDU (Days)	SCF (Days)	ADC (Days)	BMC (Days)
Periodicals	1	1	1 - 2	
Standard Mail	2	3		5
Package Services	1	2		3

The destination entry standards are summarized in the table below for the states of Alaska and Hawaii and the territories of Guam, Puerto Rico, and the U.S. Virgin Islands.

	PROPOSED							
	Destination Entry							
Mail Class	DDU (Days)	SCF (Days)	ADC (Days)			BMC (Days)		
			Alaska	Hawaii & Guam	Puerto Rico & USVI	Alaska	Hawaii & Guam	Puerto Rico & USVI
Periodicals	1	1	2 (AK) 6 (JNU) 6 (KTN)	2 (HI) 7 (GU)	2			
Standard Mail	2	3				9	10	8
Package Services	1	2				7	8	6

AK = Alaska ZIP Codes 995, 996 and 997; JNU = Alaska ZIP Code 998; KTN = Alaska ZIP Code 999; HI = Hawaii ZIP Codes 967 and 968; GU = Guam ZIP Code 969.

The service standard origin or destination for mail to or from the states of Alaska and Hawaii and Guam, Puerto Rico, and the U.S. Virgin Islands, is defined to/from the 3-digit ZIP Code area in which the interstate/interterritorial gateway mail processing facility is located: Anchorage SCF (Alaska); San Juan SCF (Puerto Rico and USVI); and Honolulu SCF (Hawaii and Guam). This is necessary because transportation beyond these entry/exit points becomes increasingly challenging, increasing the variability in service performance achieved. For example, in the state of Alaska, transportation of First-Class Mail letters on a particular flight to a remote area may be deferred in favor of Package Services Mail containing groceries or medicine, where transportation space is insufficient to carry both products.

The proposed service standards for these states and territories also reflect local operating plans developed in

response to different logistical challenges that affect each state or territory. For instance, factors in the state of Alaska that contribute to the need for longer, more realistic, service standard day ranges include: the reliance on infrequently scheduled cargo ships to and from ports in the contiguous 48 states, the absence of intrastate roads to many remote locations, the infrequency of available surface transportation, the extraordinary geographical reach of the 3-digit ZIP Code service areas in the state, and the necessary reliance on irregular air and hovercraft transportation in lieu of standard commercial trucking and air service between many locations. Extraterritorial mail for Guam is routed through Hawaii; extraterritorial mail for the U.S. Virgin Islands is routed through Puerto Rico. The time-in-transit and the limited availability of cargo ship capacity between the contiguous 48 states and Hawaii and Puerto Rico significantly affect end-to-end transit times for mail dependent on surface transportation, as does the availability of interisland shipping within Hawaii.

The service standard day ranges depicted in the tables above must be viewed in the context of the estimated impact. Based on FY 2006 domestic volumes, an estimated 89.7 percent of total market-dominant mail volume will have a service standard in the 1- to 5-day range, 10.1 percent will have a service standard in the 6- to 10-day range, and 0.1 percent will have a service standard greater than 10 days.

Postal Service customers interested in determining what the service standard would be for a mail product from any particular 3-digit ZIP Code origin to any 3-digit ZIP Code destination, assuming the adoption of the service standard day ranges and business rules proposed herein, may examine a file which can be accessed at the following Internet link: *http://ribbs.usps.gov/svcstandardsprop*. By product (First-Class Mail, Periodicals, Standard Mail, and Package Services) and by origin 3-digit ZIP Code service area, the file provides a list of all destination 3-digit ZIP Code service areas for which the service standard would, for example, be 1, 2, 3, or 4, etc., days. In addition, the file contains the applicable service for each destination entry product from point of entry to destination 3-digit ZIP Code.

Whether mail originates or destinates on one of the islands of Hawaii or on Long Island in New York, modern service standards should reflect rational operating plans in light of available, reasonably economical, and efficient logistical options. In that way, customers can have more realistic expectations and more consistent and reliable service.

The following is a summary of the proposed modern service standard day ranges and underlying business rules for market-dominant mail. It bears repeating that, where the application of a particular business rule for a particular mail product indicates a range of possible delivery days, only a single day within that range applies to a particular 3-digit ZIP Code origin-destination pair.

1. First-Class Mail

Domestic First-Class Mail is sealed against inspection and typically consists of such matter as bills, statements of account, solicitations, personal correspondence and greetings, or other personal information that is wholly or partially handwritten or typewritten. The proposed modern First-Class Mail service standard day range appears below. First-Class Mail utilizes both air and surface transportation. The expected delivery day after the Critical Entry Time for any origin-destination 3-digit ZIP Code pair depends on mail processing operating plans, the distance between origin and destination, and transportation times between processing plants.

First-Class Mail	
End to End	
Standard (days)	Business Rule
1	Overnight delivery is provided to the entire intra-Sectional Center Facility (SCF) area for mail entered prior to the established and published Critical Entry Time (CET), except for mail between Puerto Rico and the U.S. Virgin Islands and intra-SCF mail originating and destinating in the following 3-digit ZIP Codes areas in Alaska: 996, 997, 998, and 999. Other 3-digit ZIP Code areas may be considered for overnight delivery from an origin Processing & Distribution

	Center/Facility (OP&DC/F) if sufficient customer need exists (destination receives at least 1.5% of the total annual First-Class Mail volume originating from the OPDC/F) and operational and transportation feasibility permit.
2	All remaining origin-destination 3-digit ZIP Code pairs that are not overnight and for which the OPDC/F to Area Distribution Center (ADC) surface transportation drive time is within 12 hours, unless the origin and destination are in Alaska, and the mail is entered prior to the established and published CET. All mail between Puerto Rico and the U.S. Virgin Islands that is entered prior to the established and published CET. All Alaska intra-SCF mail that is not overnight and that is entered prior to the established and published CET.
3	Mail between all remaining origin-destination 3-digit ZIP Code pairs located wholly within the 48 contiguous states that is entered prior to the established and published CET. All mail originating within the 48 contiguous states and destinating in the following 3-digit ZIP Code areas: 995 (including Anchorage AK); 968 (including Honolulu HI); or 006, 007, or 009 (Puerto Rico) that is entered prior to the established and published CET. All mail originating in 3-digit ZIP Code areas 006, 007, or 009 (Puerto Rico) and destinating within the 48 contiguous states that is entered prior to the established and published CET. All mail between Hawaii and Guam that is entered prior to the established and published CET. All remaining intra-Alaska mail that is entered prior to the established and published CET.
4	All mail originating within the 48 contiguous states, entered prior to the established and published CET, and destinating in (a) that portion of the state of Alaska not in the 995 3-digit ZIP Code area; or (b) that portion of the state of Hawaii not in the 968 3-digit ZIP Code area; or

	(c) the U.S. Virgin Islands. All mail originating in the states of Alaska or Hawaii, or in the territory of the U.S. Virgin Islands, entered prior to the established and published CET and destinating within the 48 contiguous states. All mail, entered prior to the established and published CET, that both originates and destinates outside of the 48 contiguous states, where the origin and destination are in different states or territories, excluding mail to or from Guam, or between Puerto Rico and the U.S. Virgin Islands.
5	All mail entered prior to the established and published CET that originates in Guam and destinates outside of Guam, other than in the state of Hawaii; or that destinates in Guam and originates outside of Guam, other than in the state of Hawaii.

An estimated 99.7 percent of First-Class Mail will have a service standard in the 1- to 3-day range, and 0.3 percent will have a 4- to 5-day service standard.

2. Periodicals

This domestic mail typically consists of qualified newspapers, magazines, and other similar publications. The proposed modern Periodicals service standard day range appears below. Periodicals Mail utilizes surface transportation. The expected delivery day after the Critical Entry Time for any origin-destination 3-digit ZIP Code pair depends on the level of destination entry, mail processing operating plans, distance between origin and destination, and transportation times between processing plants.

Periodicals	
End to End	
Standard (days)	**Business Rule**
1	SCF turnaround mail only where the origin PDC/F and SCF are the same building and the mail is entered prior to the established and published Critical Entry Time (CET), except for mail between Puerto Rico and the U.S. Virgin Islands, and mail originating or destinating in the Alaska 3-digit ZIP Code areas of 996, 997, 998, and 999.
2 - 4	All 3-digit ZIP Code origin-destination pairs where Periodicals are entered prior to the established and published CET and merged with First-Class Mail for surface transportation (as defined by the Periodicals Origin Split and First-Class Mail mixed ADC/Automated Area Distribution Center (AADC) DMM label list (L201)) will take on the First-Class Mail service standard plus one day. All mail between Puerto Rico and the U.S. Virgin Islands that is entered prior to the established and published CET. All mail between Hawaii and Guam that is entered prior to the established and published CET. All remaining intra-Alaska mail that is entered prior to the established and published CET.
5 - 9	All remaining 3-digit ZIP Code origin-destination pairs within the 48 contiguous states where Periodicals are entered prior to the established and published CET will require 4 - 5 days, plus the number of days required for surface transportation (1 to 4 days).
9 - 23	All remaining 3-digit ZIP Code origin-destination pairs outside the 48 contiguous states where Periodicals are is entered prior to the established and published CET will require 4 - 5 days, plus the number of days required for intermodal (surface, boat, air-taxi) transportation.

Destination Entry	
Standard (days)	**Business Rule**
1	All mail that receives a destination entry discount and is dropped at a Destination Delivery Unit (DDU). All mail that receives a destination entry discount and is dropped at a Destination Sectional Center Facility (DSCF) prior to the established and published CET, except for mail dropped at the San Juan SCF and destined for the U.S. Virgin Islands, and intra-SCF mail in the following 3-digit ZIP Codes areas in Alaska: 996, 997, 998 and 999.
2	All mail that receives a destination entry discount and is dropped at the Destination Area Distribution Center (DADC), where the DADC and the DSCF are not in the same building prior to the established and published CET, unless the ADC is located with the 48 contiguous states and the destination is not. All mail that receives a destination entry discount and is dropped at the San Juan SCF and destined for the U.S. Virgin Islands. All Alaska intra-SCF mail in the following 3-digit ZIP Codes areas in Alaska: 996, 997, 998 and 999.
6 - 7	All mail that receives a destination entry discount and is dropped at a destination ADC located within the 48 contiguous states prior to the established and published CET, but destinates in the states of Alaska and Hawaii and Guam, Puerto Rico, or the U.S. Virgin Islands.

An estimated 92.4 percent of Periodicals will have a service standard in the 1- to 4-day range; 7.2 percent will have a service standard in the 5- to 9-day range; and 0.4 percent will have a service standard greater than 9 days.

3. Standard Mail

Any mailable matter weighing less than 16 ounces may be mailed domestically as Standard Mail (except matter that is required to be mailed as First-Class Mail or copies of a publication that is required to be entered as Periodicals Mail). The proposed modern Standard Mail service standard day range appears below. Standard Mail utilizes surface transportation. The expected delivery day after the Critical Entry Time for any origin-destination 3-digit ZIP Code pair depends on the level of destination entry, mail processing operating plans, distance between origin and destination, transportation times between processing plants, and consideration of the deferrable nature of the product. The proposed business rules incorporate determinations defining specifically where in the mail flow for Standard Mail the product may be deferred for up to one day. For origin-entry mail, this occurs at the Postal Service mail processing facility designated as the origin consolidation site; for destination-entry mail, this occurs at the destination delivery unit.

Standard Mail	
End to End	
Standard (days)	**Business Rule**
3	All SCF turnaround mail where the OPDC/F and SCF are the same building, and the mail is entered prior to the established and published Critical Entry Time (CET), except for mail between Puerto Rico and the U.S. Virgin Islands.
4	All remaining 3-digit ZIP Code origin-destination pairs that are ADC-turnaround, where the OPDC/F and the ADC are the same building, and the in the 48 contiguous states and the destination is not. All mail between Puerto Rico and the U.S. Virgin Islands that is entered prior to the established and published CET.
5	All remaining 3-digit ZIP Code origin-destination pairs that are part of the intra-Bulk Mail Center (BMC) area, and the mail is entered prior to the established and published CET, and the mail originates and destinates within the 48 contiguous states. All mail between Guam and Hawaii that is entered prior to the established and published CET. All remaining intra-Alaska mail that is entered prior to the established and published CET.
6 - 10	All mail entered prior to the established and published CET for remaining 3-digit ZIP Code origin-destination pairs will require 6 days plus the number of days required for surface transportation (up to 4 days) within the 48 contiguous states.
10 - 24	All remaining mail entered prior to the established and published CET will require 6 days, plus the number of days required for intermodal (surface, boat, air-taxi) transportation outside the 48 contiguous states.
Destination Entry	
Standard (days)	**Business Rule**
2	All mail that receives a destination entry discount and is dropped at the destination delivery unit (DDU) prior to the established and published Critical Entry Time (CET).
3	All mail that receives a destination entry discount and is dropped at the destination SCF prior to the established and published CET, except for mail dropped at the San Juan SCF and destined for the U.S. Virgin Islands.
4	All mail that receives a destination entry discount and is dropped at the destination ADC prior to the established and published CET, unless the ADC

	is in the 48 contiguous states and the destination is not. All mail that receives a destination entry discount and is dropped at the San Juan SCF and destined for the U.S. Virgin Islands.
5	All mail that receives a destination entry discount and is dropped at the destination BMC prior to the established and published CET, and originates and destinates within the 48 contiguous states.
8 - 10	All mail that receives a destination entry discount and is dropped at a destination ADC or BMC located within the 48 contiguous states prior to the established and published CET, but destinates in the states of Alaska and Hawaii, and Guam, Puerto Rico or the U.S. Virgin Islands.

An estimated 79.6 percent of Standard Mail will have a service standard in the 2- to 5-day range, 20.2 percent will have a service standard in the 6- to 10-day range, and 0.2 percent will have a service standard greater than 10 days.

4. Package Services

Any domestic mailable matter may be entered as Package Services mail, except for matter required to be entered as First-Class Mail, Periodicals, or Standard Mail, as specified by the Postal Service). The proposed modern Package Services (Single-Piece Parcel Post, Media Mail, Bound Printed Matter and Library Mail) service standard day range appears below. Package Services Mail utilizes surface transportation. The expected delivery day after the Critical Entry Time for any origin-destination 3-digit ZIP Code pair depends on the level of destination entry, mail processing operating plans, Bulk Mail Center/Auxiliary Service Facility (BMC/ASF) processing relationships, distance between origin and destination, and inter-BMC/ASF transportation times.

Package Services	
End to End	
Standard (days)	**Business Rule**
2	All SCF turnaround mail where the OPDC/F and SCF are the same building, and the mail is entered prior to the established and published Critical Entry Time (CET), except for mail between Puerto Rico and the U.S. Virgin Islands.
3	All remaining 3-digit origin-destination ZIP Code pairs that are part of the intra-BMC area and the destination is not serviced by an ASF, and the mail is entered prior to the established and published CET, and originates and destinates within the 48 contiguous states. All mail between Puerto Rico and the U.S. Virgin Islands that is entered prior to the established and published CET.
4	All remaining 3-digit origin-destination ZIP Code pairs that are part of the intra-BMC area and the destination is serviced by an ASF, and the mail is entered prior to the established and published CET and originates and destinates within the 48 contiguous states. All remaining intra-Alaska mail that is entered prior to the established and published CET. All mail between Hawaii and Guam that is entered prior to the established and published CET.
5 - 8	All remaining 3-digit origin-destination ZIP Code pairs where the mail is entered prior to the established and published CET will require 4 days plus the number of days required for surface transportation (up to 4 days) within the 48 contiguous states. An additional day is required if the destination is serviced by an ASF.
7 - 22	All remaining 3-digit origin-destination ZIP Code pairs and the mail is entered prior to the established and published CET will require 4 days plus the

	number of days required for inter-modal (surface, boat, air-taxi) transportation outside the 48 contiguous states.
	Destination Entry
Standard (days)	**Business Rule**
1	All mail that receives a destination entry discount and is dropped at the destination DDU prior to the established and published CET.
2	All mail that receives a destination entry discount and is dropped at the destination SCF prior to the established and published CET, except for mail dropped at the San Juan SCF and destined for the U.S. Virgin Islands.
3	All mail that receives a destination entry discount and is dropped at the destination BMC prior to the established and published CET, and that originates and destinates in the contiguous 48 states. All mail that receives a destination entry discount and is dropped at the San Juan SCF and destined for the U.S. Virgin Islands.
6 - 8	All mail that receives a destination entry discount and is dropped at a destination BMC located within the 48 contiguous states prior to the established and published CET, but destinates in the states of Alaska and Hawaii, and Guam, Puerto Rico, or the U.S. Virgin Islands.

An estimated 70.6 percent of Package Services mail will have a service standard in the 1- to 4-day range, 29.1 percent will have a service standard in the 5- to 8-day range, and 0.3 percent will have a service standard greater than 8 days.

5. Outbound Single-Piece First-Class Mail International Letters and Flats

Outbound Single-Piece First-Class Mail International has been defined as a separate product by the Postal Service in its proposed Mail Classification Schedule.[7] The proposed service standard day range for outbound Single-Piece First-Class Mail International letters and flats is equivalent to the service standard for domestic First-Class Mail from the same origin 3-digit ZIP Code to the 3-digit ZIP Code area in which that origin's designated International Service Center or International Mail Processing Unit is located.

B. Domestic Special Services

1. Summary of Services

There are two categories of domestic special services: ancillary, and stand-alone.

Ancillary special services are purchased for a fee in addition to the postage applicable to First-Class Mail, Periodicals, Standard Mail, Single-Piece Parcel Post, Bound Printed Matter, Library Mail, or Media Mail. These optional, ancillary special services are varied in nature. Some may be purchased only for specific mail products or mailpiece shapes. The following is a summary of the ancillary services:

- Address Correction Service involves the transmission of corrected address information to senders, when recipients to whom they have sent a specific mailpiece provide a forwarding address to the Postal Service. Information is provided either through automated or hardcopy notification, depending on the type of service requested.
- Business Reply Mail®, Merchandise Return, and Bulk Parcel Return are alternate postage payment methods established for bulk mail recipients. Postage is paid through a postal account funded by the recipient for pieces that are mailed without postage fixed. Return pieces may be First-Class Mail or Package Services, as allowed for those services. Shipper Paid Forwarding is an alternate postage payment method for bulk mailers who establish accounts to cover postage, when parcels directed to addressees specified by the shipper

[7] PRC Docket No. RM2007–1, United States Postal Service Submission of Initial Mail Classification Schedule in Response to Order No. 26, at 22 (September 24, 2007).

need to be forwarded to different addresses designated by the recipients. Fees in addition to postage are paid for these various accounting related services.

• Certified Mail service™ provides the sender a mailing receipt and access to electronic information regarding the delivery status of a mailpiece.

• A Certificate of Mailing provides a receipt to the sender as evidence that a mailpiece was accepted by the Postal Service.

• Collect on Delivery involves postal collection of payment for merchandise ordered by the recipient, and transmission of the recipient s payment to the sender.

• Delivery Confirmation™ service provides the sender access to electronic information regarding the delivery status of a mailpiece.

• Insurance services provide senders indemnity in the event of loss or damage to the contents of mailpieces.

• Parcel Airlift Service provides for air transportation of Standard Mail parcels on a space available basis to or from U.S. military Post Offices outside the contiguous 48 states.

• Registered Mail service provides added security for a mailpiece from acceptance to delivery, and indemnity in case of loss or damage in transit.

• Return Receipt service provides the sender with evidence that a mailpiece has been received at the delivery address, including the original or copy of the recipient s signature. The receipt is either in the form of a First-Class Mail card returned to the sender or electronically transmitted information.

• Restricted Delivery service permits the sender to direct that a mailpiece be delivered to a particular person at the delivery address (or that person's designated agent for the receipt of mail).

• Signature Confirmation™ service provides delivery status information, plus the name and signature of the recipient who signed for the piece upon delivery.

• Special Handling provides preferential handling to the extent practicable in dispatch and transportation of First-Class Mail and Package Services.

• Stamped Envelopes, Stationery and Cards are articles that can serve as philatelic items or be used as postage-paid mailpieces.

A principal feature of a number of ancillary special services is the electronic provision of information by the Postal Service to the sender regarding the status of a particular mailpiece. That information may consist of confirmation that delivery was either attempted or completed, a copy of the recipient's signature, or information on address corrections of applicable mailpieces.

For a number of these ancillary services, delivery-related information is generated by Postal Service scanning of mailpieces at delivery units or during carrier delivery. Before the completion of daily work shifts, Postal Service delivery personnel dock their portable hand-held scanners, so that delivery information pertinent to each scanned mailpiece can be uploaded and transmitted to appropriate Postal Service data systems. New scanners currently being deployed allow for signatures to be scanned at the time of delivery and transmitted with the delivery information. Automated address correction of applicable mailpieces is performed passively by certain automated Postal Service mail sortation equipment that then transmits information to Postal Service systems. Information from these various Postal Service data systems is then made available to the purchaser of the special service.

In contrast to these ancillary services, stand-alone special services are not contingent upon the sending or receipt of a particular mailpiece:

• Address List Services are available to mailers seeking correction of the addresses or ZIP Codes on their mailing lists, or the sequencing of their addresses. The corrected addresses are then used by mailers to create and send mail.

• Caller Service provides an alternative means of receiving properly addressed mail at a postal facility call window or loading dock, at times arranged between the recipient and the postal facility.

• Change of Address Credit Card Authentication is a service through which a Change of Address notice submitted via the Internet or by telephone is authenticated by reference to the credit card number provided by the requester.

• Confirm is a subscription service that enables customers who apply the appropriate barcode to their mail to receive information concerning passive scans of that mail captured by automated postal mail sortation equipment while the mail is in transit between acceptance and delivery.

• Money Orders are financial instruments that can be used, independently of whether they are mailed, to transfer monetary funds between parties.

• Post Office Box service provides a customer with a locked postal receptacle for the receipt of mail as an alternative to delivery at the recipient s street address.

Many mail products, as well as ancillary and stand-alone special services, are purchased at Post Office retail windows. As described above, some special services are completed during the course of the window transaction. However, retail window transactions do not constitute market-dominant special services within the meaning of subsection 3621(a)(9) for which service standards must be established under section 3691. Accordingly, the Postal Service proposes no service standards in relation to window service transactions during which mail products or special services can be purchased.

2. Proposed Service Standards for Domestic Special Services

The table below, which summarizes the modern service standards proposed for various special services, is followed by a discussion of each.

SERVICES	SERVICE STANDARD
Delivery Confirmation	Availability of delivery information within 24 hours of scan
Signature Confirmation	Availability of delivery information within 24 hours of scan
Certified Mail	Availability of delivery information within 24 hours of scan
Electronic Return Receipt	Availability of delivery information within 24 hours of scan
Registered Mail	Availability of delivery information within 24 hours of scan
Collect on Delivery	Availability of delivery information within 24 hours of scan
Confirm	Availability of en-route information within 24 hours of scan
Address Correction (electronic)	Availability of address data within 24 hours of en-route correction
Insurance	Resolution within 30 days of submission of completed claim
Post Office Boxes	Mail available at locally posted "uptime"
Address List Services	Availability of information within 15 business days of request (except between November 16 and January 1)

a. Address List Services

The Postal Service currently has a standard operating procedure for completing customer requests for Election Board Address Changes, Corrections and ZIP Coding of Lists, and Sequencing of Address Cards. The Postal Service proposes making this standard operating procedure the modern service standard for these services. This standard would require that, except for the period between November 16 and January 1, the Postal Service return the corrected addresses within 15 workdays. The exclusion of the November 16 to January 1 time period is due to the impact of the surge of holiday mail volume on Postal Service personnel ordinarily responsible for fulfilling these requests within the 15-workday period.

b. Information Services for Ancillary and Stand-Alone Services

A critical element of the various mailpiece delivery information services and Confirm is the timely provision of the expected information. Accordingly, modern service standards will include an objective expectation of availability of delivery scan information for the following ancillary special services products: Delivery Confirmation, Signature Confirmation, Certified Mail, Registered Mail, electronic Return Receipt, and Collect on Delivery. For Confirm, the modern service standard will be an objective expectation of availability of Confirm scan information obtained from mailpieces. For Address Correction services provided electronically, the modern service standard will be an objective expectation for availability of address correction information obtained in relation to specific mailpieces from the customer's mailing. For these special services, the Postal Service proposes that delivery information, Confirm scans, or address correction information, as appropriate, be accessible online to the sender within 24 hours of the time-stamp of the scan. The Postal Service emphasizes that the proposed 24-hour standard is not intended to abrogate current arrangements in individual Confirm Service Agreements regarding the frequency of batching, transmission, or earlier availability of such data.

c. Insurance Claims Processing

A vital element of postal insurance is the timeliness of the Postal Service's resolution of indemnity claims filed by customers. Accordingly, as a modern service standard, the Postal Service proposes that a decision should be transmitted to the claimant no later than 30 days after the date on which the Postal Service has received all information from the claimant necessary for resolution of the claim.

d. Post Office Box Service

An essential element of Post Office Box service is the timely availability of mail by the posted ''uptime.'' The ''uptime'' is the time of day by which customers can expect to collect from their Post Office Box the mail that has been received for delivery that day. On the basis of local mail processing plans

and standard operating procedures, each Post Office Box section is required to establish and publicly post its standard ''uptime'' for each delivery day. Accordingly, the Postal Service proposes that the modern service standard for Post Office Box service be mail availability by the posted daily ''uptime.''

3. Special Services Products for Which No Independent Service Standards Are Being Proposed

As explained below, there are certain special services for which the establishment of a universal service standard would be unnecessary, redundant or infeasible. Accordingly, the Postal Service interprets subsection 3691(a) as not requiring the establishment of service standards for the following special services, based upon their present characteristics.

a. Address Correction Service

Mailers seeking to maintain up-to-date mailing lists can purchase Address Correction Service, in order to receive updated forwarding address information submitted to the Postal Service by addressees. Unlike delivery scan data that mailers request at acceptance and expect to receive with every delivery, ACS data are expected by the sender only for those mailpieces which require the Postal Service to use its mail forwarding address database to deliver the mailpiece, and then transmit the new delivery address to the sender. Manual ACS information is batched, and the frequency with which it is transmitted to the purchasers of ACS varies on the methods employed, as well as specific arrangements between the Postal Service and particular customers. Accordingly, unlike delivery scan data, there is no one standard time by which all ACS subscribers expect the requested data to be available. Additionally, there is no one availability standard that applies to all ACS subscribers served by the same Post Office. For these reasons, no service standard is proposed.

b. Alternate Postage Payment Methods

Business Reply Mail, Merchandise Return, and Bulk Parcel Return are alternate postage payment methods established for bulk mail recipients. Shipper Paid Forwarding is an alternate postage payment method for bulk mailers. Mail subject to these alternate postage payment methods has the same delivery service standards for the applicable mail product (e.g., First-Class Mail or Single-Piece Parcel Post) as would any other mailpiece from the same point of entry, forwarding, or return to destination. Accordingly, there is no justification for establishing independent service standards for the reply, returned, or forwarded portions of the respective mailstreams through which such pieces flow.

c. Caller Service

Caller Service provides a means for (usually high volume) mail recipients to receive their mail at a postal retail window or loading dock. From origin to delivery availability, the mail picked up by the customer is subject to the standards for each class.

Daily Caller Service pickup times are arranged between the delivery office and the mail recipient. These pickup times may be pre-arranged or may be on an ''on-call'' basis. They often vary from posted Post Office Box section ''uptimes'' and many Caller Service customers arrange for multiple pickups on a given day. Thus, in contrast to Post Office Box service, there is no one posted daily ''uptime'' standard by which all Caller Service, either system wide or at a particular Post Office, is offered. Accordingly, it is infeasible to establish a service standard for Caller Service pickup.

d. Certificate of Mailing

A Certificate of Mailing is provided to the sender by the Postal Service as an intrinsic element of the acceptance of the mailpiece for which it was purchased. The purchase of the certificate is ancillary to sending a First-Class Mail letter or Single-Piece Parcel Post package, for example, and does not affect the delivery service standards otherwise applicable to those pieces. Provision of the certificate at the time of mailing is a part of the acceptance of the mailpiece for which the certificate is purchased and completes the special service. Accordingly, the Postal Service sees no means or need for a standard measuring the timely completion of this special service.

e. Change of Address Credit Card Authentication

Change of Address Authentication service provides a customer with a means of having the Postal Service verify their address using standard Address Verification Service (AVS), by reference to a credit card number the customer provides when they submit a Change of Address request via telephone or the Internet. This authentication service is an alternative to the customer completing a hard-copy Change of Address request form. The customer pays a fee for the credit card authentication associated with the telephone or Internet Change of Address request, not for the subsequent processing of that request. The authentication service is provided and completed at the time that the credit card is validated and the fee is debited. The Postal Service does not consider it necessary or feasible to establish an objective standard for the timely completion of the authentication which takes place during a telephone or Internet transaction.

f. Money Orders

As with Stamped Cards and Stationery, and entirely at the option of the purchaser, Postal Money Orders may be enclosed in, for example, First-Class Mail pieces. Such enclosures do not affect the application of the First-Class Mail service standards for such mail. Once a Postal Money Order is purchased, the Postal Service does not necessarily have anything further to do. For these reasons, the Postal Service concludes that there is no mandate in section 3691 to establish service standards for Postal Money Orders.

g. Return Receipt (Hard-Copy)

After delivery of the mailpiece to which it was affixed, a hard-copy Return Receipt card is returned by the Postal Service to its purchaser via First-Class Mail. The First-Class Mail service standard for the 3-digit ZIP Code pair in question (from destination back to origin) governs the return transit. Accordingly, no independent service standards should be developed for the Return Receipt portion of the First-Class Mail stream.

h. Special Handling, Restricted Delivery, and Parcel Airlift

A critical element of Parcel Airlift Service, Restricted Delivery, and Special Handling is that each product is purchased subject to the explicit understanding that the requested preferential handling, transportation upgrade, or delivery restriction is subject to availability. At the time when these services are purchased, it cannot be known whether the processing or transportation upgrade can be accommodated, or whether some delivery policy exception or limitation applicable to the delivery address overrides the requested delivery restriction. Accordingly, the establishment of service standards for these conditional service offerings is unwarranted.

i. Stamped Envelopes, Cards, and Stationery

When used, for example, as First-Class Mail pieces or enclosures, Stamped Envelopes, Cards, and

Stationery are subject to the service standards that apply to other First-Class Mail pieces. Accordingly, no independent service standards should be developed for these products.

Section 4: The Proposed Modern Service Standards Reflect Consideration of Relevant Statutory Objectives and Factors

A. The Statutory Objectives

As indicated above, subsection 3691(b)(1) requires the Postal Service to achieve certain specified objectives in establishing its modern service standards. At the same time, subsection 3691(c) requires that the modern service standards reflect consideration of a list of enumerated factors. The proposed service standards reflect limitations inherent in network capabilities, the mail processing environment, and transportation. As such, they reflect customer interest in standards that establish reasonable expectations for when mail should be delivered. Service standard day ranges based on great circle mile zone bands are being set aside in favor of ranges based on precise facility-to-facility highway transportation distance measurements. Destination entry service standards have been created to recognize the impact of major advances in mailer worksharing on Postal Service mail processing and delivery capability. More realistic day ranges have also been established for mail originating from, or destinating to, the states of Alaska and Hawaii and the territories of Guam, Puerto Rico, and the U.S. Virgin Islands. These day ranges more accurately reflect the significant logistical challenges and limited availability of economical transportation options that affect service for these states and territories.

Below, the Postal Service explains how the modern service standards described above and its plans for service performance measurement to achieve the objectives of subsection 3691(b).

(A)—*To enhance the value of Postal Service services to both senders and recipients.*

The value of postal services to both senders and recipients is enhanced when the service standards for those services are clear and reflect a balanced consideration of reasonable customer expectations and the capabilities of the mail processing and transportation networks. By aligning the proposed standards with operational capabilities, the Postal Service can provide reliable, consistent service, and properly fulfill the service expectations of both senders and recipients. Destination entry standards have been created and integrated with ''end-to-end'' mail flows to enhance the value of mailer worksharing, in a clear and easy-to-use format. Standard Mail deferability has been incorporated into the service standard day ranges and business rules, to reduce the potential for cumulative local deferral decisions that can result in unpredictable delivery times. In light of recent mail shifts from First-Class Mail to Standard Mail, preservation of clear distinctions between the service standards for the different mail classes (to reflect different service levels) will enhance value, consistency, and reliability and allow customers to continue to make informed choices regarding the service level desired. The proposed new time-sensitive service standards for many special services will give customers clearer expectations about the services offered, which will enhance the value of those services.

(B)—*To preserve regular and effective access to Postal Service services in all communities including those in rural areas or where Post Offices are not self-sustaining.*

Long-standing Postal Service policy has been to provide regular and effective access to postal services in all communities, whether urban or rural, without regard to whether post offices at particular origins or destinations are self-sustaining. The proposed market-dominant service standards adhere to this objective. Service standard day ranges have been extended for the states of Alaska and Hawaii and the territories of Guam, Puerto Rico, and the U.S. Virgin Islands. These changes reflect the Postal Service's goal of seeking to satisfy customers' desire for greater consistency and reliability on the basis of more realistic mail processing and transportation plans. The proposed day ranges more accurately reflect the significant logistical challenges and limited availability of economical transportation options for these service areas. The consultations with the Postal Regulatory Commission confirmed that both agencies share a sensitivity to the needs of customers in these states and territories. As with the contiguous 48 states, service standard proposals are not influenced by whether any portion of any state or territory may be regarded as urban or rural, or the degree to which any Post Offices are self-sustaining. Additionally, it should be observed that some special services are accessible online 24 hours a day, seven days a week, which allows customers access regardless of the location in the Postal Service network.

(C)—*To reasonably assure Postal Service customers delivery reliability, speed, and frequency consistent with reasonable rates and best business practices.*

The Postal Service proposes to adjust service standard day ranges based on consistent and modern business rules, not only to meet customer needs and expectations, but also to conform to the capabilities of the current mail processing and transportation network. Accordingly, the Postal Service expects that customers will experience more reliable service, with reasonable levels of speed consistent with the relative degrees of expedition and priority in processing that are intrinsic to each market-dominant mail product. Such an approach is consistent with the goal of preserving reasonable rates and conforms to best business practices.

(D)—*To provide a system of objective external performance measurements for each market-dominant product as a basis for measurement of Postal Service performance.*

In accordance with subsection 3691(b)(2), the Postal Service is continuing to meet with the Postal Regulatory Commission regarding the employment of a hybrid mix of external and internal service performance measurement systems.[8] The Postal Service anticipates that these very constructive meetings will lead to the development of systems that generate data sufficiently reliable and robust for the management of its market-dominant mail and special services products, that keep postal customers reasonably informed about the quality of service provided, and that permit the Commission to fulfill its regulatory functions, in a manner that minimizes harm to the Postal Service's commercial interests. Further details regarding the nature of these service performance measurement systems will be reflected in the Postal Service report to Congress detailing its network plan and operational objectives that will be implemented to meet the service standards proposed in this notice. That network plan will be developed after further consultations with the Commission, and the network plan report will be submitted to Congress on or before June 20, 2008, in accordance with PAEA section 302.

B. The Statutory Factors

As is demonstrated below, the proposed modern service standards also reflect a thorough consideration of the

[8] An ''external'' service performance measurement system would be one operated by a non-Postal Service entity; an ''internal'' system would be one operated by the Postal Service. Under the terms of subsection 3691(b)(2), with the approval of the Commission, the Postal Service may employ internal systems.

enumerated factors in subsection 3691(c).

(1)—*The actual level of service that Postal Service customers receive under any service guidelines previously established by the Postal Service or service standards established under this section.*

As described previously, early in its review of current service standards, the Postal Service examined data generated by the External First-Class (EXFC) measurement system for single-piece First-Class Mail, its Product Tracking System for Package Services, as well as data generated by its special services delivery and en-route mailpiece scan data systems, and its Customer Satisfaction Measurement system. In the absence of a system for the measurement of Periodicals and Standard Mail service performance, the Postal Service examined internal diagnostic data, as well as similar data provided by specific mailers in relation to actual delivery performance they have experienced.

Such data are valuable as potential indicators of service performance. In addition, as discussed earlier, the Postal Service tracked over 300,000 live mailpieces to examine how mail flowed through its network and to help identify potential operational bottlenecks and logistical barriers to the provision of reliable and consistent mail service. The Postal Service also gathered information from customers using the methods described in the discussion above in Section 2 of this notice and below in reference to the next factor. All of this information provided a foundation from which the Postal Service could assess current levels of service.

(2)—*The degree of customer satisfaction with Postal Service performance in the acceptance, processing, and delivery of mail.*

The Postal Service used a combination of long-established customer outreach methods and efforts resulting specifically from the enactment of the PAEA to determine the degree of customer satisfaction in the acceptance, processing, and delivery of mail. Regarding service standards, the main recommendations were that service standards should be reliable, consistent, realistic, and attainable, and that any proposed changes reflect sensitivity to the impact of increased postal costs on rates that customer pay. Examples of other suggestions included:

—Existing service standard guidelines should serve as a baseline for developing modern standards.
—Measures should be taken to reduce the ''tail'' of the mail, the percentage of mail delivered later than the applicable standard.
—Destination entry service standards should be incorporated where such rate incentives exist.
—Service standards should vary on the basis of seasonality to accommodate the impact of the holiday mailing season.
—Service standards for deferrable Standard Mail should reflect ''in-home'' delivery day ranges in lieu of specific delivery day targets, and performance should be measured on the basis of compliance with requested ''in-home'' delivery day ranges.
—Service improvements and costs should be balanced.

The proposed service standards take into account technology deployments and destination entry mailing practices that have emerged in the past few decades, as well as standardized mail processing flows that have been developed for each market-dominant mail product. As a result, the proposed standards are based upon current network capabilities. This should ensure better consistency and reliability in the delivery of mail, and give customers a more realistic picture of Postal Service delivery capabilities. By adopting standards based on actual network capabilities and what is realistically attainable, the Postal Service expects to provide more consistent and reliable service, and to reduce the ''tail'' of the mail. For Standard Mail, the Postal Service prefers the establishment of service standards that reflect specific day targets, as opposed to a range of ''in-home'' delivery days for each origin-destination 3-digit ZIP Code pair. The Postal Service will collaborate with a mailing industry workgroup to further explore the needs of mailers who request ''in-home'' delivery dates. And, rather than adopt service standard day ranges or business rules that vary during the year, the Postal Service considers that the concerns underlying such proposals are more appropriate for consideration in the determination of performance goals, one of the subjects of the upcoming network plan consultations under PAEA section 302(b)(1). In the development of those performance goals, the Postal Service will work with mailers to determine what types of goals would best address the issue of seasonality.

The proposed modern standards preserve the differences in service levels among the different market-dominant mail products. In addition, the standards reflect consideration of customer preference for minimizing changes in service levels that could have an adverse impact on Postal Service costs for these mail products.

(3)—*The needs of Postal Service customers, including those with physical impairments.*

The Postal Service serves different types of customers, with varying needs. To ensure that its diverse stakeholders were heard, as explained above in Section 2, the Postal Service used a combination of long-established customer outreach methods, as well as efforts resulting specifically from the enactment of the PAEA. The Postal Service consulted with the Mailers' Technical Advisory Committee (MTAC) and reviewed the Postal Service's Customer Satisfaction Measurement—Residential/Business surveys (CSM). The Postal Service also met with and solicited comments from mailers at the Postal Service/Postal Regulatory Commission Summit on Meeting Customer Needs in a Changing Regulatory Environment, and at the semi-annual National Postal Forum. Additionally, the Postal Service reviewed the comments solicited by the Commission at its three public hearings, held in Kansas City, Missouri; Los Angeles, California; and Wilmington, Delaware. Comments received in PRC Docket PI2007–1, *Service Standards and Performance Measurement For Market-Dominant Products*, also were reviewed. The Postal Service also solicited input from postal unions, management associations, as well as through a consumer and small business survey.

Examples of customers' concerns and how they were addressed are detailed in reference to subsection 3691(c)(2) above. Of course, not every customer proposal could be accepted. Recommendations that ran contrary to the policies of Title 39, or that did not appear to reflect a balanced consideration of all of the factors discussed here, were set aside.

The PAEA also requires that the Postal Service take into account the needs of customers with physical impairments. 39 CFR 255.1 implements section 504 of the Rehabilitation Act of 1973, as amended. Section 504 prohibits discrimination on the basis of disability in programs or activities conducted by the Postal Service. The Postal Service is not proposing to adopt any service standards or service standard changes that work to the disadvantage of customers with a disability.

(4)—*Mail volume and revenues projected for future years.*

The Postal Service examined recent mail volume and revenue trends for each market-dominant product, as reflected in its quarterly Revenue Pieces

& Weight/Origin-Destination Information System. The Postal Service also reviewed its Docket No. R2006–1 test year volume projections. These data suggest that prudent decision-making is necessary if the Postal Service is to meet customer expectations at reasonable costs, especially in light of the price increase constraints on market-dominant products enacted as the centerpiece of modern ratemaking and the alternatives available for all market-dominant mail products.

(5)—*The projected growth in the number of addresses the Postal Service will be required to serve in future years.*

The Postal Service expects continued growth in the number of delivery addresses it must serve. Accordingly, the Postal Service considered this factor in conjunction with the impact that such growth could have on the feasibility of providing service at reasonable costs, in light of the current mail mix and volume trends. In developing the proposed modern service standards, the Postal Service took a conservative approach to change, in light of a shifting mail mix that generates less revenue per piece as First-Class Mail volume declines. Revenue trends affect the Postal Service's ability to expend capital and require it to ensure that its operations are designed to more efficiently deliver fewer pieces per address to a growing number of addresses.

(6)—*The current and projected future cost of serving Postal Service customers.*

As highlighted above, in view of the constraints on price increases that are imposed on market-dominant products, it is more important than ever that costs associated with these services be contained. At the same time, great care must be taken to ensure that necessary cost containment does not disturb customer service expectations. Accordingly, in determining the degree of adjustment to the current service standards for market-dominant products, the Postal Service was mindful of recent cost trends associated with these services, as well as available cost projections for these products. The Postal Service attempted to strike a reasonable balance between desired customer service and the need to contain costs.

(7)—*The effect of changes in technology, demographics, and population distribution on the efficient and reliable operation of the Postal Service delivery system.*

There have been significant advances in mail processing technology and postal transportation over the past several decades. Mail processing procedures have been adjusted over time to reflect those advances. Mail processing capacity in the Postal Service network must constantly be adjusted in response to geographic shifts in both population and the level of mail-generating economic activity. The Postal Service must continue to improve the flexibility of its network for this reason. The proposed service standards reflect reasonable goals in light of the current network and technological advances that are expected in the nearterm. Sophisticated network mapping and transportation management tools now permit the Postal Service to manage and adjust its operations to meet service goals more efficiently. The Postal Service has taken into account the advent of Flats Sequencing System technology and advances in mailpiece scanning technology to continue to refine service management. Careful coordination will be necessary between the implementation of the network plan mandated by PAEA section 302 and the service standard changes proposed here to ensure that efficiency and reliability of service are improved.

(8)—*The policies of this title and such other factors as the Postal Service determines appropriate.*

The Postal Service has been established to operate as a basic and fundamental service to the American public. Management of the national postal system involves the balancing of important service and operational objectives, including promptness, reliability, and efficiency [39 U.S.C. 101(a)]. To achieve these objectives, the Postal Service is empowered to determine the methods and to deploy the personnel necessary to conduct its operations [39 U.S.C. 1001(e)]. At the same time, the Postal Service is charged with operating and maintaining such facilities and equipment as are necessary to pursue these objectives [39 U.S.C. 401(6)]. These considerations have weighed heavily in the development of the modern service standards proposed here. An improved alignment between service standards and current mail processing operational capabilities and limitations should prove beneficial in many respects.

After the establishment of baseline modern service standards as a result of this rulemaking, the Postal Service intends to place a high priority on annual internal review of the service standard day ranges and business rules for its market-dominant products. The Postal Service expects to consider the aforementioned statutory factors as a part of any such internal review. As a part of this review, the Postal Service, at its discretion, may solicit either informal or formal public comment regarding current standards or proposals for change. The Postal Service also will give due consideration to its obligation to formally request advisory opinions from the PRC regarding any changes which may be at least ''substantially nationwide'' in scope, under the terms of 39 U.S.C. 3661.

Section 5: Request for Comment

It is emphasized that the proposed regulations are being published for comments and are subject to revision based on the comments received and further consideration by the Postal Service. Although exempt from the notice and comment requirements of the Administrative Procedure Act [5 U.S.C. 553 (b), (c)] regarding proposed rule making by 39 U.S.C. 410 (a), the Postal Service invites public comments on these proposed regulations.

List of Subjects in 39 CFR Parts 121 and 122

Postal Service.

For the reasons stated in the preamble, the Postal Service proposes to amend 39 CFR Chapter I, Subchapter C, as follows:

1. The heading of subchapter C is revised to read as follows:

Subchapter C—General Information on Postal Products

2. Parts 121 and 122 are added are added to read as follows:

PART 121—SERVICE STANDARDS FOR MARKET-DOMINANT MAIL PRODUCTS

Sec.
121.1 First-Class Mail.
121.2 Periodicals.
121.3 Standard Mail.
121.4 Package Services.
121.5 Outbound Single-Piece First-Class Mail International Letters and Flats.

Authority: 39 U.S.C. 101, 401, 403, 404, 1001, 3691.

§ 121.1 First-Class Mail.

(a) For all intra-Sectional Center Facility (SCF) First-Class Mail properly accepted before the day-zero Critical Entry Time at origin, the service standard is 1-day (overnight), except for mail between the territories of Puerto Rico and the U.S. Virgin Islands and intra-SCF mail originating and destinating in the following 3-digit ZIP Code areas in the state of Alaska: 996, 997, 998, and 999. First-Class Mail addressed to a destination 3-digit ZIP Code area outside of an origin intra-SCF service area may be considered for overnight delivery from that origin SCF, if that mail is accepted before the day-zero Critical Entry Time at origin, if

sufficient customer need exists [the destination SCF receives at least 1.5 percent of the total annual First-Class Mail volume originating from the origin Processing & Distribution Center/ Facility (OPDC/F)], and if operational and transportation feasibility permit.

(b) A 2-day service standard is established for all First-Class Mail properly accepted before the day-zero Critical Entry Time at origin if a 1-day service standard is not required and if the origin PDC/F to Area Distribution Center surface transportation drive time is 12 hours or less, unless the origin and destination are within the state of Alaska; or if the origin and delivery address are separately in the territories of Puerto Rico and the U.S. Virgin Islands; or if the mail is intra-SCF and originating or destinating one of the following 3-digit ZIP Code areas in Alaska: 996, 997, 998, and 999.

(c) A 3-day service standard is established for all remaining First-Class Mail properly accepted before the day-zero Critical Entry Time at origin, if neither a 1-day nor a 2-day service standard is required and:

(1) Both the origin SCF and the delivery address are within the contiguous 48 states;

(2) The origin SCF is in the contiguous 48 states, and the delivery address is in either of the following: the 995 3-digit ZIP Code area (including Anchorage AK), or the 968 3-digit ZIP Code area (including Honolulu, HI), or in the 006, 007, or 009 3-digit ZIP Code areas of the territory of Puerto Rico;

(3) The origin is in the 006, 007 or 009 3-digit ZIP Code areas of the territory of Puerto Rico and the delivery address is in the contiguous 48 states;

(4) The origin SCF is in the state of Hawaii and the delivery address is in the territory of Guam; the origin is in the territory of Guam and the delivery address is in the state of Hawaii; or

(5) Both the origin SCF and the delivery address are within the state of Alaska.

(d) A 4-day service standard is established for all remaining First-Class Mail properly accepted before the day-zero Critical Entry Time at origin, if either a 1-day, 2-day, or 3-day service standard is not required, and if:

(1) The origin SCF is in the contiguous 48 states and the delivery address is in either of the following: any portion of the state of Alaska not in the 995 3-digit ZIP Code area; or any portion of the state of Hawaii not in the 968 3-digit ZIP Code area; or the territory of the U.S. Virgin Islands.

(2) The delivery address is in the contiguous 48 states and the origin is in either of the following: The state of Alaska, the state of Hawaii, or the territory of the U.S. Virgin Islands;

(3) The origin and delivery address are in different states or territories, excluding mail to and from the territory of Guam and mail between the territories of Puerto Rico and the U.S. Virgin Islands.

(e) A 5-day service standard is established for all remaining First-Class Mail properly accepted before the day-zero Critical Entry Time at origin if either the origin or the delivery address is in the territory of Guam.

§ 121.2 Periodicals.

(a) *End-to-End.* (1) For all SCF turnaround Periodicals properly accepted before the established and published day-zero Critical Entry Time at origin, where the origin P&DC/F and SCF are in the same building, the service standard is 1-day (overnight), except for mail between the territories of Puerto Rico and the United States Virgin Islands and mail originating or destinating in the following 3-digit ZIP Code areas within the state of Alaska: 996, 997, 998, and 999.

(2) The Periodicals service standard is the sum of the applicable (1- to 3-day) First-Class Mail service standard plus one day, for each 3-digit ZIP Code origin-destination pair for which Periodicals are accepted before the day-zero Critical Entry Time at origin and merged with First-Class Mail for surface transportation (as defined by the Periodicals Origin Split and First-Class Mail mixed Area Distribution Center/ Automated Area Distribution Center (ADC/AADC) Domestic Mail Manual label list L201). This standard also applies to Periodicals mailed between the territories of Puerto Rico and the U.S. Virgin Islands between the state of Hawaii and the territory of Guam and between SCFs within Alaska.

(3) The Periodicals service standard for each remaining 3-digit ZIP Code origin-destination pair within the 48 contiguous states, for which Periodicals are accepted before the day-zero Critical Entry Time at origin, is the sum of 4 or 5 days, plus the number of additional days (from 1 to 4) required for surface transportation between each 3-digit ZIP Code origin-destination pair.

(4) The Periodicals service standard for each remaining 3-digit ZIP Code origin-destination pair, for which Periodicals are accepted before the day-zero Critical Entry Time at origin, is the sum of 4 or 5 days, plus the number of additional days (from 4 to 18) required for intermodal (highway, boat, air-taxi) transportation outside of the 48 contiguous states for each 3-digit ZIP Code origin-destination pair.

(b) *Destination Entry.* (1) Periodicals that qualify for a Destination Delivery Unit (DDU) or Destination Sectional Center Facility (DSCF) discount, and that are accepted before the day-zero Critical Entry Time at the proper DDU or DSCF, have a 1-day (overnight) service standard, except for mail dropped at the SCF in the territory of Puerto Rico and destined for the territory of the U.S. Virgin Islands, and intra SCF mail in the following 3-digit ZIP Code areas of the state of Alaska: 996, 997, 998 and 999.

(2) Periodicals that qualify for a Destination Area Distribution Center (DADC) discount, and that are accepted before the day zero Critical Entry Time at the proper DADC, unless the ADC is located with the 48 contiguous states and the destination is not, and where the DADC and DSCF are not the same building, have a 2-day service standard, unless the ADC is located within the contiguous 48 states and the destination is not. Mail that qualifies for a Destination Sectional Center Facility (DSCF) discount has a 2-day service standard, if it is accepted before the day-zero Critical Entry Time, and the mail is dropped at the SCF in the territory of Puerto Rico and is destined for the territory of the U.S. Virgin Islands; or if the mail is intra-SCF in the following 3-digit ZIP Code areas of the state of Alaska: 996, 997, 998 and 999.

(3) Periodicals that qualify for a Destination Area Distribution Center (DADC) discount and that are accepted before the day zero Critical Entry Time at the proper DADC in the contiguous 48 states for delivery to addresses in the state of Alaska, or the territories of Guam or the U.S. Virgin Islands, have a service standard of either 6 or 7 days, depending on the origin-destination 3-digit ZIP Code pair. For each such pair, the applicable day within the range is based on the number of days required for transportation outside of the 48 contiguous states.

§ 121.3 Standard Mail.

(a) *End-to-End.* (1) The service standard for Sectional Center Facility (SCF) turnaround Standard Mail accepted at origin before the day zero Critical Entry Time is 3 days when the origin Processing & Distribution Center/ Facility (OPD&C/F) and the SCF are the same building, except for mail between the territories of Puerto Rico and the U.S. Virgin Islands.

(2) The service standard for Area Distribution Center (ADC) turnaround Standard Mail accepted at origin before the day zero Critical Entry Time is 4 days when the OPD&C/F and the ADC are the same building, unless the ADC

is in the contiguous 48 states and the delivery address is not, or when the mail is between the territories of Puerto Rico and the U.S. Virgin Islands.

(3) The service standard for intra-Bulk Mail Center (BMC) Standard Mail accepted at origin before the day zero Critical Entry Time is 5 days for each remaining 3-digit ZIP Code origin-destination pair within the same Bulk Mail Center service area if the origin and destination are within the contiguous 48 states; the same standard applies to mail that is intra-Alaska, intra-Hawaii, or between the state of Hawaii and the territory of Guam.

(4) For each remaining 3-digit ZIP Code origin-destination pair within the 48 contiguous states, the service standard for Standard Mail accepted at origin before the day zero Critical Entry Time is the sum of 6 days plus the number of additional days (from 1 to 4) required for surface transportation between each 3-digit ZIP Code origin-destination pair.

(5) For each remaining 3-digit ZIP Code origin-destination pair, the service standard for Standard Mail accepted at origin before the day zero Critical Entry Time is the sum of 6 days plus the number of additional days (from 4 to 18) required for intermodal (highway, boat, air-taxi) transportation outside of the 48 contiguous states for each 3-digit ZIP Code origin-destination pair.

(b) *Destination Entry.* (1) Standard Mail that qualifies for a Destination Delivery Unit (DDU) discount and that is accepted before the day zero Critical Entry Time at the proper DDU has a 2-day service standard.

(2) Standard Mail that qualifies for a Destination Sectional Center Facility (DSCF) discount and that is accepted before the day zero Critical Entry Time at the proper DSCF has a 3-day service standard, except for mail dropped at the SCF in the territory of Puerto Rico and destined for the territory of the U.S. Virgin Islands.

(3) Standard Mail that qualifies for a Destination Area Distribution Center (DADC) discount, and that is accepted before the day zero Critical Entry Time at the proper DADC, has a 4-day service standard, unless the ADC is in the contiguous 48 states and the destination delivery address is not. Mail that qualifies for a Destination Sectional Center Facility (DSCF) discount, and that is accepted before the day zero Critical Entry Time at the SCF in the territory of Puerto Rico, has a 4-day service standard if it is destined for the U.S. Virgin Islands.

(4) Standard Mail that qualifies for a Destination Bulk Mail Center (DBMC) discount and that is accepted before the day zero Critical Entry Time at the proper DBMC has a 5-day service standard, if both the origin and the destination are in the 48 contiguous states.

(5) Standard Mail that qualifies for a Destination Area Distribution Center (DADC) or Destination Bulk Mail Center (DBMC) discount and that is accepted before the day zero Critical Entry Time at the proper DADC or DBMC in the contiguous 48 states for delivery to addresses in the states of Alaska or Hawaii or the territories of Guam, Puerto Rico, or the U.S. Virgin Islands has a service standard of either 8, 9, or 10 days, depending on the 3-digit origin-destination ZIP Code pair. For each such pair, the applicable day within the range is based on the number of days required for transportation outside of the 48 contiguous states.

§ 121.4 Package Services.

(a) *End-to-End.* (1) The service standard for Sectional Center Facility (SCF) turnaround Package Services mail accepted at the origin SCF before the day zero Critical Entry Time is 2 days when the origin Processing & Distribution Center/Facility and the SCF are the same building, except for mail between the territories of Puerto Rico and the U.S. Virgin Islands.

(2) The service standard for intra-Bulk Mail Center (BMC) Package Services mail accepted at origin before the day zero Critical Entry Time is 3 days, for each remaining (non-intra-SCF) 3-digit ZIP Code origin-destination pair within a Bulk Mail Center service area, where the origin and destination is within the contiguous 48 states and is not served by an Auxiliary Service Facility; for mail between the territories of Puerto Rico and the U.S. Virgin Islands.

(3) The service standard for intra-Bulk Mail Center (BMC) Package Services mail accepted at origin before the day zero Critical Entry Time is 4 days for each remaining 3-digit ZIP Code origin-destination pair within a Bulk Mail Center service area, where the destination delivery address is served by an Auxiliary Service Facility; the same standard applies to all remaining intra-Alaska mail and mail between the state of Hawaii and the territory of Guam.

(4) For each remaining 3-digit ZIP Code origin-destination pair within the 48 contiguous states, the service standard for Package Services mail accepted at origin before the day zero Critical Entry Time is between 5 and 8 days. For each such 3-digit ZIP Code origin-destination pair, this is the sum of 4 days, plus the number of additional days (from 1 to 4) required for surface transportation between each 3-digit ZIP Code origin-destination pair, plus an additional day if the destination delivery address is served by an Auxiliary Service Facility.

(5) For each remaining 3-digit ZIP Code origin-destination pair for which either the origin or the destination is outside of the 48 contiguous states, the service standard for Package Services mail accepted at origin before the day zero Critical Entry Time is between 7 and 22 days. For each such 3-digit ZIP Code origin-destination pair, this represents the sum of 4 days, plus the number of days (ranging between 3 to 18) required for intermodal (highway, boat, air-taxi) transportation between each 3-digit ZIP Code origin-destination pair.

(b) *Destination Entry.* (1) Package Services mail that qualifies for a Destination Delivery Unit (DDU) discount and that is accepted before the day zero Critical Entry Time at the proper DDU has a 1-day (overnight) service standard.

(2) Package Services mail that qualifies for a Destination Sectional Center Facility (DSCF) discount and that is accepted before the day zero Critical Entry Time at the proper DSCF has a 2-day service standard, except for mail dropped at the SCF in Puerto Rico and destined for the U.S. Virgin Islands.

(3) Package Services mail that qualifies for a Destination Bulk Mail Center (DBMC) discount, which is accepted before the day zero Critical Entry Time at the proper DBMC or Destination Auxiliary Service Facility, and that originates and destinates in the contiguous 48 states, has a 3-day service standard. Mail that qualifies for a Destination Sectional Center Facility (DSCF) discount, and that is accepted before the day zero Critical Entry Time at the SCF in Puerto Rico, has a 3-day service standard if it is destined for the U.S. Virgin Islands.

(4) Package Services mail that qualifies for a Destination Bulk Mail Center (DBMC) discount and that is accepted before the day zero Critical Entry Time at the proper DBMC in the contiguous 48 states for delivery to addresses in the states of Alaska or Hawaii, or the territories of Guam, Puerto Rico, or the U.S. Virgin Islands has a service standard of either 6, 7, or 8 days, depending on the 3-digit ZIP Code origin-destination pair. For each such pair, the applicable day within the range is based on the number of days required for transportation outside of the 48 contiguous states.

§ 121.5 Outbound Single-Piece First-Class Mail International Letters and Flats.

The service standard for properly accepted outbound Single-Piece First-Class Mail International letters and flats is equivalent to the service standard for domestic First-Class Mail from the same origin 3-digit ZIP Code to the 3-digit ZIP Code area in which that origin's designated International Service Center or International Mail Processing Unit is located.

PART 122—SERVICE STANDARDS FOR MARKET-DOMINANT DOMESTIC SPECIAL SERVICES PRODUCTS

Sec.
122.1 Ancillary Special Services.
122.2 Stand-Alone Special Services.

Authority: 39 U.S.C. 101, 401, 403, 404, 1001, 3691.

§ 122.1 Ancillary Special Services.

(a) For the domestic market-dominant mail products identified in part 121 of this chapter, mailers may purchase various ancillary special services products, which are designed to provide electronic access to information regarding delivery-related events or forwarding addresses for individual mailpieces.

(1) For the following special services, the service standard for the electronic provision of delivery-related information is that it be made available to the sender no later than 24 hours after the time of the recorded delivery-related scan performed by the Postal Service: Certified Mail, Delivery Confirmation, Registered Mail, electronic Return Receipt, and Signature Confirmation.

(2) For electronic Address Correction Service, the service standard for the electronic provision of forwarding address information is that it be made available to the sender no later than 24 hours after the time of the recorded forwarding of the mailpiece by the Postal Automated Redirection System.

(b) For the domestic market-dominant mail products identified in part 121 of this chapter, mailers may purchase insurance from the Postal Service to provide indemnity against loss or damage to the contents of a mailpiece. The service standard for the administrative resolution of insurance claims is that a final agency decision must be transmitted to the claimant no later than 30 days after the date on which the Postal Service has received all information from the claimant necessary for analysis of the claim.

§ 122.2 Stand-Alone Special Services.

(a) The service standard for Post Office Box service is that mail be available for pickup at the box each delivery day no later than the daily ''up-time'' publicly posted at the Post Office in which the box section is located.

(b) The service standard for completion of Address List Services (change-of-address information for election boards and registration commissions, correction and ZIP Coding of mailing lists, and address sequencing) is transmission of the corrected addresses within 15 workdays of receipt to the requester, except for the period from November 16 through January 1.

(c) For the domestic market-dominant mail products identified in part 121 of this chapter, Confirm service allows subscribing customers to obtain electronic information regarding when and where mailpieces undergo barcode scans in mail processing operations. The service standard for the electronic provision of Confirm scan information is that it be made available to the sender no later than 24 hours after the recorded time of the Confirm scan performed by the Postal Service.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 07–5065 Filed 10–16–07; 8:45 am]

BILLING CODE 7710–12–P

Federal Register

Wednesday,
October 17, 2007

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Part 33

Airworthiness Standards; Engine Bird Ingestion; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 33

[Docket No.: FAA–2006–25375; Amendment No. 33–23]

RIN 2120–AI73

Airworthiness Standards; Engine Bird Ingestion

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This final rule amends the aircraft turbine engine type certification standards to better address the threat flocking birds present to turbine engine aircraft. These changes will also harmonize FAA and European Aviation Safety Agency (EASA) bird ingestion standards for aircraft turbine engines type certificated by the United States and the EASA countries, and simplify airworthiness approvals for import and export. The changes are necessary to establish uniform international standards and provide an acceptable level of safety for aircraft turbine engines with respect to the current large flocking bird threat.

DATES: This amendment becomes effective on November 16, 2007.

FOR FURTHER INFORMATION CONTACT: Marc Bouthillier, Rulemaking and Policy Branch, Engine and Propeller Directorate, ANE–111, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (781) 238–7120; facsimile (781) 238–7199; e-mail *marc.bouthillier@faa.gov.*

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, ''General requirements''. Under that section, the FAA is charged with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce, including minimum safety standards for aircraft engines. This regulation is within the scope of that authority because it updates the existing regulations for engine bird ingestion.

Background

The FAA adopted new regulations under 14 CFR 33.76 on September 5, 2000, to better address the overall bird ingestion threat to turbine powered aircraft. These requirements were adopted, in part, as a response to NTSB safety recommendation A–76–64, which recommended an increase in the level of bird ingestion capability for aircraft engines.

Based on comments received during that rulemaking effort, the FAA decided to pursue additional rulemaking to address larger flocking birds (mass greater then 1.15 kg/2.5 pounds), since existing engine certification requirements did not specifically address the threat that these size birds, or their growing population, present to airplane operational safety.

Summary of the NPRM

On July 20, 2006, the FAA published a notice of proposed rulemaking (NPRM), ''Airworthiness Standards; Engine Bird Ingestion'' (71 FR 41184). The NPRM proposed to amend aircraft turbine engine type certification standards to reflect recent analysis of the threat flocking birds present to turbine engine aircraft. The proposed changes are necessary to establish uniform international standards that provide an adequate level of safety. The comment period closed September 18, 2006.

Summary of the Final Rule

The final rule adopts new bird ingestion standards for turbine aircraft engines under 14 CFR 33.76. It also provides a detailed description of the rulemaking project including the safety objective and a discussion of the considerations supporting our selection of this course of action.

No changes were made to the final rule from what was proposed in the NPRM.

Summary of Comments

The FAA received comments from Transport Canada Civil Aviation (TCCA) and the National Transportation Safety Board (NTSB).

TCCA fully supports the intent of the proposal. However, NTSB expressed concern with the size of the largest bird upon which the rule is based (8 pounds). NTSB reasoned that flocking birds greater than 8 pounds can exist in the environment, and may have impacted commercial aircraft in the past. NTSB also expressed concern about using de-rated takeoff thrust instead of full rated takeoff thrust value for required tests because full rated thrust can be selected by the flight crew, and because this power setting may be a more severe case than using de-rated takeoff thrust. NTSB suggested the required tests be revised to reflect a worst-case scenario.

The FAA does not concur with these three comments. The safety objective of this rule is to address the expected world fleet rate of catastrophic aircraft events due to multi-engine power loss resulting from multi-engine ingestion of large flocking birds. The various rule parameters were carefully selected to achieve this goal by devising tests that encompass a sufficient percentage of possible parameter combinations (e.g., bird mass/number, bird speed, engine power setting, target locations, etc.) that would allow the world fleet to operate at this very high level of safety. The database of ingestion events used to determine ingestion rates covers a 30-year period and over 325 million flights. The database analysis enabled the FAA to define the actual threat experienced in service, including a conservative adjustment for potential future increases in ingestion rates. The proposed rule was not intended to encompass the worst possible combination of factors, as this is problematic to predict, and would be beyond the capability of current engine technology. We believe selecting all parameters using a theoretical worst case scenario would be impractical from a design, manufacture, and operational standpoint.

NTSB further suggested incorporating pre-existing fan blade service damage into the required tests because the potential exists for such damage to occur in normal service. The FAA is not adopting this suggestion. Engine type certification requirements are intended for and applied to undamaged products as a baseline. The engine bird ingestion requirements and type certificate (TC) requirements are similar in this regard. This revised rule is based on critical ingestion parameters for the most severe engine bird ingestion events recorded over the past several decades. As such, substantial margin exists for the normal ingestion events seen in service, including service acceptable damage allowed by the Instructions for Continued Airworthiness (ICAs). Also, current Advisory Circular material for ICA compliance specifies the type certificate holder evaluate service-acceptable damage criteria against the type certification requirements, and include appropriate instructions in the ICAs. The overall positive experience of the world fleet indicates that this

general approach provides an acceptable level of safety.

NTSB also suggested that the FAA consider bird ingestion event data collected since the bird study cutoff date of 1999. NTSB asserts the 30-year data set used is inadequate to assess the risk associated with bird ingestion. The FAA's decision to proceed with this rulemaking is based on quantitative and qualitative evaluation of the threat observed in service over a lengthy period of time. We concluded that the increasing population of large flocking birds in the environment, and the increasing number of encounters in service, make it necessary to expand the scope of the existing requirements. The data from the 30-year study period covers over 325 million flights and is comprised of data from actual engine bird ingestion events where the bird species, size, and number; aircraft and engine model; flight regime, and outcome are reasonably known. The database covers a broad cross-section of aircraft type and operations and is considered fully adequate to establish engine bird ingestion rates from which the critical ingestion parameters were selected to meet the rule's safety objective. The event data collected since the study period does not appear to indicate a change in the basic threat definition or an increase in the actual rate of occurrence and would not likely affect the outcome of the rulemaking project.

Finally, as suggested by TCCA, the FAA has reviewed the new table included in the amendatory language to ensure it is accurate. The final rule is adopted as proposed.

Paperwork Reduction Act

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

International Compatibility

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

Regulatory Evaluation, Regulatory Flexibility Determination, International Trade Impact Assessment, and Unfunded Mandates Assessment

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (Pub. L. 96–39) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, this Trade Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more annually (adjusted for inflation with base year of 1995). This portion of the preamble summarizes the FAA's analysis of the economic impacts of this final rule.

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

The NPRM regulatory analysis explained that this rule will have a minimal cost impact with positive net benefits because the two U.S. firms to be affected by this rule are already in compliance in order to sell their products in Europe. No comments were received on the NPRM regulatory analysis. Therefore, we conclude that this final rule will have minimal cost impact with positive net benefits and a detailed regulatory analysis is not required.

FAA has, therefore, determined that this final rule is not a ''significant'' regulatory action as defined in section 3(f) of Executive Order 12866, and is not ''significant'' as defined in DOT's Regulatory Policies and Procedures.

Regulatory Flexibility Determination

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

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

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

The NPRM Regulatory Flexibility Analysis determined that there were no small entities that would be affected by this rule. We received no comments on the NPRM Regulatory Flexibility Analysis and continue to believe that this final rule will only impact two American manufacturers neither of which is a small entity. Therefore, as the Acting FAA Administrator, I certify that this final rule will not have a significant economic impact on a substantial number of small entities.

International Trade Impact Assessment

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

appropriate, that they be the basis for U.S. standards. The FAA has assessed the potential effect of this final rule and determined that it is in accord with the Trade Agreements Act as the final rule uses European standards as the basis for United States regulation.

Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (adjusted annually for inflation with the base year 1995) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.'' The FAA currently uses an inflation-adjusted value of $128.1 million in lieu of $100 million.

This final rule does not contain such a mandate. The requirements of Title II of the Act do not apply.

Executive Order 13132, Federalism

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

Environmental Analysis

FAA Order 1050.1E identifies FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act in the absence of extraordinary circumstances. The FAA has determined this rulemaking action qualifies for the categorical exclusion identified in Chapter 3, paragraph 312d, and involves no extraordinary circumstances.

Regulations That Significantly Affect Energy Supply, Distribution, or Use

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

Availability of Rulemaking Documents

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

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

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

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78), or you may visit *http://www.regulations.gov.*

Small Business Regulatory Enforcement Fairness Act

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

List of Subjects in 14 CFR Part 33

Air Transportation, Aircraft, Aviation Safety, Safety.

The Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends Chapter I of Title 14, Code of Federal Regulations as follows:

PART 33—AIRWORTHINESS STANDARDS: AIRCRAFT ENGINES

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

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

■ 2. Amend § 33.76 by revising paragraphs (a) introductory text, (a)(1), (a)(3), (a)(5), the heading of paragraph (b) introductory text, and the heading of paragraph (c) introductory text, and adding paragraph (d) and Table 4 to read as follows:

§ 33.76 Bird ingestion.

(a) *General.* Compliance with paragraphs (b), (c), and (d) of this section shall be in accordance with the following:

(1) Except as specified in paragraph (d) of this section, all ingestion tests must be conducted with the engine stabilized at no less than 100-percent takeoff power or thrust, for test day ambient conditions prior to the ingestion. In addition, the demonstration of compliance must account for engine operation at sea level takeoff conditions on the hottest day that a minimum engine can achieve maximum rated takeoff thrust or power.

* * * * *

(3) The impact to the front of the engine from the large single bird, the single largest medium bird which can enter the inlet, and the large flocking bird must be evaluated. Applicants must show that the associated components when struck under the conditions prescribed in paragraphs (b), (c) or (d) of this section, as applicable, will not affect the engine to the extent that the engine cannot comply with the requirements of paragraphs (b)(3), (c)(6) and (d)(4) of this section.

* * * * *

(5) Objects that are accepted by the Administrator may be substituted for birds when conducting the bird ingestion tests required by paragraphs (b), (c) and (d) of this section.

* * * * *

(b) *Large single bird.* * * *

(c) *Small and medium flocking bird.* * * *

(d) *Large flocking bird.* An engine test will be performed as follows:

(1) Large flocking bird engine tests will be performed using the bird mass and weights in Table 4, and ingested at a bird speed of 200 knots.

(2) Prior to the ingestion, the engine must be stabilized at no less than the mechanical rotor speed of the first exposed stage or stages that, on a standard day, would produce 90 percent of the sea level static maximum rated takeoff power or thrust.

(3) The bird must be targeted on the first exposed rotating stage or stages at a blade airfoil height of not less than 50 percent measured at the leading edge.

(4) Ingestion of a large flocking bird under the conditions prescribed in this paragraph must not cause any of the following:

(i) A sustained reduction of power or thrust to less than 50 percent of maximum rated takeoff power or thrust during the run-on segment specified under paragraph (d)(5)(i) of this section.

(ii) Engine shutdown during the required run-on demonstration specified in paragraph (d)(5) of this section.

(iii) The conditions specified in paragraph (b)(3) of this section.

(5) The following test schedule must be used:

(i) Ingestion followed by 1 minute without power lever movement.

(ii) Followed by 13 minutes at not less than 50 percent of maximum rated takeoff power or thrust.

(iii) Followed by 2 minutes between 30 and 35 percent of maximum rated takeoff power or thrust.

(iv) Followed by 1 minute with power or thrust increased from that set in paragraph (d)(5)(iii) of this section, by between 5 and 10 percent of maximum rated takeoff power or thrust.

(v) Followed by 2 minutes with power or thrust reduced from that set in paragraph (d)(5)(iv) of this section, by between 5 and 10 percent of maximum rated takeoff power or thrust.

(vi) Followed by a minimum of 1 minute at ground idle then engine shutdown. The durations specified are times at the defined conditions. Power lever movement between each condition will be 10 seconds or less, except that power lever movements allowed within paragraph (d)(5)(ii) of this section are not limited, and for setting power under paragraph (d)(5)(iii) of this section will be 30 seconds or less.

(6) Compliance with the large flocking bird ingestion requirements of this paragraph (d) may also be demonstrated by:

(i) Incorporating the requirements of paragraph (d)(4) and (d)(5) of this section, into the large single bird test demonstration specified in paragraph (b)(1) of this section; or

(ii) Use of an engine subassembly test at the ingestion conditions specified in paragraph (b)(1) of this section if:

(A) All components critical to complying with the requirements of paragraph (d) of this section are included in the subassembly test;

(B) The components of paragraph (d)(6)(ii)(A) of this section are installed in a representative engine for a run-on demonstration in accordance with paragraphs (d)(4) and (d)(5) of this section; except that section (d)(5)(i) is deleted and section (d)(5)(ii) must be 14 minutes in duration after the engine is started and stabilized; and

(C) The dynamic effects that would have been experienced during a full engine ingestion test can be shown to be negligible with respect to meeting the requirements of paragraphs (d)(4) and (d)(5) of this section.

(7) Applicants must show that an unsafe condition will not result if any engine operating limit is exceeded during the run-on period.

* * * * *

TABLE 4 TO § 33.76.—LARGE FLOCKING BIRD MASS AND WEIGHT

Engine inlet throat area (square meters/square inches)	Bird quantity	Bird mass and weight (kg (lbs))
A < 2.50 (3875)	None	.....
2.50 (3875) ≤ A < 3.50 (5425)	1	1.85 (4.08)
3.50 (5425) ≤ A < 3.90 (6045)	1	2.10 (4.63)
3.90 (6045) ≤ A	1	2.50 (5.51)

Issued in Washington, DC, on October 5, 2007.

Robert A. Sturgell,

Acting Administrator.

[FR Doc. E7–20407 Filed 10–16–07; 8:45 am]

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Federal Register

Wednesday,
October 17, 2007

Part IV

Environmental Protection Agency

Department of Health and Human Services

Food and Drug Administration

EPA Draft White Paper Regarding StarLink® Corn Dietary Exposure and Risk; Availability for Comment; Notice

Guidance for Industry on FDA Recommendations for Sampling and Testing Yellow Corn and Dry-Milled Yellow Corn Shipments Intended for Human Food Use for Cry9C Protein Residues; Comments on Possible Withdrawal; Notice

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2007–0832; FRL–8145–7]

EPA Draft White Paper Regarding StarLink® Corn Dietary Exposure and Risk; Availability for Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is seeking comment on a draft White Paper that reviews data on the level in the human food supply of Cry9C protein from StarLink® corn grain. It concludes that the protein has been sufficiently removed from the human food supply to render the level of risk low enough that continued testing for the protein in yellow corn at dry mills and masa production facilities provides no added public health protection. The White Paper therefore recommends that the Food and Drug Administration (FDA) withdraw its guidance recommending testing yellow corn grain for Cry9C at dry mills and masa production facilities. Concurrent with this notice, the FDA is publishing for comment a notice in the **Federal Register** that FDA is considering withdrawing its guidance.

DATES: Comments must be received on or before December 3, 2007.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2007–0832, by one of the following methods:

• *Federal eRulemaking Portal*: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.

• *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

• *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305–5805.

Instructions: Direct your comments to docket ID number EPA–HQ–OPP–2007–0832. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The regulations.gov website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the docket index available in regulations.gov. To access the electronic docket, go to *http://www.regulations.gov*, select ''Advanced Search,'' then ''Docket Search.'' Insert the docket ID number where indicated and select the ''Submit'' button. Follow the instructions on the regulations.gov website to view the docket index or access available documents. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Mike Mendelsohn, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–8715; fax number: (703) 308–7026; e-mail address: *mendelsohn.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 are anagricultural producer or food manufacturer. Potentially affected entities may include, but are not limited to:

• Crop production (NAICS code 111).

• Animal production (NAICS code 112).

• Food manufacturing (NAICS code 311).

• Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI*. Do not submit this information to EPA through regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments*. When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a

Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. Background

What Action is the Agency Taking?

EPA is seeking comment on a draft White Paper that reviews data on the level in the human food supply of Cry9C protein from StarLink® corn grain. It concludes that the protein has been sufficiently removed from the human food supply to render the level of risk low enough that continued testing for the protein in yellow corn at dry mills and masa production facilities provides no added public health protection. StarLink® refers to a variety of corn genetically engineered to express the protein Cry9C. Because Cry9C is toxic to various insect pests of corn, Cry9C acts as a pesticide and was regulated by the U.S. Environmental Protection Agency (EPA or Agency) under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA). Under FIFRA and FFDCA, a company seeking to sell or distribute a pesticide must submit data demonstrating that it will not cause unreasonable adverse effects on the environment and that any residues in food will be safe, i.e., there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.

Aventis Agroscience, Inc. (Aventis) submitted data on the safety of StarLink® and applied for approvals under FIFRA and FFDCA. EPA concluded that the available data did not provide enough information to support a conclusion that Cry9C was not a potential human allergen, but that all other information indicated that it would not pose any other types of risks to human health or the environment. Accordingly, in 1998 EPA registered StarLink® for commercial use, provided that all grain derived from StarLink® corn was directed to domestic animal feed or to industrial uses (e.g., biofuels). The intent of requiring all StarLink® to be segregated as either animal feed or for industrial use was to preclude any occurrence of the potentially allergenic Cry9C in human food. The registration contained several specific requirements designed to ensure that no StarLink® grain entered the human food supply. Following registration, relatively small quantities of StarLink® were planted in the United States: 9,018 acres in 1998, 247,694 acres in 1999, and 350,000 acres in 2000, with the largest planting representing less than half a percent of the total acreage planted to corn in the United States.

In September 2000, residues from StarLink® were detected in taco shells, indicating that it had entered the human food supply. In response to these detections, Aventis requested cancellation of the StarLink® registration, *http://www.epa.gov/fedrgstr/EPA-PEST/2001/January/Day-18/p1522.htm*. In addition, working with U.S. Department of Agriculture (USDA), Food and Drug Administration (FDA), EPA, and the food industry, Aventis undertook a program to remove all StarLink® from the food supply. Among other measures, FDA recommended that facilities engaged in the dry milling or masa production of yellow corn test all incoming shipments of yellow corn for the possible presence of Cry9C and that they divert all shipments testing positive to domestic feed or industrial use.

At the same time, Aventis also requested that EPA reconsider its position that the available data did not provide enough information to support a conclusion that Cry9C was not a potential human allergen. Aventis provided additional data and analysis to support its position that the allergenic risks of Cry9C were very small. Most of the arguments advanced by Aventis involved the assertion that exposure to Cry9C was so low, especially after the full implementation of the containment and removal program, that there would be no threat to public health. In 2000 and 2001 EPA held a series of meetings of its FIFRA Scientific Advisory Panel (SAP or Panel) to evaluate the scientific issues raised by the new data, analysis, and arguments.

Following the cancellation of the StarLink® registration, Aventis established a separate corporate entity, StarLink Logistics Inc. (SLLI), as the successor to Aventis' interest in StarLink® products. SLLI oversees the StarLink®. Enhanced Stewardship Program, through which SLLI and the U.S. corn millers have continued the efforts to contain and remove Cry9C from the human food supply. SLLI also maintains a monitoring database containing the test results from more than 4 million tests from over 4 billion bushels of corn collected by dry milling facilities and other corn handling operations. These tests were carried out according to guidance developed by FDA and USDA's Grain Inspection, Packers and Stockyards Administration (GIPSA), and the federal government considers the data reliable.

In 2005, SLLI commissioned Exponent, Inc., to prepare a new exposure assessment of the levels of Cry9C present in the U.S. food supply for submission to EPA. SLLI provided supplemental information in 2006 that updates the 2005 exposure assessment and that quantitatively characterizes the impact of the monitoring and diversion program on exposure to Cry9C. The USDA's Agricultural Research Service (ARS) provided the analytical data on Cry9C concentrations in corn grain used in Exponent's exposure analysis. In addition, the ARS provided results from testing corn seeds from the 1970s and 1980s (that is, before Cry9C was ever bioengineered into corn) for the possible presence of naturally occurring Cry9C or other proteins that give a positive reaction in the Cry9C test. GIPSA conducted additional testing to verify the results of the ARS laboratory.

The draft EPA White Paper concludes that the protein has been sufficiently removed from the human food supply to render the level of risk low enough that continued testing for the protein in yellow corn at dry mills and masa production facilities provides no added public health protection. The White Paper therefore recommends that FDA withdraw its guidance recommending testing yellow corn grain for Cry9C at dry mills and masa production facilities. A full copy of the draft EPA White Paper is available in the docket and at *http://www.epa.gov/pesticides/biopesticides/pips/star-link-white-paper.pdf*.

List of Subjects

Environmental protection, Agricultural commodities, Pesticides and pests.

Dated: October 3, 2007.

James B. Gulliford,

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

[FR Doc. E7–20381 Filed 10–16–07; 8:45 am]

BILLING CODE 6560–50–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2001D–0025 (formerly Docket No. 01D–0025)]

Guidance for Industry on FDA Recommendations for Sampling and Testing Yellow Corn and Dry-Milled Yellow Corn Shipments Intended for Human Food Use for Cry9C Protein Residues; Comments on Possible Withdrawal

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is seeking comment on whether to withdraw its guidance document entitled ''FDA Recommendations for Sampling and Testing Yellow Corn and Dry-Milled Yellow Corn Shipments Intended for Human Food Use for Cry9C Protein Residues.'' FDA is considering withdrawing its guidance in response to the release by the Environmental Protection Agency (EPA) of a draft ''White Paper Concerning Dietary Exposure to Cry9C Protein Produced by STARLINK Corn and the Potential Risks Associated with Such Exposure,'' the availability of which is announced elsewhere in this issue of the **Federal Register**.

DATES: Submit written or electronic comments by December 17, 2007.

ADDRESSES: Submit written comments on this notice to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.fda.gov/dockets/ecomments*.

FOR FURTHER INFORMATION CONTACT: Lauren Posnick Robin or Samir Assar, Center for Food Safety and Applied Nutrition (HFS–300), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 301–436–1639 or 301–436–1636, respectively.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of January 22, 2001 (66 FR 6627), FDA issued final guidance for industry entitled ''FDA Recommendations for Sampling and Testing Yellow Corn and Dry-Milled Yellow Corn Shipments Intended for Human Food Use for Cry9C Protein Residues.'' Cry9C is a pesticidal protein in the STARLINK variety of yellow corn that makes the corn more resistant to certain types of insects. EPA authorized STARLINK corn only for use in animal feed. EPA did not authorize the use of STARLINK corn in human food because of unresolved questions about the allergenic potential of the Cry9C protein. Although restricted to animal food use, some STARLINK corn was commingled with yellow corn intended for human use. In addition, in certain limited cases, the Cry9C protein was also detected in corn seeds of a non-STARLINK variety of corn or in corn from such seeds. In response to these findings, Aventis S.A. (the developer of STARLINK corn), EPA, FDA, the United States Department of Agriculture, and the food industry undertook efforts starting in 2000 to remove all STARLINK corn from the food supply. Among other measures, FDA issued guidance recommending that corn dry-milling and masa operations screen yellow corn (and milled yellow corn in certain situations) to minimize the production of human food products with corn containing the Cry9C protein. Corn containing the Cry9C pesticide is adulterated under section 402(a)(2)(B) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 342(a)(2)(B)) if such corn is for human food use because there is no tolerance or exemption from the need for a tolerance under section 408 of the act (21 U.S.C. 346a). Therefore, FDA recommended that manufacturers who detected Cry9C-containing corn in any lot should divert the lot to animal feed or industrial use.

EPA has developed a draft ''White Paper Concerning Dietary Exposure to Cry9C Protein Produced by STARLINK Corn and the Potential Risks Associated with Such Exposure'' (draft White Paper), which it is making available for comment elsewhere in this issue of the **Federal Register**. In the draft White Paper, EPA concludes that the Cry9C protein has been sufficiently removed from the human food supply to render the level of risk low enough that continued testing for the protein in yellow corn at dry mills and masa production facilities provides no additional human health protection. EPA reached that conclusion based on information including results from more than 4 million tests for Cry9C at corn handling operations over the past 7 years and an exposure assessment by Exponent, Inc., of the levels of Cry9C still present in the U.S. food supply. Based on its analysis, EPA recommends in its draft White Paper that FDA withdraw its guidance on the sampling and testing of yellow corn grain for Cry9C at dry mills and masa production facilities.

FDA is now seeking comment on whether to withdraw its guidance document entitled ''FDA Recommendations for Sampling and Testing Yellow Corn and Dry-Milled Yellow Corn Shipments Intended for Human Food Use for Cry9C Protein Residues.''

II. Comments

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

III. Electronic Access

Persons with access to the Internet may obtain the guidance document at *http://www.cfsan.fda.gov/guidance.html*.

Dated: September 6, 2007.

Randall W. Lutter,

Deputy Commissioner for Policy.

[FR Doc. E7–20379 Filed 10–16–07; 8:45 am]

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Federal Register

Wednesday,
October 17, 2007

Part V

Department of the Interior

Fish and Wildlife Service

50 CFR Part 26

Public Access, Use, and Recreation Regulations for the Upper Mississippi River National Wildlife and Fish Refuge; Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 26

RIN 1018–AV43

Public Access, Use, and Recreation Regulations for the Upper Mississippi River National Wildlife and Fish Refuge

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose new regulations for the Upper Mississippi River National Wildlife and Fish Refuge (refuge) to govern existing general public use and recreation. If adopted, these changes would take effect in spring 2008 and would implement the recently completed comprehensive conservation plan (CCP) for the refuge. This proposed regulation would, if made final, codify many existing refuge regulations currently published in and by brochures, signs, maps, and other forms of public notice.

DATES: We must receive your comments on or before December 17, 2007.

ADDRESSES: Submit written comments to Refuge Manager, Upper Mississippi River National Wildlife and Fish Refuge, 51 East Fourth Street, Room 101, Winona, MN 55987. See ''Request for Comments'' under **SUPPLEMENTARY INFORMATION** for information on electronic submission. You may also request information on the refuge's public use programs and the conditions that apply to them, or request copies of compatibility determinations or other information, at the above address.

FOR FURTHER INFORMATION CONTACT: Don Hultman, (507) 452–4232; Fax (507) 452–0851.

SUPPLEMENTARY INFORMATION: The Upper Mississippi River National Wildlife and Fish Refuge (refuge) encompasses 240,000 acres in a more-or-less continuous stretch of 261 miles of Mississippi River floodplain in Minnesota, Wisconsin, Iowa, and Illinois. Congress established the refuge in 1924 to provide a ''refuge and breeding place'' for migratory birds, fish, other wildlife, and plants. The refuge is perhaps the most important corridor of habitat in the central United States, due to its species diversity and abundance, and it is the most visited refuge in the United States, with 3.7 million annual visitors.

The development of an environmental impact statement (EIS) and CCP for the refuge began with a notice of intent to prepare the EIS, which we published in the **Federal Register** on May 30, 2002 (67 FR 37852). We followed with a notice of availability of our Draft EIS (April 28, 2005; 70 FR 22085), and we accepted public comments on the Draft EIS for 120 days. On October 7, 2005, we published a notice of intent to prepare a Supplement to the Draft EIS (70 FR 58738). We made the Supplement to the Draft EIS available on December 5, 2005 (70 FR 72462), and accepted public comments on that document for 60 days, extended to 90 days (January 17, 2006, 71 FR 2561).

We offered public involvement through 46 public meetings and workshops attended by 4,500 persons in 14 different communities in 4 States during the 4-year planning process. In addition, we held or attended 80 other meetings with the States, other agencies, interest groups, and elected officials to discuss the Draft EIS, and mailed three different planning update newsletters to up to 4,900 persons or organizations on our planning mailing list. We also issued numerous news releases at various planning milestones, and held two press conferences.

On July 11, 2006, we published a notice of availability of our Final EIS (71 FR 39125), and we accepted public comments on the Final EIS for 30 days. On August 24, 2006, the Regional Director of the Midwest Region of the Fish and Wildlife Service signed the Record of Decision that documented the selection of Alternative E, the Preferred Alternative presented in the Final EIS. We published a notice of availability of that Record of Decision on November 2, 2006 (71 FR 64553).

In accordance with the Record of Decision, we prepared a CCP based on Alternative E. The CCP was approved on October 24, 2006. The National Wildlife Refuge System Administration Act of 1966 [16 U.S.C. 668dd–668ee (Administration Act), as amended by the National Wildlife Refuge System Improvement Act of 1997 (Improvement Act)] requires the Secretary of the Interior (Secretary) to manage each refuge in a manner consistent with a completed CCP. The Final EIS and CCP are available at *http://www.fws.gov/midwest/planning/uppermiss.*

In accordance with the recently completed CCP, on June 28, 2007, we published a proposed rule in the **Federal Register** (72 FR 35380) identifying amendments to the refuge-specific regulations for hunting and sport fishing on the refuge and invited 30 days of public comment. We published the final rule on September 7, 2007 (72 FR 51534).

This recreation regulation proposal implements the goals, objectives, and strategies spelled out in the CCP pertaining to wildlife observation, photography, interpretation, environmental recreation, and other forms of recreation, access, and use such as boating and camping.

The proposal also codifies current refuge-specific regulations contained in brochures and signs and on maps, fine-tunes the language of same for clarity and ease of enforcement, and generally modernizes the regulations for consistency with the principles of sound fish, wildlife, and recreation management.

Proposed regulations stemming from the CCP include the establishment of 4 new electric motor-only areas totaling 1,630 acres (1 such area of 222 acres already exists) and 8 new seasonal slow, no-wake areas totaling 9,370 acres. In electric motor-only areas, watercraft may only be powered by electric motors or nonmotorized means. In slow, no-wake areas from March 16 through October 31, watercraft must travel at slow, no-wake speed, and we prohibit airboats and hovercraft. These areas remain open to all forms of recreation, including hunting and fishing, and only the means of access changes to lessen wildlife and habitat disturbance and balance the needs of the estimated 3.7 million annual visitors to the refuge. Collectively, these areas account for 8 percent of the water area of the refuge, leaving 92 percent of the water area of the refuge open to watercraft without restriction.

Other regulations stemming from the CCP include a ban of glass food and beverage containers on beach areas and other lands of the refuge; clarifying the definition and requirements for camping and campsite sanitation; clarifying rules for fire and firewood use; and clarifying rules for vehicles, firearms, and domestic animals on the refuge.

The Administration Act authorizes the Secretary to allow uses of refuge areas, including wildlife-dependent and other recreation, upon a determination that such uses are compatible with the purposes of the refuge and National Wildlife Refuge System (Refuge System) mission. The action also must be in accordance with provisions of all laws applicable to the areas, developed in coordination with the appropriate State fish and wildlife agency(ies), and consistent with the principles of sound fish and wildlife management and administration. These requirements ensure that we maintain the biological integrity, diversity, and environmental health of the Refuge System for the

benefit of present and future generations of Americans.

The Secretary is required to prepare a CCP for each refuge and shall manage each refuge consistent with the CCP. Each CCP must identify and describe the refuge purposes; fish, wildlife, and plant populations; cultural resources; areas for administrative or visitor facilities; significant problems affecting resources and actions necessary; and opportunities for compatible wildlife-dependent recreation. We must also develop each CCP through consultation with the other States, agencies, and the public, and coordinate with applicable State conservation plans.

Each CCP is guided by the overarching requirement that we manage refuges to fulfill the purposes for which they were established and to carry out the mission of the Refuge System. In addition, the Improvement Act requires that we administer the Refuge System to provide for the conservation of fish, wildlife, and plants and their habitats, and to ensure their biological integrity, diversity, and environmental health.

We developed the CCP for the refuge in accordance with all requirements and in accordance with the consultation and public involvement provisions of the Improvement Act. This includes new compatibility determinations for interpretation, wildlife observation and photography, environmental education, beach-related uses, boating, camping, and other allowed recreation. We reference and list these compatibility determinations in Appendix E of the Final EIS. We then developed this proposed rule to implement portions of the CCP.

Plain Language Mandate

In this proposed rule, we comply with a Presidential mandate to use plain language in regulations. As examples, we use ''you'' to refer to the reader and ''we'' to refer to the Service, the word ''allow'' instead of ''permit'' when we do not require the use of a permit for an activity, and we use active voice whenever possible (i.e., ''We allow camping on all lands and waters of the refuge'' rather than ''Camping is allowed on all lands and waters of the refuge'').

Statutory Authority

The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee, as amended by the National Wildlife Refuge System Improvement Act of 1977 and the Refuge Recreation Act of 1962 (16 U.S.C. 460k–460k–4) (Recreation Act) govern the administration and public use of refuges.

This document proposes to codify in the Code of Federal Regulations public use and recreation regulations that are applicable to the Upper Mississippi River National Wildlife and Fish Refuge. We are proposing this to implement the refuge CCP, better inform the general public of the regulations at the refuge, increase understanding and compliance with these regulations, and make enforcement of these regulations more efficient. In addition to finding these regulations in 50 CFR part 26, visitors will find them reiterated in literature distributed by the refuge and posted on signs at major access points. Visitors will also find the boundaries of closed areas or other restricted-use areas referenced in these regulations marked by specific signs.

This proposal includes cross-references to a number of existing regulations in 50 CFR parts 26, 27, and 32 to assist visitors with understanding safety and other legal requirements on refuges. This redundancy is deliberate, with the intention of improving safety and compliance in our general public use and recreation programs.

Request for Comments

You may comment on this proposed rule by any one of several methods:

1. You may comment via e-mail to: *uppermississippiriver@fws.gov.* Please include: ''Attn: Recreation Regs.'' and your full name and return mailing address in your e-mail message (see ''Public Availability of Comments,'' below). If you do not receive a confirmation that we have received your e-mail message, contact us directly at (507) 452–4232.

2. You may mail or hand-deliver/courier your comments to: Refuge Manager, Upper Mississippi River National Wildlife and Fish Refuge, 51 East Fourth Street, Room 101, Winona, MN 55987.

3. You may fax comments to: Refuge Manager, Upper Mississippi River National Wildlife and Fish Refuge, at (507) 452–0851.

4. You may submit comments online at the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the instructions at that site for submitting comments.

Public Availability of Comments

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Public Comment

Department of the Interior policy is, whenever practicable, to afford the public a meaningful opportunity to participate in the rulemaking process. During preparation of the refuge CCP, we used an extensive public information, outreach, and comment process, including 46 public meetings or workshops attended by 4,500 persons and 80 other meetings with State department of natural resources agencies, other agencies, interest groups, elected officials, and other Service and Department of Interior offices. We received and responded to a total of 3,230 written comments in the Final EIS. This document, and its publication as a proposed rule in the **Federal Register**, will provide an additional opportunity for comment during the 60-day comment period.

We believe that a 60-day comment period, through this broader publication following the earlier public involvement, gives the public sufficient time to comment. In addition, in order to continue to provide for previously authorized recreation opportunities while at the same time providing for adequate resource and visitor protection, we must be timely in providing modifications to recreation programs on refuges. We also need adequate time to prepare brochures and maps and to install signs to properly inform the public of pending changes.

If adopted, we will incorporate these proposed regulations into 50 CFR part 26.34 (Minnesota). Part 26 contains general provisions, and part 26.34 contains refuge-specific regulations for public use and recreation on refuges.

Clarity of This Rule

Executive Order (E.O.) 12866 requires each agency to write regulations that are easy to understand. We invite your comments on how to make this proposed rule easier to understand, including answers to questions such as the following: (1) Are the requirements in the rule clearly stated? (2) Does the rule contain technical language or jargon that interferes with its clarity? (3) Does the format of the rule (e.g., grouping and order of sections, use of headings, paragraphing) aid or reduce its clarity? (4) Would the rule be easier to understand if it were divided into more (but shorter) sections? (5) Is the description of the rule in the **SUPPLEMENTARY INFORMATION** section helpful to you in understanding the rule? (6) What else could we do to make

the proposed rule easier to understand? Send a copy of any comments on how we could make this proposed rule easier to understand to: Office of Regulatory Affairs, Department of the Interior, Room 7229, 1849 C Street, NW., Washington, DC 20240. You may e-mail your comments to: *Execsec@ios.doi.gov.*

Regulatory Planning and Review

In accordance with the criteria in E.O. 12866, we assert that this rule is not a significant regulatory action. The Office of Management and Budget (OMB) makes the final determination under E.O. 12866.

a. This proposed rule would not have an annual economic effect of $100 million or adversely affect an economic sector, productivity, jobs, the environment, or other units of the government. A cost-benefit and full economic analysis is not required. However, a brief assessment follows to clarify the costs and benefits associated with this proposed rule.

The purpose of this proposed rule is to implement public use and recreation regulations on the Upper Mississippi River National Wildlife and Fish Refuge beginning with the spring 2008 recreation season. These regulations are derived from and are consistent with the CCP approved October 24, 2006. We documented the environmental and socioeconomic impacts of the CCP in the Final EIS (available at *http://www.fws.gov/midwest/planning/uppermiss*).

Costs Incurred

Costs incurred by this proposed regulation include sign-posting, leaflet preparation and printing to provide information to the public, law enforcement, and monitoring. However, these are regular and recurring functions on the refuge with or without these proposed regulations, and we can handle these functions within normal budget and staffing levels. Therefore, we expect any costs to be minor in the short term and negligible in the long term.

Benefits Accrued

These proposed regulations would have several effects on wildlife observation, recreational boating, camping, and other beach-related uses such as swimming, picnicking, and sunbathing. These public uses account for the most annual refuge visits (1.67 million) outside of hunting and fishing. All of these uses will continue, although in some areas the means of use will change to balance the needs of a diverse public who enjoys the refuge in various ways, to safeguard visitors, and to safeguard sensitive fish and wildlife habitat.

We estimate that wildlife observation visits will increase 20 percent over the 15-year life of the CCP due to overall long-term trends in wildlife observation visits, habitat improvements, access improvements, and a marked increase in wildlife observation-related facilities outlined in the CCP. We predict these regulations to have a corresponding increase in positive economic impact as reflected in Table 1 below.

Table 1 shows the expected change by the end of the 15-year life of the CCP resulting from the implementation of the 2008 public use and recreation regulations compared with FY 2003 for the 19-county area on and adjacent to the refuge. We expect annual wildlife observation visitation to increase by 20 percent, resulting in 61,403 more wildlife observation visits. Retail expenditures associated with this increased visitation total $812,658, with total economic output (based on an output multiplier of 1.23 for the 19-county region impacted by the refuge) of $993,723. An additional 14 jobs with associated income of $214,297 would occur, along with an additional $104,531 in Federal and State tax revenue.

TABLE 1.—ANNUAL ECONOMIC IMPACTS OF 2008 PUBLIC USE AND RECREATION REGULATIONS COMPARED WITH FY 2003 IMPACTS: WILDLIFE OBSERVATION VISITORS

[2003 dollars]

Impacts	FY 2003	2008 regulations (change from FY 2003 for 15-year span of CCP)
Wildlife Observation Visitors	307,013	+61,403
Expenditures	$4,063,292	+$812,658
Economic Output	$4,968,614	+$993,723
Jobs	68	+14
Job Income	$1,071,484	+$214,297
Federal and State Taxes	$522,657	+$104,531

These proposed regulations would have several effects on current boating opportunities on the refuge. Approximately 140,000 acres of water would remain open to boating, but 1,852 acres of backwater areas would be designated electric motor only and another 9,370 acres would be designated seasonal (March 16 through October 31) slow, no-wake areas where boaters must travel at slow, no-wake speed, and we would prohibit airboats and hovercraft. Collectively, these areas account for 8 percent of the water area of the refuge. These areas remain open to all allowed uses.

These proposed regulations would have little effect on camping and other beach-related use levels, since the areas open would remain virtually unchanged. These proposed regulations could, however, improve the quality of the experience by clarifying and fine-tuning existing regulations on camping, boat mooring, reserving sites, length of stay, campfires, sanitation, and other aspects of the use which can cause conflicts among visitors. Also, a regulation banning the possession of glass food and beverage containers on beaches and other lands will improve visitor safety.

We expect annual visits for boating, camping, and beach-related activities to remain about the same, although we expect visits for silent watercraft recreation (canoes and kayaks) to increase an estimated 15 percent due to the electric motor areas and slow, no-wake areas. We predict the 2008 regulations to have a corresponding modest positive change in economic impact as reflected in Table 2.

Table 2 shows the expected change by the end of the 15-year CCP lifespan resulting from the implementation of the 2008 public use and recreation regulations compared with FY 2003 in the 19-county area. We expect the

annual number of boating, camping, and beach-related use visitors to increase by 2,044, with associated retail expenditures of $52,010 and total economic output of $63,400. We associate these expenditures and output with 1 job and $213,567 in job-related income. Federal and State tax revenue would increase by $6,838.

TABLE 2.—ANNUAL ECONOMIC IMPACTS OF 2008 PUBLIC USE AND RECREATION REGULATIONS COMPARED WITH FY 2003 IMPACTS: RECREATIONAL BOATING, CAMPING AND OTHER BEACH-RELATED USE VISITORS

[2003 dollars]

Impacts	FY 2003	2008 regulations (change from FY 2003 for 15-year span of CCP)
Boating, Camping, and other Beach Use Visitors	1,362,851	+2,044
Expenditures	$34,673,216	+$52,010
Economic Output	$42,266,199	+$63,400
Jobs	535	+1
Job Income	$9,044,582	+$213,567
Federal and State Taxes	$4,558,847	+$6,838

b. This proposed rule will not create inconsistencies with other agencies' actions. This action pertains solely to the management of the Refuge System. The wildlife observation, boating, camping and other general recreation activities located on the Upper Mississippi River National Wildlife and Fish Refuge account for less than 1 percent of the available supply in the United States. Any small, incremental change in the supply of recreational opportunities will not measurably impact any other agency's existing programs.

c. This proposed rule will not materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients. This proposed rule does not affect entitlement programs. There are no grants or other Federal assistance programs associated with public use on national wildlife refuges.

d. This proposed rule will not raise novel legal or policy issues that were not addressed in the Final EIS. This proposed rule continues the practice of allowing recreational public use of the refuge. Many refuges in the Refuge System currently have opportunities for the public to engage in interpretation, wildlife observation, and other wildlife-dependent uses, and also allow regulated boating, camping, and other general recreation.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act (as amended by the Small Business Regulatory Enforcement Fairness Act [SBREFA] of 1996) (5 U.S.C. 601 *et seq.*), whenever a Federal agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies that the rule would not have a significant economic impact on a substantial number of small entities. Thus, for a regulatory flexibility analysis to be required, impacts must exceed a threshold for ''significant impact'' and a threshold for a ''substantial number of small entities.'' See 5 U.S.C. 605(b). SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule would not have a significant economic impact on a substantial number of small entities.

This proposed rule does not decrease the number of recreation types allowed on the refuge but amends current noncodified regulations on the refuge. As a result, opportunities for wildlife observation, boating, camping, and other general recreation on the refuge will remain abundant and increase over time.

Many small businesses within the retail trade industry (such as hotels, gas stations, outdoor sports shops, etc.) may benefit from some increased refuge visitation. A large percentage of these retail trade establishments in the majority of affected counties qualify as small businesses (Table 3).

We expect that the incremental recreational opportunities will be scattered, and so we do not expect that the rule will have a significant economic effect (benefit) on a substantial number of small entities in any given community or county. Using the estimate derived in the *Regulatory Planning and Review* section, we expect recreationists to spend an additional $865,000 annually in total in the refuges' local economies. As shown in Table 3, this represents less than 0.001 percent of the total amount of retail expenditures in the 19-county area. For comparison purposes, we show the county with the smallest retail expenditure total, Buffalo County in Wisconsin. If the entire retail trade expenditures associated with the 2008 public use and recreation regulations occurred in Buffalo County, this would amount to a 1.48 percent increase in annual retail expenditures.

TABLE 3.—COMPARATIVE EXPENDITURES FOR RETAIL TRADE ASSOCIATED WITH ADDITIONAL REFUGE VISITATION FROM 2008 PUBLIC USE AND RECREATION REGULATIONS

	Retail trade in 2002	Change due to 2008 public use and recreation regulations (15-year span of CCP)	Change as percent of total retail trade	Total number of retail establishments	Establishments with fewer than 10 employees
19 County Area	$9.8 billion	$864,668	0.0097	24,878	17,957
Buffalo County, WI	$58.3 million	$864,668	1.48	350	290

Small Business Regulatory Enforcement Fairness Act

The proposed rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. We anticipate no significant employment or small business effects. This rule:

a. Would not have an annual effect on the economy of $100 million or more. By the end of the 15-year CCP lifespan, the additional recreational opportunities on the refuge would generate an additional $865,000 in visitor expenditures with an economic impact estimated at $1.06 million per year (2003 dollars). Consequently, the maximum benefit of this rule for businesses both small and large would not be sufficient to make this a major rule. The impact would be scattered across 19 counties and would most likely not be significant in any local area.

b. Would not cause a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. We do not expect this proposed rule to affect the supply or demand for wildlife observation, boating, camping, and other general recreation opportunities in the United States and, therefore, it should not affect prices for related recreation equipment and supplies, or the retailers that sell equipment. Additional refuge recreation opportunities would account for a virtually undetectable percent of the available opportunities in the United States.

c. Would not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This proposed rule represents only a small proportion of recreational spending of a small number of affected wildlife observers, boaters, campers and other recreationists, approximately a maximum of $1.06 million annually in impact (economic output). Therefore, this rule would have no measurable economic effect on the wildlife-dependent, boating, and camping industries, which have annual sales of equipment and travel expenditures of over $120 billion nationwide in 2006.

Unfunded Mandates Reform Act

Since this proposed rule would apply to public use of federally owned and managed refuges, it would not impose an unfunded mandate on State, local, or Tribal governments or the private sector of more than $100 million per year. The rule would not have a significant or unique effect on State, local, or Tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 et seq.) is not required.

Takings (E.O. 12630)

In accordance with E.O. 12630, this proposed rule would not have significant takings implications. This regulation would affect only visitors to the refuge and describe what they can do while they are on the refuge.

Federalism (E.O. 13132)

As discussed in the Regulatory Planning and Review and Unfunded Mandates Reform Act sections above, this proposed rule would not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment under E.O. 13132. In preparing the CCP for the refuge, we worked closely with the four States bordering the refuge, and this proposed rule reflects the CCP.

Civil Justice Reform (E.O. 12988)

In accordance with E.O. 12988, the Office of the Solicitor has determined that the proposed rule would not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of the Order. This proposal would clarify and codify established regulations and result in better understanding of the regulations by refuge visitors.

Energy Supply, Distribution or Use (E.O. 13211)

On May 18, 2001, the President issued 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. Because this proposed rule is a modification of existing public use and recreation programs on the refuge, it is not a significant regulatory action under E.O. 12866, and we do not expect it to significantly affect energy supplies, distribution, and use. Therefore, this action is a not a significant energy action and no Statement of Energy Effects is required.

Consultation and Coordination With Indian Tribal Governments (E.O. 13175)

In accordance with E.O. 13175, we have evaluated possible effects on federally recognized Indian tribes and have determined that there are no effects. We coordinate recreational use on national wildlife refuges with Tribal governments having adjoining or overlapping jurisdiction before we propose changes to the regulations. During scoping and preparation of the Final EIS, we contacted 35 Indian tribes to inform them of the process and seek their comments.

Paperwork Reduction Act

This regulation does not contain any information collection requirements other than those already approved by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.) (OMB Control Number is 1018–0102). See 50 CFR 25.23 for information concerning that approval. 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.

Endangered Species Act Section 7 Consultation

During preparation of the Final EIS, we completed a section 7 consultation

and determined that the preferred alternative, which included public use and recreation changes reflected in this proposed rule, is not likely to adversely affect individuals of listed or candidate species or designated critical habitat of such species. The Service's Ecological Services Office concurred with this determination. Listed species on the refuge are the Higgins eye pearly mussel and candidate species are the Eastern massasauga and spectaclecase and sheepnose mussels. A copy of the section 7 evaluation and accompanying biological assessment is available from the refuge at the location listed in the **ADDRESSES** section of this document.

National Environmental Policy Act

Concerning the actions that are the subject of this proposed rulemaking, we have complied with NEPA through the preparation of a Final EIS and Record of Decision which include the major public use and recreation changes reflected in this proposed rule. The NEPA documents are available on our Web site at *http://www.fws.gov/midwest/planning/uppermiss.*

Available Information for Specific Districts of the Refuge

The refuge is divided into four districts for management, administrative, and public service effectiveness and efficiency. These districts correspond to two or more Mississippi River navigation pools created by the series of locks and dams on the river. District offices are located in Winona, Minnesota (Pools 4–6); La Crosse, Wisconsin (Pools 7–8); McGregor, Iowa (Pools 9–11); and Savanna, Illinois (Pools 12–14). If you are interested in specific information pertaining to a particular electric motor area; slow, no-wake area; or other feature discussed in this proposed rule, you may contact the appropriate district office listed below:

Winona District, U.S. Fish and Wildlife Service, 51 East Fourth Street, Room 203, Winona, MN 55987; Telephone (507) 454–7351.

La Crosse District, U.S. Fish and Wildlife Service, 555 Lester Avenue, Onalaska, WI 54650; Telephone (608) 783–8405.

McGregor District, U.S. Fish and Wildlife Service, P.O. Box 460, McGregor, IA 52157; Telephone (563) 873–3423.

Savanna District, U.S. Fish and Wildlife Service, 7071 Riverview Road, Thomson, IL 61285; Telephone (815) 273–2732.

Primary Author

Don Hultman, Refuge Manager, Upper Mississippi River National Wildlife and Fish Refuge, is the primary author of this rulemaking document.

List of Subjects in 50 CFR Part 26

Recreation and recreation areas, Wildlife refuges.

For the reasons set forth in the preamble, we propose to amend title 50, Chapter I, subchapter C of the Code of Federal Regulations as follows:

PART 26—[AMENDED]

1. Revise the authority citation for part 26 to read as follows:

Authority: 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd–668ee, and 715i; Pub. L. 96–315 (94 Stat. 958) and Pub. L. 98–146 (97 Stat. 955).

2. Revise the heading, add an introductory paragraph, and alphabetically add listings for the States of Illinois, Iowa, Minnesota, and Wisconsin to § 26.34 to read as follows:

§ 26.34 What are the special regulations concerning public access, use and recreation for individual national wildlife refuges?

The following refuge units, listed in alphabetical order by State and unit name, have refuge-specific regulations for public access, use, and recreation.

Illinois

Upper Mississippi River National Wildlife and Fish Refuge

Refer to § 26.34 Minnesota for regulations.

Iowa

Upper Mississippi River National Wildlife and Fish Refuge

Refer to § 26.34 Minnesota for regulations.

Minnesota

Upper Mississippi River National Wildlife and Fish Refuge

(a) *Wildlife Observation, Photography, Interpretation, Environmental Education, and Other General Recreational Uses.* We allow wildlife-dependent uses and other recreational uses such as, but not limited to, sightseeing, hiking, bicycling on roads or trails, picnicking, and swimming, on areas designated by the refuge manager and shown on maps available at refuge offices, subject to the following conditions:

(1) In areas posted and shown on maps as ''No Entry—Sanctuary,'' we prohibit entry as specified on signs or maps (see § 32.42 of this chapter for list of areas and locations).

(2) In areas posted and shown on maps as ''Area Closed,'' ''Area Closed—No Motors,'' and ''No Hunting Zone'' (Goose Island), we ask that you practice voluntary avoidance of these areas by any means or for any purpose from October 15 to the end of the respective State duck hunting season. In areas marked ''no motors,'' we prohibit the use of motors on watercraft from October 15 to the end of the respective State duck hunting season (see § 32.42 of this chapter for list of areas and locations).

(3) Commercial tours and filming require a permit issued by the refuge or district manager (see § 27.51 of this chapter).

(4) We allow the collecting of edible fruits, nuts, mushrooms, or other plant parts for personal use (no sale or barter allowed). We limit the amount you may collect to 2 gallons by volume per person, per day (see § 27.51 of this chapter).

(5) We prohibit the harvest of wild rice; plant and animal specimens; and other natural objects, including shed deer antlers, rocks, stones, or minerals. We only allow the collection of plants or their parts for ornamental use by permit issued by the refuge or district manager (see § 27.51 of this chapter).

(6) We prohibit the cutting, removal, or damage of any tree or vegetation, or the possession of a chainsaw on the refuge, without a permit from the refuge or district manager. We prohibit attaching nails, screws, or other hardware to any tree (see § 27.51 and § 32.42 of this chapter).

(7) We prohibit all vehicle use on or across refuge lands at any time except on designated routes of travel or on the ice over navigable waters accessed from boat landings. We prohibit parking beyond vehicle control barriers or on grass or other vegetation. We prohibit parking or operating vehicles in a manner that obstructs or impedes any road, trail, fire lane, boat ramp, access gate, or other facility, or in a manner that creates a safety hazard or endangers any person, property, or environmental feature. We may impound any vehicle left parked in violation at the owner's expense (see § 27.31(h) of this chapter).

(8) We allow dogs and other domestic animals on the refuge subject to the following conditions:

(i) We prohibit dogs disturbing or endangering wildlife or people while on the refuge.

(ii) While on the refuge, all dogs must be under the control of their owners/handlers at all times or on a leash.

(iii) We prohibit allowing dogs to roam.

(iv) All dogs must be on a leash when on hiking trails, or other areas so posted.

(v) We allow working a dog in refuge waters by tossing a retrieval dummy or other object for out-and-back exercise.

(vi) We encourage the use of dogs for hunting (see § 32.42 of this chapter), but we prohibit field trials and commercial/professional dog training.

(vii) Owners/handlers of dogs are responsible for disposal of dog droppings in refuge public use concentration areas such as trails, sandbars, and boat landings.

(viii) We prohibit horses and all other domestic animals on the refuge unless confined in a vehicle, boat, trailer, kennel or other container (see § 26.21 of this chapter).

(9) We prohibit the carrying, possessing, or discharging of firearms (including dog training pistols and dummy launchers), air guns, or any other weapons on the refuge, unless you are a licensed hunter or trapper engaged in authorized activities during established seasons, in accordance with Federal, State, and local regulations. We prohibit target practice on the refuge (see §§ 27.42 and 27.43 of this chapter).

(10) We prohibit the use or possession of glass food and beverage containers on lands within the refuge.

(11) We require that you keep all refuge lands clean during your period of use or occupancy. At all times you must keep all refuse, trash, and litter contained in bags or other suitable containers and not left scattered on the ground or in the water. You must remove all personal property, refuse, trash, and litter immediately upon vacating a site. We require that human solid waste and associated material be either removed and properly disposed of off-refuge or be buried on site to a depth of 6–8 inches (15–20 cm) and at least 50 feet (15 m) from water's edge (see § 27.94 of this chapter).

(b) *Watercraft Use.* We allow the use of watercraft of all types and means of propulsion on all navigable waters of the refuge in accordance with State regulations subject to the following conditions:

(1) In areas posted and shown on maps as ''Electric Motor Area,'' we prohibit motorized vehicles and watercraft year-round except watercraft powered by electric motors or nonmotorized means. We do not prohibit the possession of other watercraft motors in these areas, only their use. These areas are named and located as follows:

(i) Island 42, Pool 5, Minnesota, 459 acres.

(ii) Snyder Lake, Pool 5A, Minnesota, 182 acres.

(iii) Mertes Slough, Pool 6, Wisconsin, 222 acres.

(iv) Browns Marsh, Pool 7, Wisconsin, 827 acres.

(v) Hoosier Lake, Pool 10, Wisconsin, 162 acres.

(2) In areas posted and shown on maps as ''Slow No Wake Area,'' we require watercraft to travel at slow, no-wake speed from March 16 through October 31. We apply the applicable State definition of slow, no-wake operation in these areas. We also prohibit the operation of airboats or hovercraft in these areas from March 16 through October 31. These areas are named and located as follows:

(i) Nelson-Trevino, Pool 4, Wisconsin, 2,626 acres (takes effect March 16, 2009).

(ii) Denzers Slough, Pool 5A, Minnesota, 83 acres.

(iii) Black River Bottoms, Pool 7, Wisconsin, 815 acres.

(iv) Blue/Target Lake, Pool 8, Minnesota, 1,834 acres.

(v) Root River, Pool 8, Minnesota, 695 acres.

(vi) Reno Bottoms, Pool 9, Minnesota, 2,536 acres.

(vii) Nine Mile Island, Pool 12, Iowa, 454 acres.

(viii) Princeton, Pool 14, Iowa, 327 acres.

(3) In water access and travel routes posted and shown on maps as ''Slow No Wake Zone,'' we require watercraft to travel at slow, no-wake speed at all times unless otherwise posted. We apply the respective State definition of slow, no-wake operation in these areas.

(4) In portions of Spring Lake and Crooked Slough—Lost Mound, Pool 13, Illinois, posted as ''Slow, 5 mph When Boats Present'' and marked on maps as ''Speed/Distance Regulation,'' we require watercraft operators to reduce the speed of their watercraft to less than 5 mph (8 kph) when within 100 feet (30 m) of another watercraft that is anchored or underway at 5 mph (8 kph) or less.

(5) We prohibit the mooring, beaching, or storing of watercraft on the refuge without being used at least once every 24 hours. We define ''being used'' as a watercraft moved at least 100 feet (30 m) on the water with operator on board. We prohibit the mooring of watercraft within 200 feet (60 m) of refuge boat landings or ramps. We may impound any watercraft moored in violation at the owner's expense (see § 27.32 of this chapter).

(6) Conditions A1, A2, and A11 apply.

(c) *Camping.* We allow camping on all lands and waters of the refuge as designated by the refuge manager and shown on maps available at refuge offices subject to the following conditions:

(1) We define camping as erecting a tent or shelter of natural or synthetic material, preparing a sleeping bag or other bedding material for use, parking of a motor vehicle or mooring or anchoring of a vessel, for the apparent purpose of overnight occupancy, or, occupying or leaving personal property, including boats or other craft, at a site anytime between the hours of 11 p.m. and 3 a.m.

(2) We prohibit camping at any one site for a period longer than 14 days during any 30-consecutive-day period. After 14 days, you must move all persons, property, equipment, and boats to a new site located at least .5 mile (.8 km) from the previous site.

(3) We prohibit camping within 100 feet (30 meters) of any refuge boat landing, access area, parking lot, structure, road, trail, or other recreation or management facility.

(4) We prohibit camping during waterfowl hunting seasons within areas posted ''No Entry—Sanctuary,'' ''Area Closed,'' ''Area Closed—No Motors,'' and ''No Hunting Zone'' or on any sites not clearly visible from the main commercial navigation channel of the Mississippi River (see § 32.42 of this chapter).

(5) You must occupy campsites daily. We prohibit the leaving of tents, camping equipment, or other property unattended at any site for over 24 hours, and we may impound any equipment left in violation at the owner's expense. We define occupy and attended as being present at a site for a minimum of 2 hours daily.

(6) You must remove any tables, fireplaces, or other facilities erected upon vacating a camping or day-use site.

(7) We allow campfires in conjunction with camping and day-use activities subject to the following conditions (see § 27.95 and § 32.42 of this chapter):

(i) You may only use dead wood on the ground, or materials brought into the refuge such as charcoal or firewood. You must remove any unused firewood brought into the refuge upon departure due to the threat of invasive insects.

(ii) We prohibit building, attending, and maintaining a campfire without sufficient clearance from flammable materials so as to prevent its escape.

(iii) We prohibit building a fire at any developed facility including, but not limited to, boat landings, access areas, parking lots, roads, trails or any other recreation or management facility or structure.

(iv) We prohibit burying live fires or hot coals.

(v) We prohibit burning or attempting to burn any nonflammable materials or any materials that may produce toxic fumes or leave hazardous waste. These materials include, but are not limited to, metal cans, plastic containers, glass, fiberglass, treated wood products, wood containing nails or staples, wire, floatation materials, or other refuse.

(8) Conditions A4 through A11 apply.

* * * * *

Wisconsin

Upper Mississippi River National Wildlife and Fish Refuge

Refer to § 26.34 Minnesota for regulations.

Dated: October 5, 2007.

David M. Verhey,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. E7–20423 Filed 10–16–07; 8:45 am]

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal-register/laws.html*.

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S. 474/P.L. 110–95

To award a congressional gold medal to Michael Ellis DeBakey, M.D. (Oct. 16, 2007; 121 Stat. 1008)

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