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

WHO: Sponsored by the Office of the Federal Register.

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

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

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

3. The important elements of typical Federal Register documents.

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

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

WHEN: Tuesday, December 11, 2007
9:00 a.m.–Noon

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

RESERVATIONS: (202) 741–6008

Contents

Federal Register

Vol. 72, No. 229

Thursday, November 29, 2007

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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

14 CFR
39 (5 documents) 67561, 67562, 67564, 67566, 67568
95.....67571
Proposed Rules:
71 (2 documents) 67587, 67588

21 CFR
173.....67572

22 CFR
62.....67576

26 CFR
Proposed Rules:
1 (2 documents) 67589, 67592

47 CFR
2.....67577
27 (2 documents) 67577, 67578
90 (2 documents) 67577, 67578

50 CFR
635.....67580

Rules and Regulations

Federal Register
Vol. 72, No. 229
Thursday, November 29, 2007

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–28670 Directorate Identifier 2007–CE–060–AD; Amendment 39–15277; AD 2007–24–11]

RIN 2120–AA64

Airworthiness Directives; GROB–WERKE GMBH & CO KG Models G102 CLUB ASTIR III, G102 CLUB ASTIR IIIb, and G102 STANDARD ASTIR III Gliders

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

ACTION: Final rule.

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

GROB received isolated difficulty reports regarding cracks on welded parts of the flight control system of the type G102, model CLUB ASTIR III & IIIb, and STANDARD ASTIR III. The cracks progress slowly from the welding seams periphery, and may eventually result in rupture at a matured stage.

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

DATES: This AD becomes effective January 3, 2008.

On January 3, 2008 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 Document 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.

FOR FURTHER INFORMATION CONTACT: Greg Davison, Glider Program Manager, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4130; 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 September 19, 2007 (72 FR 53493). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

GROB received isolated difficulty reports regarding cracks on welded parts of the flight control system of the type G102, model CLUB ASTIR III & IIIb, and STANDARD ASTIR III. The cracks progress slowly from the welding seams periphery, and may eventually result in rupture at a matured stage.

The MCAI requires all welded parts to be inspected and replaced if any cracks are found.

Comments

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

For the Model G102 STANDARD ASTIR III, we have reduced the beginning serial number range by 1 glider from 5501 to 5502 to mirror the range of affected airplanes described in the MCAI.

Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed except for the reduction in serial number applicability as described above.

Differences Between This AD and the MCAI or Service Information

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

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

Costs of Compliance

We estimate that this AD will affect 35 products of U.S. registry. We also estimate that it will take about 1 work-hour per product to comply with basic requirements of this AD. The average labor rate is $80 per work-hour.

Based on these figures, we estimate the cost of this AD to the U.S. operators to be $2,800 or $80 per product.

In addition, we estimate that any necessary follow-on actions would take about 5 work-hours and require parts costing $5,058, for a cost of $5,458 per product. We have no way of determining the number of products that may need these actions.

Authority for This Rulemaking

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

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

Regulatory Findings

We determined that this 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:

2007–24–11 GROB–WERKE GMBH & CO KG: Amendment 39–15277; Docket No. FAA–2007–28670; Directorate Identifier 2007–CE–060–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective January 3, 2008.

Affected ADs

(b) None.

Applicability

(c) This AD applies to the gliders Model G102 CLUB ASTIR III, serial numbers (SNs) 5501 (suffix C) through 5652 (suffix C); Model G102 CLUB ASTIR IIIb, SNs 5501 (suffix Cb) through 5652 (suffix Cb); and Model G102 STANDARD ASTIR III, SNs 5502 (suffix S) through 5652 (suffix S), that are certificated in any category.

Subject

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

Reason

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

GROB received isolated difficulty reports regarding cracks on welded parts of the flight control system of the type G102, model CLUB ASTIR III & IIIb, and STANDARD ASTIR III. The cracks progress slowly from the welding seams periphery, and may eventually result in rupture at a matured stage.

The MCAI requires all welded parts to be inspected and replaced if any cracks are found.

Actions and Compliance

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

(1) Within the next 25 hours time-in-service (TIS) after January 3, 2008 (the effective date of this AD) or within the next 6 calendar months after January 3, 2008 (the effective date of this AD), whichever occurs first, inspect the welded parts of the flight control system for any cracks, deformations, or distortions following Grob Aerospace Service Bulletin No. MSB 306–35, dated April 27, 2007. Thereafter, repetitively inspect at intervals not to exceed 12 calendar months.

(2) If you find any cracks, deformations, or distortions as a result of any inspection required by paragraph (f)(1) of this AD, before further flight, replace the affected part following Grob Aerospace Service Bulletin No. MSB 306–35, dated April 27, 2007.

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 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: Greg Davison, Glider Program Manager, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4130; 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.: 2007–0135–E, dated May 14, 2007, and Grob Aerospace Service Bulletin No. MSB 306–35, dated April 27, 2007, for related information.

Material Incorporated by Reference

(i) You must use Grob Aerospace Service Bulletin No. MSB 306–35, dated April 27, 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 Grob Aerospace GmbH, Lettenbachstrasse 9, 86874 Tussenhausen-Mattsies, Federal Republic of Germany.

(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 November 20, 2007.

Kim Smith,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–23016 Filed 11–28–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–28125; Directorate Identifier 2007–NE–17–AD; Amendment 39–15276; AD 2007–24–10]

RIN 2120–AA64

Airworthiness Directives; Turbomeca Arriel 2S1 and 2S2 Turboshaft Engines

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

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing

airworthiness information (MCAI) provided by the European Aviation Safety Agency (EASA) to identify and correct an unsafe condition on Turbomeca Arriel 2S1 and 2S2 turboshaft engines. The MCAI states the following:

> During assembly of a new HP/LP fuel pump, the drain screw on the fuel filter unit failed when it was tightened to the torque value specified in the assembly schedule (12 Nm). Investigation of the screw showed that it was fully conformed to its specification, in terms of both dimensions and material. The mechanical calculations show, however, that a torque value of 12 Nm is too high for this screw, exceeding the elastic limit of the material. Failure of the affected screw could cause a fuel leak, resulting in an engine flame-out or engine fire.

We are issuing this AD to prevent a fuel leak as a result of a ruptured fuel filter drain screw that could lead to engine flame-out or an engine fire.

DATES: This AD becomes effective December 14, 2007.

The Director of the Federal Register approved the incorporation by reference of Turbomeca, S.A. Mandatory Service Bulletin No. 292 73 2824, dated February 1, 2007, listed in the AD as of December 14, 2007.

We must receive comments on this AD by December 31, 2007.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

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 AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is the same as the Mail address provided in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Christopher Spinney, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: *Christopher.spinney@faa.gov*; telephone (781) 238–7175; fax (781) 238–7199.

SUPPLEMENTARY INFORMATION:

Discussion

EASA, which is the Technical Agent for the Member States of the European Community, has issued EASA AD No. 2007–0063, dated March 8, 2007, to correct an unsafe condition for the specified products. The EASA AD states:

> During assembly of a new HP/LP fuel pump, the drain screw on the fuel filter unit failed when it was tightened to the torque value specified in the assembly schedule (12 Nm). Investigation of the screw showed that it was fully conform to its specification, in terms of both dimensions and material. The mechanical calculations show, however, that a torque value of 12 Nm is too high for this screw, exceeding the elastic limit of the material. Failure of the affected screw could cause a fuel leak, resulting in an engine flame-out or engine fire.

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

Relevant Service Information

Turbomeca has issued Mandatory Service Bulletin No. 292 73 2824, dated February 1, 2007. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This AD

This product has been approved by the aviation authority of France, and is approved for operation in the United States. Pursuant to our bilateral agreement with France, they have notified us of the unsafe condition described in the MCAI AD and service information referenced above. We are issuing this AD because we evaluated all the information provided by the EASA and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design. This AD requires the replacement of the fuel filter drain screw and tightening it to an effective torque of 6.5 Nm.

FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because of the high risk that the drain screw on the fuel filter unit may fail when tightened to the torque value specified in the assembly schedule. Failure of the affected screw could cause a fuel leak, resulting in an engine flame-out or engine fire. Therefore, we determined that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists for making this amendment effective in fewer than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2007–28125; Directorate Identifier 2007–NE–17–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

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

Authority for This Rulemaking

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

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

Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between

the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify 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.

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:

2007–24–10 Turbomeca: Amendment 39–15276.; Docket No. FAA–2007–28125, Directorate Identifier 2007–NE–17–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective December 14, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Turbomeca Arriel 2S1 and 2S2 turboshaft engines, all serial numbers that have a hydro mechanical unit (HMU) installed that was manufactured before December 8, 2006, or repaired/overhauled before December 8, 2006. These engines are installed on, but not limited to, Sikorsky S–76C helicopters.

Reason

(d) European Aviation Safety Agency (EASA) AD No. 2007–0063, dated March 3, 2007, states:

During assembly of a new HP/LP fuel pump, the drain screw on the fuel filter unit failed when it was tightened to the torque value specified in the assembly schedule (12 Nm). Investigation of the screw showed that it was fully conforming to its specification, in terms of both dimensions and material. The mechanical calculations show, however, that a torque value of 12 Nm is too high for this screw, exceeding the elastic limit of the material. Failure of the affected screw could cause a fuel leak, resulting in an engine flame-out or engine fire.

Actions and Compliance

(e) Unless already done, within 30 HMU operating hours or 45 days after the effective date of this AD, whichever occurs first, replace the fuel filter drain screw with a new one and tighten it to an effective torque of 6.5 Nm, using Turbomeca Mandatory Service Bulletin (MSB) No. 292 73 2824, dated February 1, 2007.

FAA AD Differences

(f) This AD differs from the EASA AD and/or service information as follows:

(1) EASA AD No. 2007–0063 requires compliance with the AD within 30 HMU operating hours, but not later than 15 April 2007, whichever occurs first after the effective date of that AD.

(2) This AD, written later, requires compliance within 30 HMU operating hours or 45 days after the effective date of this AD, whichever occurs first.

Alternative Methods of Compliance (AMOCs)

(g) The Manager, Engine Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

Related Information

(h) Refer to EASA AD 2007–0063, dated March 8, 2007, for related information.

(i) Contact Christopher Spinney, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: *Christopher.spinney@faa.gov*; telephone (781) 238–7175; fax (781) 238–7199, for more information about this AD.

Material Incorporated by Reference

(j) You must use Turbomeca Mandatory Service Bulletin No. 292 73 2824, dated February 1, 2007, to do the actions required by this AD.

(k) 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.

(l) For service information identified in this AD, contact: Turbomeca, 40220 Tarnos, France; telephone 33 05 59 74 40 00, fax 33 05 59 74 45 15.

(m) You may review service information copies at the FAA, New England Region, 12 New England Executive Park, Burlington, MA; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html*.

Issued in Burlington, Massachusetts, on November 20, 2007.

Peter A. White,

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

[FR Doc. E7–23031 Filed 11–28–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–28656; Directorate Identifier 2007–NE–31–AD; Amendment 39–15280; AD 2007–24–14]

RIN 2120–AA64

Airworthiness Directives; Hartzell Propeller Inc. Model HC–E5N–3( ), HC–E5N–3( )(L), and HC–E5B–5( ) Propellers

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

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for Hartzell Propeller Inc. Model HC–E5N–3( ), HC–E5N–3( )(L), and HC–E5B–5( ) propellers. This AD requires a onetime eddy current inspection of the propeller hub mounting bolt holes and replacement of the propeller hub if cracked. This AD results from the discovery of a five-bladed propeller hub with a large crack on the mounting flange of the hub. We are issuing this AD to prevent propeller hub failure, blade separation, damage to the airplane, and possible loss of airplane control.

DATES: This AD becomes effective December 14, 2007. The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of December 14, 2007.

We must receive any comments on this AD by January 28, 2008.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* U.S. Docket Management Facility, Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

• *Fax:* (202) 493–2251.

Contact Hartzell Propeller Inc., Technical Publications Department, One Propeller Place, Piqua, OH 45356; telephone (937) 778–4200; fax (937) 778–4391, for the service information identified in this AD.

FOR FURTHER INFORMATION CONTACT: Tim Smyth, Aerospace Engineer, Chicago Aircraft Certification Office, FAA, Small Airplane Directorate, 2300 East Devon Avenue, Des Plaines, IL 60018; e-mail: *timothy.smyth@faa.gov*; telephone (847) 294–7132; fax (847) 294–7834.

SUPPLEMENTARY INFORMATION: Recently, a Piaggio P–180 airplane experienced a significant vibration in flight, from one of the propellers. The Hartzell model HC–E5N–3( )(L) propeller assembly was removed and examined. Inspection of the propeller assembly revealed a significant crack in the propeller hub. Although the exact cause of the crack is unknown, a major factor appears to be a pre-existing defect in one of the propeller mounting bolt holes. This defect may cause a crack to grow to catastrophic failure. Operating the propeller in an rpm range restricted by the airplane operating limitations may accelerate the hub crack. Acceleration of the propeller hub crack may also be due to operation beyond the airplane's operating limitations when in ground idle without the propellers feathered, or used in maximum reverse. We determined that the hubs at risk are in two populations. The first population is those hubs with unknown hours, or with between 1,800 and 4,500 hours time-in-service (TIS). The second population is all other hubs with fewer than 1,800 or more than 4,500 hours TIS. This condition, if not corrected, could result in propeller hub cracks, blade separation, damage to the airplane, and possible loss of airplane control.

Relevant Service Information

We have reviewed and approved the technical contents of Hartzell Propeller Inc. Service Bulletin (SB) No. HC–SB–61–295, Revision 2, dated August 1, 2007, that describes procedures for a onetime eddy current inspection of the propeller hub mounting bolt holes and replacement of the propeller hub if cracked.

FAA's Determination and Requirements of This AD

The unsafe condition described previously is likely to exist or develop on other Hartzell Propeller Inc. Model HC–E5N–3( ), HC–E5N–3( )(L), and HC–E5B–5( ) propellers of the same type design. For that reason, we are issuing this AD to prevent propeller hub failure, blade separation, damage to the airplane, and possible loss of airplane control. You must use the service information described previously to perform the actions required by this AD.

FAA's Determination of the Effective Date

Since an unsafe condition exists that requires the immediate adoption of this AD, we have found that notice and opportunity for public comment before issuing this AD are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to send us any written relevant data, views, or arguments regarding this AD. Send your comments to an address listed under **ADDRESSES**. Include ''AD Docket No. FAA–2007–28656; Directorate Identifier 2007–NE–31–AD'' in the subject line of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify it.

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

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 AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is the same as the Mail address provided in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

■ Under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

2007–24–14 Hartzell Propeller Inc.: Amendment 39–15280. Docket No. FAA–2007–28656; Directorate Identifier 2007–NE–31–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective December 14, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Hartzell Propeller Inc. model HC–E5N–3( ), HC–E5N–3( )(L), and HC–E5B–5( ) propellers. Hartzell Propeller Inc. model HC–E5N–3( )and HC–E5N–3( )(L) propellers are installed on, but not limited to, Piaggio P–180 Avanti airplanes with propeller serial numbers (SNs) up to and including HF229 or KU92, except those SNs listed in the following Table 1. Hartzell Propeller Inc. HC–E5B( ) propellers are installed on Grumman S–2 Tracker airplanes with propeller SNs up to and including HN14.

TABLE 1.—PROPELLER SNS NOT AFFECTED BY THIS AD

HC–E5N–3( )L:
HF4, HF5, HF6, HF7, HF18, HF20, HF26, HF28, HF30, HF34, HF45, HF50, HF52, HF74, HF76, HF87, HF93, HF94, HF97, HF101, HF109, HF121, HF122, HF126, HF130, HF133, HF135, HF137, HF140, HF147, HF149, HF152, HF153, HF156, HF158, HF164, HF165, HF179, HF183, HF184, HF188, HF190, HF195, HF205, HF213, HF215, HF225, HF226, HF230, HF231, HF232, HF233, HF234, HF235.
HC–E5N–3( ):
KU1, KU3, KU14, KU15, KU16, KU19, KU34, KU41, KU45, KU51, KU57, KU69, KU74, KU79, KU84, KU86, KU87, KU89, KU93, KU94, KU95, KU96, KU103.
HC–E5B–5( ):
HN15.

Unsafe Condition

(d) This AD results from the discovery of a five-bladed propeller hub with a large crack on the mounting flange of the hub. We determined that the hubs at risk are in two populations. The first population is those hubs with unknown hours, or with between 1,800 and 4,500 hours time-in-service (TIS). The second population is all other hubs with fewer than 1,800 or more than 4,500 hours TIS. We are issuing this AD to prevent propeller hub failure, blade separation, damage to the airplane, and possible loss of airplane control.

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.

Propeller Hub Inspection

(f) Using Hartzell Service Bulletin (SB) HC–SB–61–295, Revision 2, dated August 1, 2007, do a onetime eddy current inspection of the propeller mounting holes and replace the propeller hub if any crack is found. Inspect as follows:

(1) If propeller hub TIS is unknown, or more than 1,800 hours but fewer than 4,500 hours, inspect the mounting holes within 12 calendar months, or within the next 150 hours TIS, or at the next scheduled airframe ''A'' check inspection.

(2) If the propeller hub TIS is 1,800 hours or fewer, or 4,500 hours or more, inspect the mounting holes within 12 calendar months, or within 600 hours TIS, or at the next scheduled airframe ''B'' check inspection, whichever comes first.

Alternative Methods of Compliance

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

Related Information

(h) Contact Tim Smyth, Aerospace Engineer, Chicago Aircraft Certification Office, FAA, Small Airplane Directorate, 2300 East Devon Avenue, Des Plaines, IL 60018; e-mail: *timothy.smyth@faa.gov*; telephone (847) 294–7132; fax (847) 294–7834, for more information about this AD.

Material Incorporated by Reference

(i) You must use Hartzell Service Bulletin HC–SB–61–295, Revision 2, dated August 1, 2007, to perform the inspection required by this AD. The Director of the Federal Register approved the incorporation by reference of this service bulletin in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Hartzell Propeller Inc., Technical Publications Department, One Propeller Place, Piqua, OH 45356; telephone (937) 778–4200; fax (937) 778–4391, for a copy of this service information. You may review copies at the FAA, New England Region, 12 New England Executive Park, Burlington, MA 01803; 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 Burlington, Massachusetts, on November 21, 2007.

Peter A. White,

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

[FR Doc. E7–23119 Filed 11–28–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–0250; Directorate Identifier 2007–CE–091–AD; Amendment 39–15279; AD 2007–24–13]

RIN 2120–AA64

Airworthiness Directives; Cirrus Design Corporation Model SR22 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Cirrus Design Corporation (Cirrus) Model SR22 airplanes. This AD requires you to install a drain hole in the left and right outboard wing tips. This AD results from reports of pilots' inability to move the aileron control without using excessive force when flying in freezing conditions. Moisture from a prior rain shower entered through a gap at the interface of the left and right outboard wing tips and wing structure. The moisture traveled along the aft wing shear web, accumulated below the aileron control pulley, and froze at an altitude with an outside air temperature below freezing. When this moisture is exposed to freezing conditions, operation of the aileron control pulley is impaired. We are issuing this AD to prevent moisture from accumulating along the wing shear web where it may freeze in certain conditions. This condition could result in operational failure of the aileron control pulley, which could lead to loss of control.

DATES: This AD becomes effective on December 4, 2007.

On December 4, 2007, the Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD.

We must receive any comments on this AD by January 28, 2008.

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

- *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.

To get the service information identified in this AD, contact Cirrus Design Corporation, 4515 Taylor Corporation, Duluth, Minnesota 55811; telephone: (218) 727–2737.

To view the comments to this AD, go to *http://www.regulations.gov.* The docket number is FAA–2007–0250; Directorate Identifier 2007–CE–091–AD.

FOR FURTHER INFORMATION CONTACT: Roy Boffo, Aerospace Engineer, Chicago Aircraft Certification Office, 2300 East Devon Avenue, Room 107, Des Plaines, Illinois 60018; telephone: (847) 294–7564; fax: (847) 294–7834.

SUPPLEMENTARY INFORMATION:

Discussion

We received a report that a production flight test pilot engaged the autopilot on a Cirrus Model SR22 airplane after climbing to 17,500 feet with an outside air temperature of −4 °C. While on autopilot, the airplane began drifting to the left. The pilot disengaged the autopilot and noticed that the aileron control was stuck. Using considerable force, the pilot was able to move the aileron control, but then it stuck in another position. After descending to an altitude with an outside air temperature above freezing, the aileron control returned to normal function.

The incident airplane was a Cirrus flight test airplane and was stored outside in the rain for at least one day before the flight. Take-off was also during a light rain.

The wing on the Cirrus SR22 airplane was recently redesigned. We have determined that the new design allows moisture to enter at the interface between the wing and wing tip. The moisture finds a path along the aft wing shear web and accumulates below the aileron pulley. When the moisture is exposed to freezing conditions, operation of the aileron control pulley is impaired.

Two other similar occurrences on production flight test airplanes have been reported.

This condition, if not corrected, could result in operational failure of the aileron control pulley. This failure could lead to loss of control.

Relevant Service Information

We reviewed Cirrus Design Service Bulletin SB 2X–57–08, dated November 2, 2007. The service information describes procedures for installing a drain hole in the left and right outboard wing tips.

FAA's Determination and Requirements of This AD

We are issuing this AD because we evaluated all the information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design. This AD requires you to install a drain hole in the left and right outboard wing tips.

In preparing this rule, we contacted type clubs and aircraft operators to get technical information and information on operational and economic impacts. We did not receive any information through these contacts. If received, we would have included a discussion of any information that may have influenced this action in the rulemaking docket.

FAA's Determination of the Effective Date

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

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and an opportunity for public comment. We invite you to send any written relevant data, views, or arguments regarding this AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number ''FAA–2007–0250; Directorate Identifier 2007–CE–091–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the AD. We will consider all comments received by the closing date and may amend the AD in light 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 concerning this AD.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

Examining the AD Docket

You may examine the AD docket that contains the AD, the regulatory evaluation, any comments received, and other information 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 Docket Office (telephone (800) 647–5527) is located at the street address stated 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 airworthiness directive (AD):

2007–24–13 Cirrus Design Corporation: Amendment 39–15279; Docket No. FAA–2007–0250; Directorate Identifier 2007–CE–091–AD.

Effective Date

(a) This AD becomes effective on December 4, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Model SR22 airplanes, serial numbers 2334, 2420, and 2438 through 2749, that are certificated in any category.

Unsafe Condition

(d) This AD results from reports of pilots' inability to move the aileron control without using excessive force when flying in freezing conditions. Moisture entered through a gap at the interface of the left and right outboard wing tips and wing structure. The moisture traveled along the aft wing shear web, accumulated below the aileron control pulley, and froze at an altitude with an outside air temperature below freezing. When this moisture is exposed to freezing conditions, operation of the aileron control pulley is impaired. We are issuing this AD to prevent moisture from accumulating along the wing shear web where it may freeze in certain conditions. This condition could result in operational failure of the aileron control pulley, which could lead to loss of control.

Compliance

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

Actions	Compliance	Procedures
Install a drain hole in the left and right outboard wing tips.	At whichever of the following occurs first: (1) Within the next 10 hours time-in-service after December 4, 2007 (the effective date of this AD); or (2) Within the next 30 days after December 4, 2007 (the effective date of this AD).	Follow Cirrus Design Service Bulletin SB 2X–57–08, dated November 2, 2007.

Alternative Methods of Compliance (AMOCs)

(f) The Manager, Chicago Aircraft Certification (ACO) 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: Roy Boffo, Aerospace Engineer, Chicago ACO, 2300 East Devon Avenue, Room 107, Des Plaines, Illinois 60018; telephone: (847) 294–7564; fax: (847) 294–7834. 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.

Material Incorporated by Reference

(g) You must use Cirrus Design Service Bulletin SB 2X–57–08, dated November 2, 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 Cirrus Design Corporation, 4515 Taylor Corporation, Duluth, Minnesota 55811; telephone: (218) 727–2737.

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

Issued in Kansas City, Missouri, on November 20, 2007.

Kim Smith,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–23118 Filed 11–28–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–26052; Directorate Identifier 2006–NE–30–AD; Amendment 39–15275; AD 2007–24–09]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce plc, RB211 Trent 768–60, 772–60, and 772B–60 Turbofan Engines

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

ACTION: Final rule; request for comments.

SUMMARY: The FAA is superseding an existing airworthiness directive (AD) for Rolls-Royce plc (RR) RB211 Trent 768–60, 772–60, and 772B–60 turbofan engines. That AD currently requires initial and repetitive on-wing or in-shop inspections of the high pressure/intermediate pressure (HP/IP) turbine bearing oil feed tube heat shield. This AD requires the same actions but introduces a terminating action to the repetitive inspections. This AD results from RR introducing a revised HP/IP turbine bearing support structure as terminating action to the repetitive inspections of the HP/IP turbine bearing oil feed tube heat shield. We are issuing this AD to prevent an uncontained failure of the HP turbine disc and damage to the airplane.

DATES: Effective December 14, 2007. The Director of the Federal Register previously approved the incorporation by reference of certain publications listed in the regulations as of December 19, 2006 (71 FR 66229, November 14, 2006). The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of December 14, 2007.

We must receive any comments on this AD by January 28, 2008.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* U.S. Docket Management Facility, Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

Contact Rolls-Royce plc, P.O. Box 31, Derby, DE24 8BJ, United Kingdom; telephone 44 (0) 1332 242424; Fax 44 (0)

1332 249936 for a copy of the service information identified in this AD.

FOR FURTHER INFORMATION CONTACT: Christopher Spinney, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: *Christopher.spinney@faa.gov;* telephone (781) 238–7175; fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: On November 3, 2006, the FAA issued AD 2006–23–11, Amendment 39–14823 (71 FR 66229, November 14, 2006). That AD requires initial and repetitive on-wing or in-shop inspections of the HP/IP turbine bearing oil feed tube heat shield. That AD was the result of a report that a damaged outer heat shield caused fretting of the oil feed tubes. That condition, if not corrected, could result in an uncontained failure of the HP turbine disc and damage to the airplane.

Actions Since AD 2006–23–11 Was Issued

Since that AD was issued, the European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, recently notified us that RR introduced a revised HP/IP turbine bearing support structure to terminate the repetitive inspections. This AD requires initial and repetitive on-wing or in-shop inspections of the HP/IP turbine bearing oil feed tube heat shield, and requires revising the HP/IP turbine bearing support structure as terminating action to the repetitive inspections in this AD. We are issuing this AD to prevent an uncontained failure of the HP turbine disc and damage to the airplane.

Relevant Service Information

We have reviewed and approved the technical contents of RR Service Bulletin (SB) No. RB.211–72–F117, Revision 2, dated September 25, 2006, RR SB No. RB.211–72–F227, Revision 1, dated October 8, 2007, and RR Immediate Operational Request SB No. RB.211–72–F048, Revision 11, dated September 9, 2006, that describe procedures for revising the HP/IP turbine bearing support structure. EASA classified these SBs as mandatory and issued AD 2007–0260 in order to ensure the airworthiness of these RR engines in Europe.

Bilateral Airworthiness Agreement

These engine models are manufactured in the United Kingdom and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Under this bilateral airworthiness agreement, EASA has kept the FAA informed of the situation described above. We have examined the findings of EASA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

FAA's Determination and Requirements of This AD

Although no airplanes that are registered in the United States use these Trent 768–60, 772–60, and 772B–60 turbofan engines, the possibility exists that these engines could be used on airplanes that are registered in the United States in the future. The unsafe condition described previously is likely to exist or develop on other Trent 768–60, 772–60, and 772B–60 turbofan engines of the same type design. We are issuing this AD to prevent an uncontained failure of the HP turbine disc and damage to the airplane. This AD requires initial and repetitive on-wing or in-shop inspections of the HP/IP turbine bearing oil feed tube heat shield, and requires revising the HP/IP turbine bearing support structure as terminating action to the repetitive inspections in this AD. You must use the service information described previously to perform the actions required by this AD.

FAA's Determination of the Effective Date

Since there are currently no domestic operators of this engine model, notice and opportunity for public comment before issuing this AD are unnecessary. Therefore, a situation exists that allows the immediate adoption of this regulation.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, we invite you to send us any written relevant data, views, or arguments regarding this AD. Send your comments to an address listed under **ADDRESSES**. Include ''AD Docket No. FAA–2006–26052; Directorate Identifier 2006–NE–30–AD'' in the subject line of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify it.

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

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 AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is the same as the Mail address provided in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

■ Under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Amendment 39–14823 (71 FR 66229, November 14, 2006), and by adding a new airworthiness directive, Amendment 39–15275, to read as follows:

2007–24–09 Rolls-Royce plc: Amendment 39–15275. Docket No. FAA–2006–26052; Directorate Identifier 2006–NE–30–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective December 14, 2007.

Affected ADs

(b) This AD supersedes AD 2006–23–11, Amendment 39–14823.

Applicability

(c) This AD applies to Rolls-Royce plc (RR) RB211 Trent 768–60, 772–60, and 772B–60 turbofan engines. These engines are installed on, but not limited to, Airbus A330 series airplanes.

Unsafe Condition

(d) This AD results from RR introducing a revised high pressure/low pressure (HP/IP) turbine bearing support structure as terminating action to the repetitive inspections of the HP/IP turbine bearing oil feed tube heat shield. We are issuing this AD to prevent an uncontained failure of the HP turbine disc and damage to 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.

Initial Inspection

(f) Initially inspect the HP/IP turbine oil feed tube outer heat shield for cracks. Use either 3.A.(1) through 3.A.(3) on-wing procedures or 3.B.(1)(a) through 3.B.(1)(e) in-shop procedures of RR Alert Service Bulletin (ASB) No. RB.211–72–AF045, Revision 2, dated July 27, 2006, at one of the following compliance times:

(1) At the next shop visit of the 05 Module regardless of the reason for the visit; or

(2) Before one of the following intervals whichever occurs latest:

(i) 10,000 hours or 2,500 cycles since new, whichever occurs first, or

(ii) 2,500 cycles since overhaul of the 05 Module.

Repetitive Inspection

(g) Re-inspect the HP/IP turbine oil feed tube outer heat shield for cracks as specified in the applicable criteria of paragraphs C.(1)(b)(i) through C(1)(b)(vi) or C(2)(b)(i) through C(2)(b)(ii) of RR ASB No. RB.211–72–AF045, Revision 2, dated July 27, 2006. Use either 3.A.(1) through 3.A.(3) on-wing procedures or 3.B.(1)(a) through 3.B.(1)(e) in-shop procedures of RR ASB RB.211–72–AF045, Revision 2, dated July 27, 2006.

Remove HP/IP Turbine Oil Feed Tube Outer Heat Shields From Service

(h) Remove from service HP/IP turbine oil feed tube outer heat shields according to the applicable criteria in paragraphs C(1)(b)(vii) through C(1)(b)(vii) or C(2)(b)(iii) of RR ASB No. RB.211–72–AF045, Revision 2, dated July 27, 2006.

Terminating Action

(i) At the next 05 Module overhaul after the effective date of this AD, or before May 31, 2010, whichever occurs first, as terminating action to the repetitive inspections in this AD, introduce the revised HP/IP turbine bearing support structure.

(j) Use one of the following to introduce the revised HP/IP turbine bearing support structure:

(1) RR Service Bulletin (SB) No. RB.211–72–F117, Revision 2, dated September 25, 2006; or

(2) RR SB No. RB.211–72–F227, Revision 1, dated October 8, 2007; or

(3) RR Immediate Operational Request SB No. RB.211–72–F048, Revision 11, dated September 9, 2006.

Alternative Methods of Compliance

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

Related Information

(l) European Aviation Safety Agency AD 2007–0260, dated October 2, 2007, also addresses the subject of this AD.

(m) Contact Christopher Spinney, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: *Christopher.spinney@faa.gov*; telephone (781) 238–7175; fax (781) 238–7199, for more information about this AD.

Material Incorporated by Reference

(n) You must use the Rolls-Royce service information in Table 1 of this AD to perform the inspections and terminating action required by this AD. The Director of the Federal Register previously approved the incorporation by reference of Rolls-Royce plc Alert Service Bulletin No. RB.211–72–AF045, Revision 2, dated July 27, 2006, as of December 19, 2006 (71 FR 66229, November 14, 2006).The Director of the Federal Register approved the incorporation by reference of the other service bulletins listed in Table 1 of this AD in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Rolls-Royce plc P.O. Box 31, Derby, DE24 8BJ, United Kingdom; telephone 44 (0) 1332 242424; Fax 44 (0) 1332 249936 for a copy of this service information. You may review copies at the FAA, New England Region, 12 New England Executive Park, Burlington, MA 01803; 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 No.	Page	Revision	Date
RB.211–72–AF045	All	2	July 27, 2006.
RB.211–72–F048	All	11	September 9, 2006.
RB.211–72–F117	All	2	September 25, 2006.
RB.211–72–F227	All	1	October 8, 2007.

Issued in Burlington, Massachusetts, on November 20, 2007.

Peter A. White,

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

[FR Doc. E7–23020 Filed 11–28–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 95

[Docket No. 30582; Amdt. No. 471]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rules) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. This regulatory action is needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

DATES: *Effective date:* 0901 UTC, December 20, 2007.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 95 of the Federal Aviation Regulations (14 CFR part 95) amends, suspends, or revokes IFR altitudes governing the operation of all aircraft in flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in part 95.

The Rule

The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference. The reasons and circumstances that create the need for this amendment involve matters of flight safety and operational efficiency in the National Airspace System, are related to published aeronautical charts that are essential to the user, and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment are impracticable and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

Conclusion

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

List of Subjects in 14 CFR Part 95

Airspace, Navigation (air).

Issued in Washington, DC, on November 21, 2007.

James J. Ballough,

Director, Flight Standards Service.

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me by the Administrator, part 95 of the Federal Aviation Regulations (14 CFR part 95) is amended as follows effective at 0901 UTC, December 20, 2007.

■ 1. The authority citation for part 95 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44719, 44721.

PART 95—[AMENDED]

■ 2. Part 95 is amended to read as follows:

REVISIONS TO IFR ALTITUDES & CHANGEOVER POINTS

[Amendment 471, effective date December 20, 2007]

From	To	MEA
§ 95.6001 Victor Routes—U.S.		
§ 95.6006 VOR Federal Airway V6 Is Amended To Read in Part		
Liter, WY FIX	Sidney, NE VORTAC	*9500
*7600—MOCA		
§ 95.6081 VOR Federal Airway V81 Is Amended To Read in Part		
Cheyenne, WY VORTAC	Scottsbluff, NE VORTAC	8000
§ 95.6101 VOR Federal Airway V101 Is Amended To Read in Part		
Ogden, UT VORTAC	*Krebs, UT FIX	9400
*13,000—MRA		
Krebs, UT FIX	Blida, UT FIX	9400

REVISIONS TO IFR ALTITUDES & CHANGEOVER POINTS—Continued

[Amendment 471, effective date December 20, 2007]

From	To	MEA
§ 95.6133 VOR Federal Airway V133 Is Amended To Read in Part		
Mansfield, OH VORTAC	Sandusky, OH VOR/DME	3000
Sandusky, OH VOR/DME	Gemini, OH FIX	*3000
*2000—MOCA		
Gemini, OH FIX	U.S. Canadian Border	*3400
*2300—MOCA		
U.S. Canadian Border	Detroit, MI VOR/DME	*3400
*2300—MOCA		
§ 95.6166 VOR Federal Airway V166 Is Amended To Read in Part		
Westminster, MD VORTAC	Belay, MD FIX	*3000
*2500—MOCA		
Belay, MD FIX	*Bains, MD FIX	2000
*7500—MRA		
Bains, MD FIX	Dupont, DE VORTAC	2000
§ 95.6220 VOR Federal Airway V220 Is Amended To Read in Part		
Kearney, NE VOR	Hastings, NE VOR/DME	4300
§ 95.6257 VOR Federal Airway V257 Is Amended To Read in Part		
Delta, UT VORTAC	*Verne, UT FIX	11500
*12200—MCA Verne, UT FIX, N BND		
Verne, UT FIX	*Staco, UT FIX	13000
*10500—MCA Staco, UT FIX, S BND		
Staco, UT FIX	Moint, UT FIX	*13000
*8900—MOCA		
Moint, UT FIX	*Krebs, UT FIX	**13000
*13000—MRA		
**9600—MOCA		
Krebs, UT FIX	Malad City, ID VOR/DME	*11000
*10000—MOCA		

From	To	MEA	MAA
§ 95.7001 Jet Routes **§ 95.7184 Jet Route J184 Is Amended To Read in Part**			
Buckeye, AZ VORTAC	Deming, NM VORTAC	23000	45000

[FR Doc. E7–23176 Filed 11–28–07; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 173

[Docket No. 2006F–0409]

Secondary Direct Food Additives Permitted in Food for Human Consumption

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to expand the conditions for the safe use of cetylpyridinium chloride (CPC) as an antimicrobial agent in a pre-chiller or post-chiller solution for application to raw poultry carcasses. This action is in response to a petition filed by Safe Foods Corp. (Safe Foods).

DATES: This rule is effective November 29, 2007. Submit written or electronic objections and requests for a hearing by December 31, 2007. See section VIII of the **SUPPLEMENTARY INFORMATION** of this document for information on the filing of objections. The Director of the Office of the **Federal Register** approves the incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 of certain publications in 21 CFR 173.375(a) as of November 29, 2007.

ADDRESSES: You may submit written or electronic objections and requests for a hearing, identified by Docket No. 2006F–0409, by any of the following methods:

Electronic submissions

Submit electronic objections in the following ways:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments.
- Agency Web site: *http://www.fda.gov/dockets/ecomments*. Follow the instructions for submitting comments on the agency Web site.

Written Submissions

Submit written objections in the following ways:

- FAX: 301–827–6870.
- Mail/Hand delivery/Courier [For paper, disk, or CD–ROM submissions]: Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

To ensure more timely processing of objections, FDA is no longer accepting objections submitted to the agency by e-mail. FDA encourages you to continue to submit electronic objections by using the Federal eRulemaking Portal or the agency Web site, as described in the *Electronic Submissions* portion of this paragraph.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All objections received may be posted without change to *http://www.fda.gov/ohrms/dockets/default.htm*, including any personal information provided. For detailed instructions on submitting objections, see the ''Objections'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or objections received, go to *http://www.fda.gov/ohrms/dockets/default.htm* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Raphael A. Davy, Center for Food Safety and Applied Nutrition (HFS–265), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 301–436–1272.

SUPPLEMENTARY INFORMATION:

I. Background

In a notice published in the **Federal Register** of October 25, 2006 (71 FR 62475), FDA announced that a food additive petition (FAP 6A4767) had been filed by Safe Foods Corp., c/o Keller and Heckman LLP, 1001 G St. NW., suite 500 West, Washington, DC 20001. The petition proposed to amend the food additive regulations in § 173.375 *Cetylpyridinium chloride* (21 CFR 173.375) to expand the conditions for the safe use of CPC as an antimicrobial agent applied in a pre-chiller or post-chiller solution to raw poultry carcasses.

CPC is currently approved under § 173.375 for use as an antimicrobial agent to treat the surface of raw poultry carcasses prior to immersion in a chiller when applied as a fine mist spray at a level not to exceed 0.3 grams CPC per pound of raw poultry carcass. As conditions of safe use, the solution must contain food grade propylene glycol (PG) at a concentration of 1.5 times that of the CPC, and the solution must be used in systems that collect and recycle solution that is not carried out of the system with the treated poultry carcasses.

Safe Foods initially petitioned for the use of a solution containing up to 1 percent CPC and PG at a level 1.5 times that of CPC as a liquid aqueous stream for either pre- or post-chiller application without a limit on the amount of CPC applied per carcass. When application of the CPC solution is not followed by immersion in a chiller, the treatment would be followed by a potable water rinse of the carcass. Safe Foods subsequently amended their petition by decreasing the maximum concentration of CPC in the treatment solution from 1 percent to 0.8 percent. As discussed in section II of this document, to mitigate concerns associated with residual PG in the treated poultry becoming a component of animal feed, in particular cat food, Safe Foods also proposed a maximum limit of 5 gallons of solution per carcass and a minimum of 99 percent recovery of the applied solution.[1]

II. Determination of Safety

Under the general safety standard in section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348), a food additive cannot be approved for a particular use unless a fair evaluation of the data available to FDA establishes that the additive is safe for that use. FDA's food additive regulations (21 CFR 170.3(i)) define ''safe'' as ''a reasonable certainty in the minds of competent scientists that the substance is not harmful under the intended conditions of use.''

To establish with reasonable certainty that a food additive is not harmful under its intended conditions of use, FDA considers the projected human dietary intake of the additive, existing toxicological data, and other relevant information (such as published literature) available to the agency. FDA compares an individual's estimated daily intake (EDI) of the additive from all food sources to an acceptable intake level established by toxicological data. The EDI is determined by projections based on the amount of the additive proposed for use in particular foods and on data regarding the amount consumed from all sources of the additive. The agency commonly uses the EDI for the 90th percentile consumer of a food additive as a measure of high chronic dietary intake.

At a maximum CPC application concentration of 0.8 percent and assuming the worst-case maximum application volume of 5 gallons of solution per carcass, FDA estimates that the mean EDI of CPC from the petitioned use is 27.5 micrograms per person per day (µg/p/d) and the intake at the 90th percentile is 65 µg/p/d (Ref. 1). These EDIs subsume the exposure from the currently regulated use. As part of FDA's safety evaluation, the agency reviewed data submitted with the petition from two sub-chronic (90-day) toxicity studies on CPC fed to rats and dogs. FDA concluded that the no-observable-effect level (NOEL) for the dog, which was the most sensitive species tested, is 8.00 milligrams per kilogram body-weight per day (mg/kg-bw/day). By applying a 1,000-fold safety factor to this NOEL, the agency calculated the acceptable daily intake (ADI) for CPC for a 60 kilogram human as 0.48 mg/p/d. Therefore, taking into account the available safety information and the conservative estimates of intake of CPC, the agency concludes that the proposed use of CPC to treat raw poultry carcasses is safe for humans (Ref. 2).

FDA also considered the safety of the proposed use of PG, which is used in the CPC solution to maintain the solubility and stability of the solution and reduce absorption of CPC on the treated poultry. PG is generally recognized as safe as an ingredient in human food for multiple uses and as a processing aid provided that it is used in accordance with good manufacturing practices (21 CFR 184.1666). The agency does not have any safety concerns regarding the proposed use of PG in the CPC solution for treating poultry for human consumption. Because it is common for poultry and poultry byproducts to be used in animal feed, including cat food, the agency considered potential animal exposure from the petitioned use of the CPC solution. As part of the agency's evaluation of the first CPC petition that established § 173.375 (FAP 2A4736), FDA considered the safety of CPC-treated poultry and poultry byproducts used in animal feed. Because PG is toxic to cats, the substance is prohibited from use in cat food unless the use has been authorized by FDA through the issuance of a regulation providing for its safe use as a food additive (21 CFR 589.1001). FDA has previously stated in its rulemaking declaring PG for use in cat food not generally recognized as safe that PG levels at or below 0.02 percent (200 parts per million (ppm)) in cat food is safe (61 FR 19542, May 2, 1996). To

[1]While typical application volumes would be on the order of 0.5 gallon per carcass, the 5 gallon maximum limit is to account for infrequent occasions during processing when the line speed may temporarily be slowed down or stopped (e.g., to accommodate inspection of the processing line by U.S. Department of Agriculture (USDA) personnel).

mitigate any potential concerns associated with the possibility of residual PG becoming a component of cat food, should it become authorized as a food additive for such use, the petitioner has proposed a maximum limit of 5 gallons of solution per carcass and a minimum of 99 percent recovery of the applied solution. FDA concludes that potential PG residues in cat food from CPC solution containing a maximum level of 0.8 percent CPC, applied at a maximum volume of 5.0 gallons of solution per carcass, and a minimum of 99 percent of the applied CPC solution captured and recovered will ensure that the 200 ppm PG limit will not be exceeded (Ref. 3).

III. Updating of Specifications for CPC

The agency is updating § 173.375 by citing the specifications for CPC in the 30th edition of the United States Pharmacopeia/National Formulary (USP 30/NF 25) that are incorporated by reference rather than the 24th edition (USP 24/NF 19). We compared the specifications for CPC in the 24th and 30th editions of the USP and found them to be identical. Therefore, the agency is making this editorial change.

IV. Comments

The agency received several comments in response to the notice announcing the filing of the petition. One comment expressed concern that some microorganisms washed free from the treated carcasses will continue to thrive in the recovered solution and could potentially contaminate poultry as the solution is reused.

The agency agrees that microbes washed off the treated carcasses may be present in the recovered solution. However, the agency believes that the growth of these organisms will be controlled by CPC present in the recovered solution. Furthermore, as part of good manufacturing practices, the user of the CPC solution for treating poultry is expected to take appropriate steps to maintain an application solution of acceptable microbiological quality, including sampling and analysis of the solution to ascertain the microbiological quality of the treatment solution and to determine when the solution in the treatment tank needs to be changed.

In response to this comment, it should be noted that the trials that were conducted with recycled spray solution showed that aerobic plate counts (APC) from the carcasses treated with recycled spray solution were extremely low compared to those from the untreated carcasses. If bacteria were continuing to thrive in the recycled solution, the APC from the treated carcasses would have increased. However, this was not the case. For these reasons, FDA has no concerns about contamination of poultry from the recycled solution.

One comment concerned an efficacy trial conducted by the petitioner in which carcasses were tested post-chiller and after neutralizing CPC on the treated carcasses with activated carbon. The comment expressed concern that bacteria may have been trapped by the activated carbon producing a ''false negative'' result for the treated carcasses. However, the petitioner has stated that all 2,300 samples in the trial were ''neutralized'' with activated carbon whether or not the sample was treated with the CPC solution. The *Salmonella* incidence for the samples not treated with the CPC solution ranged from 20–22 percent positive, while the *Salmonella* incidence was only 4 percent positive for the CPC-treated samples. If the activated carbon was ''trapping'' the bacteria, the incidence levels in the untreated and treated samples would be expected to be more similar. That is, the fact that the positive incidence rate was significantly lower in the treated samples than in the untreated samples shows the effectiveness of the CPC treatment, not the trapping of the bacteria, which would be expected to occur to a similar extent in both CPC-treated and untreated carcasses. Thus, the available data confirm that the results from this efficacy study were not adversely affected by the use of activated carbon to neutralize CPC on the samples.

One comment was from a user of the product who claims that when CPC was used in their plant for the currently-regulated use, they received customer complaints about discoloration of their poultry product. Data from the petitioner showed that CPC does not provide a lasting technical effect and that its use would not result in any organoleptic changes to treated poultry. Furthermore, this customer experienced problems with discoloration of products that were not treated with a CPC solution. Therefore, it is unlikely that CPC was causing the discoloration. In addition, the petitioner stated that CPC solution is being used in similar applications in seven other poultry plants without any complaints of discoloration that can be attributed to CPC. Therefore, FDA does not believe that CPC used in accordance with the conditions in the regulation will cause discoloration of the treated poultry.

One comment expressed concern with potential occupational hazards posed by CPC and concentration of CPC in wastewater effluent, specifically: (1) Over complaints from inspectors for the USDA Food Safety and Inspection Service (FSIS) about the impact of other approved antimicrobial agents on the health of meat and poultry plant employees, and about increased respiratory problems from introduction of antimicrobials into the production process; (2) that the Material Safety Data Sheet (MSDS) identified physical hazards if CPC is not used properly (i.e., irritation to the skin, eye, respiratory and digestive systems); and (3) that CPC is a synthetic enzyme that does not break down easily and will accumulate in recycled water systems used by poultry processing facilities.

The agency's response to the first two concerns is that the USDA's New Technology Staff is responsible for reviewing new technologies that companies employ to ensure that their use is consistent with agency regulations and will not adversely affect product safety, inspection procedures, or the safety of FSIS inspectors. USDA is not aware of any health-related complaints from inspection personnel regarding the use of CPC in federally-inspected poultry plants. Furthermore, complaints or potential health issues associated with the use of one particular antimicrobial agent (e.g., tri-sodium phosphate) are not necessarily applicable to every other antimicrobial agent used for the same purpose. The physical hazards listed on the MSDS for CPC (i.e., severe skin irritation, severe eye irritation, severe irritation to the respiratory system, harmful if swallowed, may cause severe irritation to the digestive system) are physical hazards listed on MSDSs for numerous chemical compounds that are used routinely and safely everyday throughout the United States both in industry and by consumers. The physical hazards that are listed on an MSDS inform the user of the potential damaging effects to tissues and organs associated with direct exposure to the compound and remind the user of that substance of precautions that should be taken to avoid these adverse effects. Furthermore, as noted by the petitioner, the CPC solution is applied in a specially designed and fully automated cabinet, which limits worker exposure.

In response to the comment that CPC is a synthetic enzyme that does not degrade easily, first, the agency notes that CPC is not classified as an enzyme; it is a quaternary ammonium compound. Second, data provided in the environmental assessment for FAP 2A4736 demonstrated that any CPC that enters poultry facility water systems will quickly bind to organic solids suspended in the water and will not

remain solubilized in the water. To support this fact, the petitioner provided results of an experiment in which a solution containing 22.3 ppm CPC was added to publicly owned treatment works sludge material. In less than 1 minute, CPC was not detectable at a sensitivity of approximately 10 parts per billion (ppb) in the water with the treated sludge. Based on the data submitted in that environmental assessment, it was concluded that CPC would be present in poultry plant wastewater at levels below 0.01 ppb. Therefore, the available data do not indicate a potential for CPC to accumulate in recycled poultry plant water systems.

One comment expressed concern that the petitioner: (1) Did not provide adequate data that demonstrate the expanded use of CPC meets the requirements of a secondary direct food additive; (2) did not provide sufficient data such as a material balance that accounts for the CPC that is applied; and (3) did not provide sufficient requirements (flow rate, spray pressure, time, temperature, and spray distance) for the potable water rinse requirements following CPC application. The comment also suggested that the regulation provide details on the recovery system depending on line speed.

The agency notes that, regarding CPC's ongoing technical effect, the petitioner presented data in FAP 6A4767 to demonstrate that the food additive does not have an ongoing technical effect in poultry treated with the CPC solution. Because the technical effect of CPC on treated poultry occurs during processing but not after processing, it is considered a processing aid. Therefore, FDA has determined that it is appropriate to regulate the petitioned use of CPC as a secondary direct food additive rather than as a direct food additive.

FDA disagrees with the comment about insufficient data to account for the CPC that may enter the environment from use of the additive. Information submitted in the environmental assessment for this petition, which included mass balance information, was used by FDA to estimate environmental introductions from the proposed use of the additive. Based on this information, FDA estimated that environmental concentrations of CPC will be in the low ppb level. The comment contains no information that would cause the agency to change its conclusion that there will be no significant impact to the environment resulting from the petitioned use of the additive.

Regarding the comment about insufficient details for ensuring an adequate potable water rinse of CPC-treated poultry, FDA believes that it is sufficient for such requirements to be provided by each company that markets CPC to each poultry processor that uses the product. Because of plant-to-plant variation in processing conditions and equipment, a single set of specific parameters for the potable water rinse would not be appropriate in all processing facilities.

The petitioner further noted that testing described in the current petition indicates that the CPC residues remaining on the treated poultry carcass are not significantly affected by the duration or volume of the water rinse. Thus, the comment appears to overstate the effect of these variables on the efficiency of CPC removal and its potential introduction to the environment. As is clear from the agency's review of the data in FAP 2A4736 and in the current petition, the residual levels of CPC in treated carcasses are minimal and do not raise a health or safety concern.

Regarding the suggestion of including the details of the recovery system in the regulation, FDA strongly disagrees with this comment. FDA has determined that the petitioned use of the CPC solution containing a maximum level of 0.8 percent CPC, applied at a maximum volume of 5.0 gallons of solution per carcass, and a 99 percent recovery of the applied solution is safe. FDA does not believe it is necessary to include details of recovery system design in order to meet these conditions of safe use. Therefore, the agency concludes that it would be overly prescriptive to have such equipment requirements in a food additive regulation.

V. Conclusion

FDA reviewed data in the petition and other available relevant material to evaluate the safety of the use of CPC as an antimicrobial agent in a solution applied to raw poultry carcasses either pre- or post-chiller. Based on this information, the agency concludes that the proposed use of the additive is safe. Therefore, the conditions of use listed in § 173.375 should be amended as set forth in this document.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition will be made available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person (see **FOR FURTHER INFORMATION CONTACT**). As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

VI. Environmental Impact

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

VII. Paperwork Reduction Act of 1995

This final rule contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

VIII. Objections

Any person who will be adversely affected by this regulation may file with the Division of Dockets Management (see **ADDRESSES**) written or electronic objections. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which the objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents are to be submitted and are to be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Please note that in January 2008, the FDA Web site is expected to transition to the Federal Dockets Management System (FDMS). FDMS is a Government-wide, electronic docket management system. After the transition

date, electronic submissions will be accepted by FDA through the FDMS only. When the exact date of the transition to FDMS is known, FDA will publish a **Federal Register** notice announcing that date.

IX. References

The following references have been placed on display in the Division of Dockets Management (see **ADDRESSES**) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Memorandum from Folmer, Chemistry Review Group, Division of Petition Review, to Davy, Division of Petition Review, July 10, 2007.

2. Memorandum from Khan, Toxicology Review Group, Division of Petition Review, to Davy, Division of Petition Review, July 25, 2007.

3. Memorandum from Benjamin, Animal Feed Safety Team, Division of Animal Feeds, to Davy, Division of Petition Review, July 18, 2007.

List of Subjects in 21 CFR Part 173

Food additives, Incorporation by reference.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 173 is amended as follows:

PART 173—SECONDARY DIRECT FOOD ADDITIVES PERMITTED IN FOOD FOR HUMAN COUNSUMPTION

■ 1. The authority citation for 21 CFR part 173 continues to read as follows:

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

■ 2. Revise § 173.375 to read as follows:

§ 173.375 Cetylpyridinium chloride.

Cetylpyridinium chloride (CAS Reg. No. 123–03–05) may be safely used in food in accordance with the following conditions:

(a) The additive meets the specifications of the United States Pharmacopeia (USP)/National Formulary (NF) described in USP 30/NF 25, May 1, 2007, pp. 1700–1701, which is incorporated by reference. The Director of the Office of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies from the United States Pharmacopeial Convention, Inc., 12601 Twinbrook Pkwy., Rockville, MD 20852, or you may examine a copy at the Center for Food Safety and Applied Nutrition's Library, Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 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*.

(b) The additive is used in food as an antimicrobial agent as defined in § 170.3(o)(2) of this chapter to treat the surface of raw poultry carcasses. The solution in which the additive is used to treat raw poultry carcasses shall also contain propylene glycol (CAS Reg. No. 57–55–6) complying with § 184.1666 of this chapter, at a concentration of 1.5 times that of cetylpyridinium chloride.

(c) The additive is used as follows:

(1) As a fine mist spray of an ambient temperature aqueous solution applied to raw poultry carcasses prior to immersion in a chiller, at a level not to exceed 0.3 gram cetylpyridinium chloride per pound of raw poultry carcass, provided that the additive is used in systems that collect and recycle solution that is not carried out of the system with the treated poultry carcasses; or

(2) As a liquid aqueous solution applied to raw poultry carcasses either prior to or after chilling at an amount not to exceed 5 gallons of solution per carcass, provided that the additive is used in systems that recapture at least 99 percent of the solution that is applied to the poultry carcasses. The concentration of cetylpyridinium chloride in the solution applied to the carcasses shall not exceed 0.8 percent by weight. When application of the additive is not followed by immersion in a chiller, the treatment will be followed by a potable water rinse of the carcass.

Dated: November 12, 2007.

Randall W. Lutter,

Deputy Commissioner for Policy.

[FR Doc. E7–23182 Filed 11–28–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF STATE

22 CFR Part 62

[Public Notice: 5998]

Exchange Visitor Programs—Sanctions and Terminations

AGENCY: Department of State.

ACTION: Final rule; withdrawal.

SUMMARY: On November 2, 2007, the State Department published in the **Federal Register** a final rule entitled Exchange Visitor Programs—Sanctions and Terminations. The Department amended its regulations to add to and modify the existing actions for which the Department may sanction a sponsor. The change in the regulations will streamline the review process to offer sanctioned sponsors the procedural due process rights equal to those that the Administrative Procedure Act guarantees. In addition, the Rule eliminated summary suspension and modifies program suspension to halt the activities of a sponsor that has committed a serious act of omission or commission which has or could have the effect of endangering the health, safety, or welfare of an exchange visitor, or damage the national security interests of the United States. This rule is being withdrawn because it was submitted to OMB for formal significance designation; however, it was published prior to that determination being made. Since OMB's designation was that it is significant and they would like to formally review it, OMB has requested the rule to be withdrawn in its entirety.

DATES: The final rule published at 72 FR 62112, November 2, 2007, is withdrawn effective November 29, 2007.

FOR FURTHER INFORMATION CONTACT: Stanley S. Colvin, Director, Office of Exchange Coordination and Designation, U.S. Department of State, SA–44, 301 4th Street, SW., Room 734, Washington, DC 20547, (202) 203–7415; or e-mail at *jexchanges@state.gov.*

SUPPLEMENTARY INFORMATION:

Background

On November 2, 2007, the State Department published a final rule (Amendment No. 212 (72 FR 62112)). The rule, to have become effective December 3, 2007, was intended to revise its regulations presently set forth at 22 CFR part 62 subpart D (Sanctions) and 22 CFR part 62 subpart E (Termination and Revocation of Programs). The rule, to have become effective December 3, 2007, was intended to modify the reasons for which sanctions may be imposed and provide for program termination in the case of failure to file an annual management audit, in program categories requiring such audits. The rule would also provide for termination or denial of redesignation for an entire class of designated programs, if the Department determines that they compromise the national security of the United States, or no longer further the public diplomacy mission of the Department.

Reason for Withdrawal

This rule was submitted to OMB for formal significance designation; however, it was published prior to that determination being made. Since OMB's designation was that it is significant and

they would like to formally review it, OMB has requested the rule to be withdrawn in its entirety.

Accordingly, the Department withdraws the rule ''Exchange Visitor Programs—Sanctions and Terminations'' published at 72 FR 62112 on November 2, 2007.

Withdrawal of the rule does not preclude the Department from issuing another rule on the subject matter in the future or committing the agency to any future course of action.

Issued in Washington, DC, on November 26, 2007.

Thelma J. Furlong,

Acting Deputy Assistant Secretary for A/ISS/DIR, Department of State.

[FR Doc. E7–23172 Filed 11–28–07; 8:45 am]

BILLING CODE 4710–24–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 27, and 90

[WT Docket No. 06–150; CC Docket No. 94–102, WT Docket No. 01–309, WT Docket No. 03–264, WT Docket No. 06–169; PS Docket No. 06–229; WT Docket No. 96–86; WT Docket No. 07–166; FCC No. 07–132]

Service Rules for the 698–806 MHz Band, Revision of the Commission's Rules Regarding Public Safety Spectrum Requirements, and a Declaratory Ruling on Reporting Requirement Under the Commission's Anti-Collusion Rule; Corrections

AGENCY: Federal Communications Commission.

ACTION: Correcting amendments.

SUMMARY: The Federal Communications Commission (FCC) published in the **Federal Register** of August 24, 2007, a document concerning the adoption of final rules governing wireless licenses in the 698–806 MHz Band (*i.e.*, the 700 MHz Band) (72 FR 48814). That document inadvertently failed to update sections 2.106, 27.6, 27.1333, 90.176, 90.545, 90.549, and 90.555. This document corrects the final regulations by revising these sections.

DATES: Effective November 29, 2007.

FOR FURTHER INFORMATION CONTACT: Paul Moon at (202) 418–1793, *paul.moon@fcc.gov,* Mobility Division, Wireless Telecommunications Bureau; Peter Trachtenberg at (202) 418–7369, *peter.trachtenberg@fcc.gov,* Spectrum and Competition Policy Division, Wireless Telecommunications Bureau; Jeff Cohen at (202) 418–0799, *jeff.cohen@fcc.gov,* Public Safety and Homeland Security Bureau.

SUPPLEMENTARY INFORMATION: This is a partial summary of the Federal Communications Commission's Erratum, FCC 07–132, released on October 25, 2007. This document augments another partial summary of that Erratum published in the **Federal Register** November 29, 2007.

List of Subjects

47 CFR Part 2

Communications equipment, Disaster assistance, Radio, Reporting and recordkeeping requirements, Telecommunications, Television.

47 CFR Part 27

Communications common carriers, Radio, Wireless radio services.

47 CFR Part 90

Civil defense, Common carriers, Emergency medical services, Radio, Reporting and recordkeeping requirements.

■ Accordingly, 47 CFR parts 2, 27, and 90 are corrected by making the following correcting amendments:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

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

Authority: 47 U.S.C. 154, 302a, 303, and 336, unless otherwise noted.

■ 2. Section 2.106 is amended by revising footnote NG158 to read as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

NG158. The frequency bands 763–775 MHz and 793–805 MHz are available for assignment to the public safety services, as described in Part 90 of this chapter.

* * * * *

PART 27—MISCELLANEOUS WIRELESS COMMUNICATIONS SERVICES

■ 3. The authority citation for part 27 continues to read as follows:

Authority: 47 U.S.C. 154, 301, 302, 303, 307, 309, 332, 336, and 337 unless otherwise noted.

■ 4. Section 27.6 is amended by revising paragraph (b)(3) to read as follows:

§ 27.6 Service Areas.

* * * * *

(b) * * *

(3) Service area for Block D in the 758–763 MHz and 788–793 MHz bands is a nationwide area as defined in paragraph (a) of this section.

* * * * *

■ 5. Part 27, Subpart G is amended by revising the subpart heading to read as follows:

Subpart G—Guard Band A and B Blocks (757–758/787–788 MHz and 775–776/805–806 MHz Bands).

■ 6. Section 27.1333 is amended by revising paragraph (b) to read as follows:

§ 27.1333 Geographic partitioning, spectrum disaggregation, license assignment and transfer.

* * * * *

(b) The 700 MHz Upper D Block licensee will be permitted to assign or transfer its license subject to Commission review and prior approval. The Upper 700 MHz D Block license assignment or transfer applications are precluded from the immediate approval procedures as specified in § 1.948(j)(2).

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

■ 7. The authority citation for part 90 continues to read as follows:

Authority: Sections 4(i), 11, 303(g), 303(r), and 332(c)(7) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 161, 303(g), 303(r), and 332(c)(7).

■ 8. Section 90.176 is amended by revising the section heading to read as follows:

§ 90.176 Coordinator notification requirements on frequencies below 512 MHz, at 769–775/799–805 MHz, or at 1427–1432 MHz.

* * * * *

■ 9. Section 90.545 is amended by revising the introductory text to read as follows:

§ 90.545 TV/DTV interference protection criteria.

Public safety base, control, and mobile transmitters in the 769–775 MHz and 799–805 MHz frequency bands must be operated only in accordance with the rules in this section, to reduce the potential for interference to public reception of the signals of existing TV and DTV broadcast stations transmitting on TV Channels 62, 63, 64, 65, 67, 68 or 69.

* * * * *

■ 10. Section 90.549 is revised to read as follows:

§ 90.549 Transmitter certification.

Transmitters operated in the 763–775 MHz and 793–805 MHz frequency bands must be of a type that have been

authorized by the Commission under its certification procedure as required by § 90.203.

■ 11. Section 90.555 is amended by revising paragraphs (a) introductory text, (b)(1) and (2), and (c)(1) and (2) to read as follows:

§ 90.555 Information exchange.

(a) *Prior notification.* Public safety licensees authorized to operate in the 763–775 MHz and 793–805 MHz bands may notify any licensee authorized to operate in the 746–757, 758–763, 776–787, or 788–793 MHz bands that they wish to receive prior notification of the activation or modification of the licensee's base or fixed stations in their area. Thereafter, the 746–757, 758–763, 776–787, or 788–793 MHz band licensee must provide the following information to the public safety licensee at least 10 business days before a new base or fixed station is activated or an existing base or fixed station is modified:

* * * * *

(b) * * *

(1) Allow a public safety licensee to advise the 746–757, 758–763, 776–787, or 788–793 MHz band licensee whether it believes a proposed base or fixed station will generate unacceptable interference;

(2) Permit 746–757, 758–763, 776–787, and 788–793 MHz band licensees to make voluntary changes in base or fixed station parameters when a public safety licensee alerts them to possible interference; and,

* * * * *

(c) * * *

(1) Upon request by a 746–757, 758–763, 776–787, or 788–793 MHz band licensee, public safety licensees authorized to operate radio systems in the 763–775 and 793–805 MHz bands shall provide the operating parameters of their radio system to the 746–757, 758–763, 776–787, or 788–793 MHz band licensee.

(2) Public safety licensees who perform the information exchange described in this section must notify the appropriate 746–757, 758–763, 776–787, or 788–793 MHz band licensees prior to any technical changes to their radio system.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E7–23097 Filed 11–28–07; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 27 and 90

[WT Docket No. 06–150; CC Docket No. 94–102, WT Docket No. 01–309, WT Docket No. 03–264, WT Docket No. 06–169; PS Docket No. 06–229; WT Docket No. 96–86; WT Docket No. 07–166; FCC No. 07–132]

Service Rules for the 698–806 MHz Band, Revision of the Commission's Rules Regarding Public Safety Spectrum Requirements, and a Declaratory Ruling on Reporting Requirement Under the Commission's Anti-Collusion Rule; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: The Federal Communications Commission (FCC) published in the **Federal Register** of August 24, 2007, a document concerning the adoption of final rules governing wireless licenses in the 698–806 MHz Band (*i.e.*, the 700 MHz Band). (72 FR 48814) This document corrects and amends portions of that document.

DATES: Effective November 29, 2007, except for the amendments to §§ 27.14, 27.15, and 27.50 which contain information collection requirements that have not been approved by the Office of Management and Budget. The Commission will publish a document in the **Federal Register** announcing the effective date.

FOR FURTHER INFORMATION CONTACT: Paul Moon at (202) 418–1793, *paul.moon@fcc.gov*, Mobility Division, Wireless Telecommunications Bureau; Peter Trachtenberg at (202) 418–7369, *peter.trachtenberg@fcc.gov*, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau; Jeff Cohen at (202) 418–0799, *jeff.cohen@fcc.gov*, Public Safety and Homeland Security Bureau.

SUPPLEMENTARY INFORMATION: This document is a partial summary of the Federal Communications Commission's Erratum, FCC 07–132, released on October 25, 2007. This document augments another partial summary of that Erratum published in the **Federal Register** November 29, 2007. This correction document changes the paragraphs referenced on page 48842, second column, line 2, and corrects rules governing §§ 27.14, 27.15, 27.50, and 90.531.

In FR doc. 07–4123 published in the **Federal Register** of August 24, 2007, (72 FR 48814) the following corrections are made:

■ 1. On page 48842, in the second column, line 2 is corrected to read ''specified in paragraphs 225 and 226,''.

■ 2. On page 48846, in the first column, in § 27.14, the first sentence of paragraph (a) is corrected to read as follows:

§ 27.14 Construction requirements; Criteria for renewal.

(a) AWS and WCS licensees, with the exception of WCS licensees holding authorizations for Block A in the 698–704 MHz and 728–734 MHz bands, Block B in the 704–710 MHz and 734–740 MHz bands, Block E in the 722–728 MHz band, Block C, C1, or C2 in the 746–757 MHz and 776–787 MHz bands, or Block D in the 758–763 MHz and 788–793 MHz bands, must, as a performance requirement, make a showing of ''substantial service'' in their license area within the prescribed license term set forth in § 27.13. * * *

* * * * *

■ 3. On page 48846, in the first column, § 27.14(e) is corrected to read as follows:

§ 27.14 Construction requirements; Criteria for renewal.

* * * * *

(e) Comparative renewal proceedings do not apply to WCS licensees holding authorizations for Block A in the 698–704 MHz, 728–734 MHz bands, Block B in the 704–710 MHz and 734–740 MHz bands, Block C in the 710–716 MHz and 740–746 MHz bands, Block D in the 716–722 MHz band, Block E in the 722–728 MHz band, Block C, C1, or C2 in the 746–757 MHz and 776–787 MHz bands, or Block D in the 758–763 MHz and 788–793 MHz bands. Each of these licensees must file a renewal application in accordance with the provisions set forth in § 1.949, and must make a showing of substantial service, independent of its performance requirements, as a condition for renewal at the end of each license term.

* * * * *

■ 4. On page 48846, in the first column, the sixth line of § 27.14(g) is corrected to read ''MHz bands, or EA authorizations for''.

■ 5. On page 48846, in the second column, the final sentence of § 27.14(g)(1) is corrected to read ''In addition, an EA or CMA licensee that provides signal coverage and offers service at a level that is below this interim benchmark may lose authority to operate in part of the remaining unserved areas of the license.''

■ 6. On page 48846, in the second column, the eighteenth line of § 27.14(g)(2) is corrected to read ''this end-of-term benchmark may be''.

■ 7. On page 48846, in the second column, § 27.14(g)(3) is corrected to read as follows:

§ 27.14 Construction requirements; Criteria for renewal.

* * * * *

(g) * * *

(3) For licenses under paragraph (g) of this section, the geographic service area to be made available for reassignment must include a contiguous area of at least 130 square kilometers (50 square miles), and areas smaller than a contiguous area of at least 130 square kilometers (50 square miles) will not be deemed unserved.

* * * * *

■ 8. On page 48846, in the second and third column, § 27.14(h) introductory text is corrected to read as follows:

§ 27.14 Construction requirements; Criteria for renewal.

* * * * *

(h) WCS licensees holding REAG authorizations for Block C in the 746–757 MHz and 776–787 MHz bands or REAG authorizations for Block C2 in the 752–757 MHz and 782–787 MHz bands shall provide signal coverage and offer service over at least 40 percent of the population in each EA comprising the REAG license area no later than February 17, 2013 (or within four years of initial license grant, if the initial authorization in a market is granted after February 17, 2009), and shall provide such service over at least 75 percent of the population of each of these EAs by the end of the license term. For purposes of compliance with this requirement, licensees should determine population based on the most recently available U.S. Census Data.

* * * * *

■ 9. On page 48846, in the third column, line 16 of § 27.14(h)(1) is corrected to read ''this interim benchmark may lose''.

■ 10. On page 48846, in the third column, line 23 of § 27.14(h)(2) is corrected to read ''this end-of-term benchmark within any''.

■ 11. Section 27.14 is corrected by adding paragraph (h)(3) to read as follows:

§ 27.14 Construction requirements; Criteria for renewal.

* * * * *

(h) * * *

(3) For licenses under paragraph (h), the geographic service area to be made available for reassignment must include a contiguous area of at least 130 square kilometers (50 square miles), and areas smaller than a contiguous area of at least 130 square kilometers (50 square miles) will not be deemed unserved.

■ 12. On page 48846, in the third column, § 27.14(i) introductory text is corrected to read as follows:

§ 27.14 Construction requirements; Criteria for renewal.

* * * * *

(i) WCS licensees holding EA authorizations for Block A in the 698–704 MHz and 728–734 MHz bands, cellular market authorizations for Block B in the 704–710 MHz and 734–740 MHz bands, or EA authorizations for Block E in the 722–728 MHz band, if the results of the first auction in which licenses for such authorizations in Blocks A, B, and E are offered do not satisfy the reserve price for the applicable block, as well as EA authorizations for Block C1 in the 746–752 MHz and 776–782 MHz bands, are subject to the following:

* * * * *

■ 13. On page 48847, in the first column, line 16 of § 27.14(i)(1) is corrected to read ''service at a level that is below this''.

■ 14. On page 48847, in the first column, line 25 of § 27.14(i)(2) is corrected to read ''this end-of-term benchmark may be''.

■ 15. On page 48847, in the first column, § 27.14(i)(3) is corrected to read as follows:

§ 27.14 Construction requirements; Criteria for renewal.

* * * * *

(i) * * *

(3) For licenses under paragraph (i), the geographic service area to be made available for reassignment must include a contiguous area of at least 130 square kilometers (50 square miles), and areas smaller than a contiguous area of at least 130 square kilometers (50 square miles) will not be deemed unserved.

* * * * *

■ 16. On page 48847, in the second and third column, § 27.14(k) is corrected to read as follows:

§ 27.14 Construction requirements; Criteria for renewal.

* * * * *

(k) WCS licensees holding authorizations in the spectrum blocks enumerated in paragraphs (g), (h), or (i), including any licensee that obtained its license pursuant to the procedures set forth in subsection (j), shall demonstrate compliance with performance requirements by filing a construction notification with the Commission, within 15 days of the expiration of the applicable benchmark, in accordance with the provisions set forth in § 1.946(d). The licensee must certify whether it has met the applicable performance requirements. The licensee must file a description and certification of the areas for which it is providing service. The construction notifications must include electronic coverage maps, supporting technical documentation and any other information as the Wireless Telecommunications Bureau may prescribe by public notice.

* * * * *

■ 17. On page 48847, in the third column, § 27.14(l) is corrected to read as follows:

§ 27.14 Construction requirements; Criteria for renewal.

* * * * *

(l) WCS licensees holding authorizations in the spectrum blocks enumerated in paragraphs (g), (h), or (i) of this section, excluding any licensee that obtained its license pursuant to the procedures set forth in subsection (j) of this section, shall file reports with the Commission that provide the Commission, at a minimum, with information concerning the status of their efforts to meet the performance requirements applicable to their authorizations in such spectrum blocks and the manner in which that spectrum is being utilized. The information to be reported will include the date the license term commenced, a description of the steps the licensee has taken toward meeting its construction obligations in a timely manner, including the technology or technologies and service(s) being provided, and the areas within the license area in which those services are available. Each of these licensees shall file its first report with the Commission no later than February 17, 2011 and no sooner than 30 days prior to this date. Each licensee that meets its interim benchmarks shall file a second report with the Commission no later than February 17, 2016 and no sooner than 30 days prior to this date. Each licensee that does not meet its interim benchmark shall file this second report no later than on February 17, 2015 and no sooner than 30 days prior to this date.

* * * * *

■ 18. On page 48847, in the third column, the second line of § 27.14(m) is corrected to read ''authorization for the D Block in the 758–763''.

■ 19. On page 48847, in the third column, the third line of § 27.14(m) is corrected to read ''MHz and 788–793 MHz bands (the Upper 700''.

■ 20. On page 48848, in the first column, the sixth line of § 27.14(m)(4) is corrected to read ''expiration of the applicable benchmark, in''.

■ 21. On page 48848, in the first column, the tenth line of § 27.14(m)(4) is corrected to read ''the applicable performance requirement''.

§ 27.15 [Corrected]

■ 22. On page 48848, in the second column, the eighth line of § 27.15(d) is corrected to read ''MHz band, Blocks C, C1, or C2 in the''.

■ 23. On page 48848, in the second column, the tenth line of § 27.15(d) is corrected to read ''or Block D in the 758–763 MHz and''.

* * * * *

■ 24. On page 48848, in the second column, the sixth line of § 27.15(d)(1)(ii) is corrected to read ''MHz band, or Blocks C, C1, or C2 in''.

■ 25. On page 48848, in the third column, the first sentence of § 27.15(d)(2)(i) is corrected to read as follows:

§ 27.15 Geographic partitioning and spectrum disaggregation.

* * * * *

(d) * * *

(2) *Disaggregation*. (i) Except for WCS licensees holding authorizations for Block A in the 698–704 MHz and 728–734 MHz bands, Block B in the 704–710 MHz and 734–740 MHz bands, Block E in the 722–728 MHz band, Blocks C, C1, or C2 in the 746–757 MHz and 776–787 MHz bands, or Block D in the 758–763 MHz and 788–793 MHz bands, the following rules apply to WCS and AWS licensees holding authorizations for purposes of implementing the construction requirements set forth in § 27.14. * * *

* * * * *

■ 26. On page 48848, in the third column, the sixth line of § 27.15(d)(2)(ii) is corrected to read ''MHz band, or Blocks C, C1, or C2 in''.

§ 27.50 [Corrected]

■ 27. On page 48849, in the second column, § 27.50(b) introductory text is corrected to read as follows:

§ 27.50 Power and antenna height limits.

* * * * *

(b) The following power and antenna height limits apply to transmitters operating in the 746–763 MHz, 775–793 MHz and 805–806 MHz bands: * * *

* * * * *

§ 90.531 [Corrected]

■ 28. On page 48860, third column, line 63, the amendatory language of § 90.531 is corrected by removing amendatory instruction (d).

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E7–23096 Filed 11–28–07; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 070803437–7666–02]

RIN 0648–AV93

Atlantic Highly Migratory Species; Atlantic Commercial Shark Management Measures

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

ACTION: Final rule.

SUMMARY: This final rule establishes the 2008 first trimester season commercial quotas for large coastal sharks (LCS), small coastal sharks (SCS), and pelagic sharks based on over- or underharvests from the 2007 first trimester season. This action provides advance notice of quotas and season dates for the Atlantic commercial shark fishery. It also ensures the measures in this action are in place until they are replaced by those implemented under Amendment 2 to the Highly Migratory Species (HMS) Consolidated Fishery Management Plan (FMP) even if Amendment 2 is finalized after the start of the second trimester season (May 1, 2008). As such, this action constitutes the regulatory action to determine quotas and season lengths for LCS, SCS and pelagic sharks for the 2008 second trimester season. However, if Amendment 2 to the HMS FMP is unexpectedly delayed beyond the end of the 2008 second trimester season, NMFS may consider a rulemaking for the 2008 third trimester seasons. NMFS would announce any additional action for the second and third seasons in a future **Federal Register** notice.

DATES: This rule is effective January 1, 2008. The Atlantic commercial shark fishing season opening and closing dates and quotas for the 2008 first and second trimester seasons are provided in Tables 1 and 2, respectively, under **SUPPLEMENTARY INFORMATION**.

ADDRESSES: For copies of the Final Environmental Assessment/Regulatory Impact Review/Final Regulatory Flexibility Analysis (EA/RIR/FRFA), please write to Highly Migratory Species Management Division, 1315 East-West Highway, Silver Spring, MD 20910, or at (301) 713–1917 (fax). Copies are also available from the HMS website at *http://www.nmfs.noaa.gov/sfa/hms/* or from *www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: LeAnn Southward Hogan or Michael Clark by phone: 301–713–2347 or by fax: 301–713–1917.

SUPPLEMENTARY INFORMATION:

Background

The Atlantic shark fishery is managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Consolidated HMS FMP for Atlantic Sharks, Tunas, Swordfish and Billfish is implemented by regulations at 50 CFR part 635.

Currently, the Atlantic shark annual commercial quotas, with the exception of pelagic sharks, are split among three regions based on historic landings (1999 - 2003). Consistent with 50 CFR 635.27(b)(1)(iii) and (iv), the annual LCS baseline quota (1,017 mt dw) is split among the three regions as follows: 52 percent to the Gulf of Mexico, 41 percent to the South Atlantic, and 7 percent to the North Atlantic. The annual SCS baseline quota (454 mt dw) is split among the three regions as follows: 48 percent to the Gulf of Mexico, 49 percent to the South Atlantic, and 3 percent to the North Atlantic. The regional quotas for LCS and SCS are divided equally between the trimester seasons in the South Atlantic and the Gulf of Mexico, and according to historical landings in the North Atlantic.

Consistent with 50 CFR 635.27(b)(1)(vi), any over- or underharvest in a given region from the 2007 first trimester season will be carried over to the 2008 first trimester season in that region.

As stated in the proposed rule, existing regulations do not allow underharvests of pelagic sharks to be carried forward to the next fishing management period. Therefore, the 2008 first trimester pelagic shark quotas do not need to be reduced consistent with the current regulations at 50 CFR 635.27(b)(1)(vi)(B). The 2008 first trimester season quotas for pelagic, blue, and porbeagle sharks are proposed to be 162.7 mt dw (358,688 lb dw), 91 mt dw (200,619 lb dw), and 30.7 mt dw (67,681 lb dw), respectively. The pelagic shark season would open on January 1, 2008 and would close when quotas are projected to be reached with a

notification filed at the Office of the Federal Register by the AA, consistent with 50 CFR 635.28(b)(2). If Amendment 2 to the Consolidated HMS FMP is not final and effective by the start of the 2008 second trimester, the pelagic shark fishery would open on May 1, 2008, with the baseline quotas.

On October 1, 2007 (72 FR 55729), NMFS published a proposed rule that examined the regional adjusted quotas and proposed season lengths for the 2008 first trimester season for LCS, SCS and pelagic sharks managed under the Consolidated HMS FMP. NMFS analyzed three alternatives for adjusting regional trimester quotas and other management measures based on the over- and underharvests that occurred in the LCS and SCS fisheries in the South Atlantic and Gulf of Mexico regions during the 2007 first trimester season. Information regarding these alternatives was provided in the preamble of the proposed rule and is not repeated here.

Response to Comments

Comments on the proposed rule are summarized below, together with NMFS' responses.

Comment 1: NMFS received several comments in support of alternative 2, which would combine the LCS regions and quotas and open the LCS season on January 1 through January 6.

Response: NMFS does not prefer alternative 2 because of the negative consequences of establishing a single combined region with a substantially shortened season. These consequences include derby-style fishing and safety at sea concerns for all regions if fishermen have only six days to fish starting January 1, when weather conditions are potentially poor. Additionally, establishing a substantially shortened season (six days) and opening the waters in all regions could lead to decreased fishing efficiency and resultant decreased survival rates for bycatch. Also, the LCS overharvest that has occurred in recent years could continue if alternative 2 is implemented, causing negative ecological impacts through potential overharvests of overfished species in multiple regions.

Furthermore, the six day season in alternative 2 may cause a temporary glut of shark products in the market. This glut would likely reduce the ex-vessel price of shark products. Additionally, as fishermen would likely try to land as much shark as possible in as short a time as possible, fishing operations would likely be inefficient, thus reducing the quality of the shark products landed. Overall, market gluts and reduced shark product quality would likely minimize any economic benefits fishermen would gain if the season were open for six days.

Combining the regions would likely have negative economic impacts on regions that do no have sharks present year round. The North Atlantic region may be disadvantaged as a result of combining the three regions into one region because sharks are only present in this region certain times of the year. Dealers in all regions, but particularly in the North Atlantic regions, would also be affected, possibly even more so than vessels, as the likelihood of having quality, fresh shark products would be decreased.

Comment 2: NMFS received a comment stating that NMFS has violated National Standards 1 and 2 of the Magnuson-Stevens Act.

Response: National Standard 1 requires NMFS to establish conservation and management measures to prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry. Because of the overfished nature of certain shark species and the recent overharvests experienced in this fishery, NMFS believes that optimum yield requires a closure as the available quota would result in derby fishing that may compromise safety and efficiency while potentially resulting in excessive fishing mortality. NMFS must close the LCS fishery in all regions during the 2008 first trimester. The closure would also provide the most ecological benefits and help rebuild overfished sandbar and dusky shark populations, and reduce fishing pressure on other LCS species. Amendment 1 to the FMP for Atlantic Tunas, Swordfish, and Sharks established a rebuilding plan for LCS that incorporated the results of the 2002 LCS stock assessment and established optimum yield for the LCS fishery by setting baseline LCS quotas. The LCS closure may help offset the amount of overharvests that need to be accounted for in Amendment 2 to the Consolidated HMS FMP to achieve optimum yield per the results of the 2006 LCS stock assessments.

National Standard 2 requires that conservation and management measures be based upon the best scientific information available. The baseline LCS quotas and quota adjustments that NMFS proposed in this rulemaking were established in Amendment 1 to the FMP for Atlantic Tunas, Swordfish and Sharks and are based on the 2002 LCS stock assessment. Due to recent LCS overharvests during the first trimester season, the adjusted LCS quotas for the 2008 first trimester season are significantly reduced. The small amount of available LCS quota would lead to substantially shortened seasons or closures during the 2008 first trimester season. Although the 2002 LCS stock assessment was the best available science when the current LCS baseline quotas were established, NMFS also considered the results of the 2006 LCS stock assessment when determining the most appropriate course of action for the LCS fishery in this rulemaking. This rulemaking does not propose changes to the LCS baseline quotas. Overall, the 2008 first trimester baseline quotas are based on the best available science when those quotas were established, which is the 2002 LCS stock assessment and the adjustments are based on the best available landings data in recent years. Changes to the LCS baseline quotas, as proposed in Amendment 2 to the Consolidated HMS FMP, are based on the 2006 LCS stock assessment. The results from the 2006 LCS stock assessment were also considered as part of this rulemaking.

Comment 3: NMFS received a comment stating that NMFS violated National Standard 4 of the Magnuson-Stevens Act by deducting state landings from federal quotas.

Response: National Standard 4 requires that conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote cooperation; and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges. This action does not discriminate between residents of different States because the LCS closure will apply to all regions and the SCS and pelagic shark fisheries will open in all regions on January 1, 2008. In addition, consistent with the regulations at 50 CFR 635.27(b)(1)(vi)(C), sharks taken and landed from state waters are counted against the fishery quota for the applicable region and time period. National Standard 3 states that fish stocks shall be managed as a unit throughout its range. Therefore, deducting state landings from federal quotas is necessary to manage stocks throughout the range and does not discriminate between residents of different states. Some residents may be impacted differently but this measure is needed to prevent overfishing. These landings are also included when

assessing the stock. The shark fishery is not the only fishery where NMFS deducts state landings from Federal quotas. Other fisheries in the southeast region such as snapper/grouper and reef fish fisheries also deduct state landings from federal quotas, consistent with 50 CFR 622.42. However, to improve consistency between state and federal regulations, NMFS is actively working with the Atlantic States Marine Fishery Commission and, as part of Amendment 2 to the Consolidated HMS FMP, wrote letters to all states comparing their regulations with Federal regulations.

Comment 4: NMFS received a comment stating that the Agency failed to monitor the quota and the 2008 LCS quota should default to the 2003 emergency rule LCS quota of 1,714 mt dw.

Response: The draft Amendment 2 to the Consolidated HMS FMP includes measures to improve reporting and quota monitoring. Such measures are not addressed in this rulemaking which only establishes quotas and season lengths based on adjustments to baseline quotas. NMFS used the best information available when it became available to establish the quotas and season lengths in this rulemaking. The 2003 emergency rule LCS quota was put into place temporarily while Amendment 1 to the FMP for Atlantic Tunas, Swordfish and Sharks was being finalized. The LCS baseline quotas that were finalized in Amendment 1 to the FMP for Atlantic Tunas, Swordfish and Sharks were based on the best available science at the time, which was the 2002 LCS stock assessment. Therefore, NMFS would not default to the 2003 emergency rule LCS quota because that quota was temporary and did not include the full range of analyses and public comment that was included in Amendment 1 to the FMP for Atlantic Tunas, Swordfish and Sharks. NMFS accounts for over- and underharvests when adjusting the trimester season quotas and has for a number of years, and this rule does not propose a change to this management measure.

Comment 5: NMFS received a comment stating that the overall quota for all shark species should be zero.

Response: The purpose of this rulemaking is to adjust trimester quotas based on over- and underharvests from the previous year, not to reanalyze the overall shark quotas and management measures, which is being done in Amendment 2 to the Consolidated HMS FMP. NMFS is reexamining quotas and other management measures in Amendment 2 to the Consolidated HMS FMP.

Comment 6: NMFS received a comment stating that NMFS has created an economic disaster from failure to manage the fishery and that the Secretary of Commerce should provide economic relief to the small businesses affected by shark quota reductions.

Response: Under the Magnuson-Stevens Act at Sec. 312 (16 U.S.C. 1861a), at the request of a Governor, the Secretary of Commerce can determine whether there is a commercial fishery failure due to a fishery resource disaster as a result of (A) natural causes; (B) man-made causes beyond the control of fishery managers to mitigate through conservation and management measures, including regulatory restrictions (including those imposed as a result of a judicial action) imposed to protect human health or the marine environment; or (C) undetermined causes. Due to the language contained in the Magnuson-Stevens Act, NMFS is currently reviewing these criteria and anticipates doing a rulemaking on them in the near future. At this time, because NMFS has not received a request from a Governor, NMFS is not considering a disaster determination for the Atlantic shark fishery.

Changes to the Proposed Rule

NMFS is not changing the proposed rule published on October 1, 2007 (72 FR 55729) based upon public comments NMFS received for the aforementioned reasons. As a result, the provisions published in the proposed rule are adopted as final.

Final Fishing Season Notification and Quotas for the 2008 First Trimester Season

The final opening and closing dates and quotas for the 2008 first and second trimester season for LCS, SCS, and pelagic sharks are provided in Table 1 and Table 2, respectively.

TABLE 1. FINAL SEASONS AND QUOTAS FOR LCS, SCS AND PELAGIC SHARKS FOR THE FIRST TRIMESTER OF 2008.

All quotas are in metric tons, dressed weight.

Species Group (Annual Quota)	Region (Allocation)	2008 1st Tri. opening date	2008 1st Tri. closing date	2008 1st Tri. Adjusted Quota
Large Coastal Sharks (1,017)	Gulf of Mexico (52 %)	Closed		N/A
	South Atlantic (41 %)			
	North Atlantic (7 %)			
Small Coastal Sharks (454)	Gulf of Mexico (48 %)	January 1, 2008	To be determined as necessary	73.2 (161,377 lb dw)
	South Atlantic (49 %)			354.9 (782,413 lb dw)
	North Atlantic (3 %)			19.3 (42,549 lb dw)
Blue Sharks (273)	No regional quotas	January 1, 2008	To be determined as necessary	91.0 (200,618 lb dw)
Porbeagle sharks (92)				30.7 (67,681 lb dw)

TABLE 1. FINAL SEASONS AND QUOTAS FOR LCS, SCS AND PELAGIC SHARKS FOR THE FIRST TRIMESTER OF 2008.—Continued

All quotas are in metric tons, dressed weight.

Species Group (Annual Quota)	Region (Allocation)	2008 1st Tri. opening date	2008 1st Tri. closing date	2008 1st Tri. Adjusted Quota
Pelagic Sharks other than Porbeagle or blue (488)				162.7 (358,688 lb dw)

TABLE 2. FINAL SEASONS AND QUOTAS FOR LCS, SCS AND PELAGIC SHARKS FOR THE SECOND TRIMESTER OF 2008.

All quotas are in metric tons, dressed weight.

Species Group (Annual Quota)	Region (Allocation)	2008 2nd Tri. opening date	2008 2nd Tri. closing date	2008 2nd Tri. Adjusted Quota
Large Coastal Sharks (1,017)	Gulf of Mexico (52 %)	CLOSED		N/A
	South Atlantic (41 %)			
	North Atlantic (7 %)			
Small Coastal Sharks (454)	Gulf of Mexico (48 %)	May 1, 2008	To be determined as necessary	72.6 (160,054 lb dw)
	South Atlantic (49 %)			74.1 (163,361 lb dw)
	North Atlantic (3 %)			12.0 (26,455 lb dw)
Blue Sharks (273)	No regional quotas	May 1, 2008	To be determined as necessary	91.0 (200,618 lb dw)
Porbeagle sharks (92)				30.7 (67,681 lb dw)
Pelagic Sharks other than Porbeagle or blue (488)				162.7 (358,688 lb dw)

Classification

NMFS has determined that this action is consistent with section 304(b)(1) of the Magnuson-Stevens Act, including the National Standards, and other applicable law.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

In compliance with Section 604 of the Regulatory Flexibility Act, a Final Regulatory Flexibility Analysis (FRFA) was prepared for this rule. The FRFA analyzes the anticipated economic impacts of the preferred actions and any significant alternatives to the final rule that could minimize economic impacts on small entities. A summary of the FRFA is below. The full FRFA and analysis of economic and ecological impacts, are available from NMFS (see **ADDRESSES**).

Section 604(a)(1) of the Regulatory Flexibility Act requires the Agency to state the objective and need for the rule. The objective of the rulemaking is to ensure that the season lengths and quotas for the first and second trimester seasons of 2008 for LCS, SCS, and pelagic sharks are in place by January 1, 2008, until they are replaced by those implemented under draft Amendment 2 of the Consolidated HMS FMP. There will be no regulatory action to determine quotas and season lengths for LCS, SCS, and pelagic sharks for the 2008 second trimester season even if Amendment 2 to the Consolidated HMS FMP is finalized after May 1, 2008, the start of the second trimester season. This rule does not change the overall annual base quotas.

Section 604(a)(2) of the Regulatory Flexibility Actrequires the Agency to summarize significant issues raised by the public in response to the Initial Regulatory Flexibility Analysis (IRFA), a summary of the Agency's assessment of such issues, and a statement of any changes made as a result of the comments. The IRFA was done as part of the draft EA for the 2008 first trimester season Atlantic commercial shark management measures. NMFS did not receive any comments specific to the IRFA. However, NMFS did receive comments related to the overall economic impacts of the proposed rule. Those comments and NMFS's responses to them are mentioned above in the preamble for this rule.

Section 604(a)(3) of the Regulatory Flexibility Act requires the Agency to describe and provide an estimate of the number of small entities to which the rule will apply. This rule could directly affect commercial shark fishermen on the Atlantic Ocean in the United States. NMFS considers all HMS permit holders to be small entities because they either had gross receipts less than $3.5 million for fish-harvesting, gross receipts less than $6.0 million for charter/party boats, or 100 or fewer employees for wholesale dealers. These

are the Small Business Administration's size standards for defining a small versus large business entity in this industry. There are approximately 529 (231 directed and 298 incidental) shark permit holders. Additionally, approximately 269 commercial shark dealers could be indirectly affected by this proposed rule. Other small entities involved in HMS fisheries such as processors, bait houses, and gear manufacturers might also be indirectly affected by the final regulations. More information regarding the number of small entities involved in the fishery and their locations can be found in Chapters 3 and 6 of Amendment 2 to the Consolidated HMS FMP.

Section 604(a)(4) of the Regulatory Flexibility Act requires the Agency to describe the projected reporting, recordkeeping, and other compliance requirements of the final rule, including an estimate of the classes of small entities which would be subject to the requirements of the report or record. None of the alternatives considered for this final rule would result in additional reporting, recordkeeping, and compliance requirements.

Section 604(a)(5) of the Regulatory Flexibility Act requires the Agency to describe the steps taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes. Additionally, the Regulatory Flexibility Act (5 U.S.C. 603(c)(1)-(4)) lists four general categories of ''significant'' alternatives that would assist an agency in the development of significant alternatives. These categories of alternatives are:

- Establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities;
- Clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities;
- Use of performance rather than design standards; and
- Exemptions from coverage of the rule for small entities.

As noted earlier, NMFS considers all permit holders in this fishery to be small entities. In order to meet the objectives of this final rule, consistent with Magnuson-Stevens Act, NMFS cannot exempt small entities or change the reporting requirements only for small entities. Thus, there are no alternatives discussed that fall under the first and fourth categories described above. In addition, none of the alternatives considered would result in additional reporting or compliance requirements (category two above). NMFS does not know of any performance or design standards that would satisfy the aforementioned objectives of this rulemaking while, concurrently, complying with the Magnuson-Stevens Act.

As described below, NMFS analyzed three different alternatives in this final rulemaking and provides justification for selection of the preferred alternatives to achieve the desired objective.

The alternatives included: maintain existing procedures for LCS and SCS quota management (alternative 1, No Action), combine the LCS regions and quotas and maintain status quo for SCS (alternative 2), and close all regions to LCS fishing during the 2008 first trimester season until Amendment 2 to the Consolidated HMS FMP effective and maintain modified status quo for SCS (alternative 3, preferred). NMFS preferred alternative 3 because it would provide the most ecological benefits to overfished sandbar and dusky shark populations and reduce fishing pressure on other LCS species. In addition, the ecological benefits of keeping the LCS fishery closed in all regions outweighs the potential economic impacts associated with the closure.

Alternative 1 is considered the no action alternative since it would maintain existing procedures for addressing regional trimester over- and underharvests of LCS and SCS when establishing the regional quotas and seasons for the first trimester season of 2008. This alternative is not preferred in part because it could result in negative ecological impacts for LCS species compared to the preferred alternative because it would allow the LCS season to open in the Gulf of Mexico and North Atlantic regions for a short time period. As described below, this alternative would also result in derby fishing and market gluts. It is also important to note that the unexpected magnitude of the 2006 first trimester overharvest would result in no commercial fishing for LCS in the South Atlantic region during the first trimester of 2008 for the second consecutive year since the available adjusted quota of 16.3 mt dw would be taken in approximately one day.

If not for the overharvests in 2006 and 2007, the LCS 2008 first trimester base quota allocation would have been 138.9 mt dw in the South Atlantic region. Instead, the adjusted quota under the no action alternative, would be 16.3 mt dw, which is 122.6 mt dw less than it would have been under the base quota allocation. Because of this small 2008 adjusted quota, no fishing season is preferred due to safety at sea concerns, potential derby fishing conditions and further overharvests of overfished shark species. Therefore, under this alternative, the South Atlantic region would be closed during the 2008 first trimester season. Based on the ex-vessel prices per pound dw by region in 2006 of $0.46 per pound dw of LCS flesh and $16.20 per pound for shark fins in the South Atlantic region, the closure would lead to a loss in revenue of approximately $7,121 for LCS flesh (95 percent of the 16.3 mt dw) and $13,122 for shark fins (based on the 5 percent shark fin to carcass ratio). While these revenue reductions alone may not appear to be significant, it should be noted that the 2007 first trimester season in the South Atlantic region was also closed. Therefore, the 2008 first trimester closure would be the second consecutive year this region was closed, possibly leading to continued disrupted revenue flows and negative economic impacts.

If not for the 125.1 mt dw overharvest in the first trimester of 2007 in the Gulf of Mexico region, the 2008 first trimester available quota would have been 176.1 mt of LCS in the Gulf of Mexico region. Due to this overharvest, the adjusted LCS quota is 51 mt dw in the Gulf of Mexico region. To estimate the value of changes in revenues from the 2008 available quota, the 2006 ex-vessel prices were used to calculate the ''extra'' revenues generated from the overharvest in the first trimester of 2007. Based on the ex-vessel prices per pound dw by region in 2006 of $0.47 per pound dressed weight of LCS flesh and $20.65 per pound for shark fins in the Gulf of Mexico region, the value of the 125.1 mt dw reduction from the baseline quota allocation is approximately $55,855 for LCS flesh (95 percent of the quota weight) and $129,166 for shark fins (based on the 5 percent shark fin to carcass ratio).

With a 2008 adjusted quota of 51 mt dw, the Gulf of Mexico region would have a short season that would last for five days. Using the ex-vessel prices as above for the Gulf of Mexico region, the value of this 51 mt dw adjusted quota for the first trimester of 2008 is approximately $22,772 for LCS flesh (95 percent of the quota weight) and $52,658 for shark fins (based on the 5 percent shark fin to carcass ratio). Therefore the estimated revenue for the 2008 first trimester season would be approximately $75,430. While there may be slight positive economic impacts as a result of a limited LCS season in the Gulf of Mexico coupled with a South Atlantic LCS closure causing prices to increase, the intense fishing period may also cause a temporary glut in the market, and therefore, a reduction in the ex-vessel price of shark products or less

efficient fishing operations thus reducing the quality of the shark products landed. Overall, NMFS expects that the small amount of LCS quota available and short season would likely result in negative economic impacts in the Gulf of Mexico region.

The LCS quota in the North Atlantic region for the first trimester season of 2008 would be 10.7 mt dw. The ex-vessel prices only provide the value of LCS flesh in the North Atlantic region and not for shark fins; therefore an average of $18.43 was taken of the ex-vessel price for shark fins in the South Atlantic and Gulf of Mexico regions to calculate approximate revenue from the available quota. The approximate value of the 10.7 mt dw adjusted quota for the 2008 first trimester season in the North Atlantic region would be $13,415.

Under alternative 1, the estimated total value of the adjusted 2008 first trimester LCS quota is $75,430 for the Gulf of Mexico region and $13,415 for the North Atlantic region. Due to the LCS closure in the South Atlantic region, under alternative 1, a negative economic impact totaling $20,243 in lost revenues would occur. The estimated total overall revenue under alternative 1 for all regions would be $68,602. Some of the impacts from these reduced revenues might be mitigated somewhat for vessels that can fish for SCS and pelagic sharks or in other HMS and non-HMS fisheries. However, these opportunities would likely be limited and result in additional costs associated with adjusting current fishing practices.

With regards to SCS, alternative 1 would maintain existing procedures for addressing regional trimester over- and underharvests for SCS when establishing the regional quotas and seasons for the first trimesters of 2008. There were no overharvests of SCS in any region during the 2007 first trimester season. No change in economic impacts would be realized in the North Atlantic, South Atlantic, and Gulf of Mexico regions since these regions would be open, with ample quota, during the first trimester of 2008 under the no action alternative. Based on the ex-vessel price per pound of SCS in the North Atlantic, South Atlantic, and Gulf of Mexico regions potential revenue for flesh would be $0.43, $0.55, and $0.53, respectively. Potential revenue from SCS may help offset lost revenue in the LCS fishery due to short seasons and a closure.

Alternative 2 would combine the North Atlantic, South Atlantic and Gulf of Mexico regions for the LCS fishery into one region. Combining the 2008 first trimester baseline quota for all three regions would result in a baseline quota of 317.8 mt dw. Accounting for the 2007 first trimester overharvests in all three regions of 239.8 mt dw, would result in an adjusted quota of 78 mt dw. NMFS used the 2005 total ex-vessel annual revenue data for these calculations because region specific data was not available for all regions in 2006. Based on total ex-vessel annual revenues in all regions combined in 2005 of $0.48 per pound dress weight of flesh and $17.94 per pound of shark fins, the value of the 239.8 mt dw reduction from the baseline quota allocation in all the regions is approximately $109,349 for LCS flesh (95 percent of the quota weight) and $215,101 for shark fins (based on the 5 percent shark fin to carcass ratio). Therefore, the 2007 first trimester overharvest in the South Atlantic and Gulf of Mexico regions is estimated to have a direct revenue impact on the LCS commercial fishery, when combining the regions, of approximately $324,450. The value of the 78 mt dw combined quota that would allow the season to be open for six days is approximately $35,568 for LCS flesh (95 percent of the quota weight) and $69,966 for shark fins (based on the 5 percent shark fin to carcass ratio). Therefore, the estimated revenue for the LCS 2008 first trimester season under alternative 2, with all regions combined would be approximately $105,534. Derby style fishing conditions and safety at sea concerns may occur as a result of the shortened season causing negative social impacts. The six day season may cause a temporary glut of shark products in the market and therefore a reduction in the ex-vessel price of shark products or less efficient fishing operations thus reducing the quality of the shark products landed. Under these conditions, it is likely the estimated revenue for all regions would be less than $105,534. Combining the regions would likely have negative economic impacts on regions that do not have sharks present year round. The North Atlantic region may be disadvantaged as a result of combining the three regions into one region. Dealers in all regions, but particularly in the North Atlantic region, would also be affected, possibly even more so than vessels, as the likelihood of having shark products consistently would be decreased. Overall, negative economic impacts would result from the small amount of LCS quota available and short season in all regions. NMFS did not prefer this alternative because negative consequences of establishing a single region combined with a substantially shortened season might include derby-style fishing and safety at sea concerns, as well as decreased fishing efficiency with resulting decreased survival rates for bycatch. Additionally, negative ecological impacts to overfished shark species could occur if all regions were combined and opened for a short time period. Under alternative 2, the SCS fishery would remain the same as in the no action alternative and no adverse economic impacts are expected since these regions would be open, with ample quota, throughout the entire first trimester of 2008.

Alternative 3, the preferred alternative would close the LCS fishery in the North Atlantic, South Atlantic and Gulf of Mexico regions for the entire 2008 first and second trimester seasons. The SCS and pelagic shark fisheries would be open in all three regions on January 1, 2008, and no adverse economic impacts are expected since these regions would be open, with ample quota, throughout the first trimester of 2008. If Amendment 2 to the Consolidated HMS FMP is not finalized and effective before the start of the 2008 second trimester season the SCS and pelagic shark fisheries will open in all regions on May 1, 2008 with the baseline quotas.

Closing the LCS fishery in all three regions would have slightly more negative economic impacts than the no action alternative but this was chosen due to the result in positive ecological impacts for overfished sandbar and dusky sharks, protected species and other LCS species compared to the no action alternative. Under this alternative, the South Atlantic region would be closed during the 2008 first trimester season similar to alternative 1. However, unlike alternative 1, the Gulf of Mexico region would be closed. The estimated lost revenue as a result of this closure would be approximately $75,430, which would be the approximate revenue lost due to all regions being closed to LCS fishing during the 2008 first trimester season. The North Atlantic region would also be closed under this alternative but this closure is not expected to have a significant economic impact because LCS are not typically in the North Atlantic region during the first trimester. Due to the small landings in this region during the first trimester, it is not expected that the North Atlantic would benefit economically from the 10.7 mt dw of quota available for the 2008 first trimester. From 2004–2007 only an average of 0.4 mt dw of LCS was landed in this region during the entire first trimester season. Therefore, closing all three regions to LCS fishing as in the final rule would have only a slightly different economic impact than the no

action alternative. Atlantic shark fishermen may pursue other options as a result of closing the LCS fishery for the 2008 first and second trimesters including transferring fishing effort to other fisheries for which they are permitted, acquiring new permits to participate in other fisheries or relinquishing their permits and leaving the fishing industry.

List of Subjects in 50 CFR Part 635

Fisheries, Fishing, Fishing vessels, Foreign relations, Imports, Penalties, Reporting and recordkeeping requirements, Treaties.

Dated: November 26, 2007.

Samuel D. Rauch III

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

■ For reasons set out in the preamble, 50 CFR part 635 is amended as follows:

PART 635—ATLANTIC HIGHLY MIGRATORY SPECIES

■ 1. The authority citation for part 635 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.*; 16 U.S.C. 1801 *et seq.*

■ 2. In § 635.27, paragraphs (b)(1)(i) and (b)(1)(vi)(A) introductory text are revised to read as follows:

§ 635.27 Quotas.

* * * * *

(b) * * *

(1) * * *

(i) *Fishing seasons.* The commercial quotas for large coastal sharks, small coastal sharks, and pelagic sharks will be split among three fishing seasons: January 1 through April 30, May 1 through August 31, and September 1 through December 31. NMFS may consider merging or closing any of the fishing seasons pursuant to paragraph (b)(1)(vi) of this section.

* * * * *

(vi) * * *

(A) NMFS will adjust the next year's fishing season quotas for large coastal, small coastal, and pelagic sharks to reflect actual landings during any fishing season in any particular region. For example, a commercial quota underharvest or overharvest in the fishing season in one region that begins January 1 will result in an equivalent increase or decrease in the following year's quota for that region for the fishing season that begins January 1. NMFS may consider merging or closing any of the fishing seasons and relevant quotas in any region when there is limited available quota in one or more seasons.

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Proposed Rules

Federal Register
Vol. 72, No. 229
Thursday, November 29, 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 71

[Docket No. FAA–2007–0091; Airspace Docket No. 07–AWP–5]

Proposed Modification of Class E Airspace; Hollister, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to modify the Class E airspace area at Hollister, CA. Establishment of an Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) at Hollister Municipal Airport, Hollister, CA, has made this proposal necessary. Additional controlled airspace is needed for the safety and management of aircraft executing the new RNAV (GPS) SIAPs at Hollister Municipal Airport, Hollister, CA.

DATES: Comments must be received on or before January 14, 2008.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC, 20590. Telephone (202) 366–9826. You must identify FAA Docket No. FAA–2007–0091; Airspace Docket No. 07–AWP–5, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Eldon Taylor, Federal Aviation Administration, System Support Group, Western Service Area, 1601 Lind Avenue, SW., Renton, WA 98057; telephone (425) 917–6726.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2007–0091 and Airspace Docket No. 07–AWP–5) and be submitted in triplicate to the Docket Operations (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2007–0091 and Airspace Docket No. 07–AWP–5.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *http://www.faa.gov* or the **Federal Register**'s Web page at *http://www.gpoaccess.gov/fr/index.html.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see **ADDRESSES** section for the address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division, Federal Aviation Administration, Air Traffic Organization, Western Service Area, System Support Group, 1601 Lind Avenue, SW., Renton, WA 98057.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking, (202) 267–9677, for a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by modifying Class E airspace at Hollister, CA. Controlled airspace is necessary to accommodate aircraft using the new RNAV (GPS) SIAP to Runway 31 at Hollister Municipal Airport. Additional controlled airspace extending upward from 700 feet or more above the surface is necessary for the safety and management of aircraft operations at Hollister Municipal Airport, Hollister, CA.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9R, signed August 15, 2007, and effective September 15, 2007, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in this Order.

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

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code.

Subtitle 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 I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace.

This regulation is within the scope of that authority as it establishes additional controlled airspace at Hollister Municipal Airport, Hollister, CA.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9R, Airspace Designations and Reporting Points, signed August 15, 2007 and effective September 15, 2007, is amended as follows:

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

* * * * *

AWP CA E5 Hollister, CA [Amended]

Hollister Municipal Airport, CA
(Lat. 36°53′36″ N., Long. 121°24′37″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Hollister Municipal Airport and within 2 miles each side of the 142° bearing from the airport extending from the 6.5-mile radius to 13.5 miles southeast of the airport.

* * * * *

Issued in Seattle, Washington, on November 13, 2007.

Clark Desing,

Manager, System Support Group, Western Service Area.

[FR Doc. E7–23173 Filed 11–28–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2007–0060; Airspace Docket No. 07–ACE–1]

Proposed Establishment of Low Altitude Area Navigation Routes (T-Routes); St. Louis, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish two low altitude Area Navigation (RNAV) routes, designated T–251 and T–272, in the St. Louis, MO, terminal area. T-routes are low altitude Air Traffic Service routes, based on RNAV, for use by aircraft that have instrument flight rules (IFR) approved Global Positioning System (GPS)/Global Navigation Satellite System (GNSS) equipment. The FAA is proposing this action to enhance safety and improve the efficient use of the navigable airspace in the St. Louis, MO, terminal area.

DATES: Comments must be received on or before January 14, 2008.

ADDRESSES: Send comments on this proposal to the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001; telephone: (202) 366–9826. You must identify FAA Docket No. FAA–2007–0060 and Airspace Docket No. 07–ACE–1 at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov*.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2007–0060 and Airspace Docket No. 07–ACE–1) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov*.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2007–0060 and Airspace Docket No. 07–ACE–1.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov*. Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov*, or the **Federal Register**'s Web page at *http://www.gpoaccess.gov/fr/index.html*.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Central Service Center, Air Traffic Organization, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking, (202) 267–9677, for a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 to establish two low altitude RNAV routes in the St. Louis, MO, terminal area. The routes, designated as T–251 and T–272, would be depicted on the appropriate IFR En Route Low Altitude charts. These T-routes are only intended for use by GPS/GNSS equipped aircraft and are being proposed to enhance safety, and to facilitate the more flexible and efficient use of the navigable airspace for en route IFR operations transitioning through and around the St. Louis Class B airspace area.

Low altitude RNAV routes are published in paragraph 6011 of FAA Order 7400.9R signed August 15, 2007 and effective September 15, 2007, which is incorporated by reference in 14 CFR 71.1. The low altitude RNAV routes listed in this document will be published subsequently in the Order.

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

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle 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 I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes low altitude Area Navigation routes (T-routes) at St. Louis, MO.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' paragraph 311a, 311b, and 311k. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.R, Airspace Designations and Reporting Points, signed August 15, 2006 and effective September 15, 2007, is amended as follows:

Paragraph 6011—Area Navigation Routes.

* * * * *

T–251 Farmington, MO to RIVRS, IL [New]

FARMINGTON, MO (FAM)	VORTAC	(Lat. 37°40′24″ N., long. 90°14′03″ W.)
FORISTELL, MO (FTZ)	VORTAC	(Lat. 38°41′40″ N., long. 90°58′17″ W.)
RIVRS, IL	INT	(Lat. 39°25′21″ N., long. 90°55′56″ W.)

* * * * * * *

T–272 Hallsville, MO to Vandalia, IL [New]

HALLSVILLE, MO (HLV)	VORTAC	(Lat. 39°06′49″ N., long. 92°07′42″ W.)
VANDALIA, IL (VLA)	VORTAC	(Lat. 39°05′37″ N., long. 89°09′45″ W.)

* * * * * * *

Issued in Washington, DC, on November 23, 2007.

Paul Gallant,

Acting Manager, Airspace and Rules Group.

[FR Doc. E7–23175 Filed 11–28–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–155669–04]

RIN 1545–BE73

Information Reporting for Lump-Sum Timber Sales

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations that provide guidance regarding the information reporting requirements contained in section 6045(e) of the Internal Revenue Code (Code) on sales or exchanges of standing timber for lump-sum (outright) payments. The proposed regulations amend § 1.6045–4 of the Income Tax Regulations to require real estate reporting persons, as defined in section 6045(e)(2) of the Code, to report lump-sum payments received by sellers (landowners) for sales or exchanges of standing timber. This action is being

taken to make the reporting requirements for lump-sum sales of standing timber consistent with the reporting requirements applicable to pay-as-cut timber sales. The proposed regulations do not change the information reporting requirements that currently apply to sales or exchanges of standing timber for pay-as-cut (contingent) payments under section 6050N of the Code.

DATES: Written or electronic comments and requests for a public hearing must be received by February 27, 2008.

ADDRESSES: Send submissions to: CC:PA:LPD:PR (REG–155669–04), 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–155669–04), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC, or via the Federal eRulemaking Portal at *http://www.regulations.gov* (IRS REG–155669–04).

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulation, Julie Hanlon-Bolton of the Office of Chief Counsel (Procedure and Administration), at (202) 622–7028; for questions concerning submissions of comments, contact Kelly Banks at (202) 622–7180.

SUPPLEMENTARY INFORMATION:

Background

This document contains a proposed amendment to the Income Tax Regulations under section 6045(e). The amendment imposes information reporting requirements on sales or exchanges of standing timber for lump-sum payments, commonly referred to as lump-sum or outright timber sales. A lump-sum contract provides for a pre-set, fixed, and non-contingent payment in exchange for the right to cut and remove designated trees. In these transactions, sellers of standing timber receive fixed payments that are not based on the amount of the timber actually cut. The sellers do not retain any economic interest in the timber and bear no risk of loss upon execution of the sales contract.

Sales or exchanges of standing timber for contingent payments, commonly referred to as pay-as-cut timber sales, allow purchasers to cut designated trees in exchange for a payment that is based on a specified rate for each unit of timber actually cut and measured. In these transactions, sellers of standing timber receive payments that are contingent on the amount of timber actually cut. The sellers retain an economic interest in the timber and continue to bear economic risk associated with the sales contract until the timber is actually cut and removed.

Because the sellers of standing timber who enter into pay-as-cut transactions retain an economic interest until the timber is actually cut and removed, the payments are characterized as timber royalties reportable under section 6050N on Form 1099–S, ''Proceeds from Real Estate Transactions.'' See Announcement 90–129, 1990–48 IRB 10.

However, currently, no information reporting obligation applies to a sale or exchange of standing timber for a lump-sum payment. The information reporting requirements of section 6050N do not apply to a sale or exchange of timber for a lump-sum payment because the seller retains no economic interest and bears no economic risk of loss in the timber upon execution of the sales contract.

Recognizing the disparate treatment in the reporting of timber sale and exchange transactions, the Treasury Department has reconsidered the information reporting requirements under section 6045(e) as they apply to lump-sum sales or exchanges of standing timber and has decided to amend the regulations to require information reporting for these transactions.

Currently, section 6045(e) requires a ''real estate reporting person,'' as defined in section 6045(e)(2), to make an information return and furnish a statement to the transferor with respect to a real estate transaction that consists in whole or in part of the sale or exchange of ''reportable real estate.'' Section 1.6045–4(b)(2) defines ''reportable real estate'' as, among other things, any present or future ownership interest in land. Section 1.6045–4(c)(2)(i) provides that no return of information is required with respect to a sale or exchange of an interest in timber, provided that the sale or exchange of such property is not related to the sale or exchange of reportable real estate.

The preamble to § 1.6045–4 provides background information concerning the exception for timber sales in § 1.6045–4(c)(2)(i), stating in pertinent part as follows:

> The proposed regulations provided an exception from the reporting requirements for transactions involving natural resources, including standing timber. Section 6050N of the Code requires reporting for certain royalty payments, including timber royalties, but not for other transactions involving timber. The IRS believes that the disparity in the reporting requirements for different forms of timber transactions may be inappropriate. However, this issue was not addressed in the public comments and was not considered at the public hearing. Accordingly, the final regulations contain the exception for natural resource transactions, including standing timber. The IRS will open a new regulations project to consider the expansion of the reporting requirements to include sales and exchanges of standing timber. Any requirements for the reporting of standing timber will apply only to transactions occurring after the issuance of such requirements. See 55 FR 51282, TD 8323.

The IRS has found that some taxpayers are underreporting income from lump-sum or outright sales of timber, resulting in a loss of tax revenue. Additionally, the Treasury Department and the IRS do not think that the disparate treatment of lump-sum and pay-as-cut timber transactions for information reporting purposes is in the interests of sound tax administration. Based on considerations of tax policy and sound tax administration, the Treasury Department has decided to amend the regulations under section 6045(e) to require information reporting for sales or exchanges of standing timber for lump-sum payments.

This amendment provides that sales or exchanges of standing timber for lump-sum payments are ''reportable real estate'' transactions under § 1.6045–4(b)(2) and, thus, shall be reported as provided in section 6045(e) and the regulations.

Paperwork Reduction Act

The collection of information contained in this notice of proposed rulemaking has 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 collection of information should be sent to the Office of Management and Budget, Attn: Desk Officer for the Department of 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 February 27, 2008. The Treasury Department is interested in comments on the following:

Whether the proposed collection of information is necessary for the proper performance of the function of the IRS, including whether the information will have practical utility;

The accuracy of the estimated burden associated with the proposed collection of information (see below);

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 affected by this proposed regulation is described in § 1.6045–4. The collection of information is mandatory. The likely respondents are for-profit corporations and small business entities.

Estimated total annual reporting burden: 10,000 hours.

Estimated average annual burden hours per respondent: .5 hours.

Estimated number of respondents: 20,000.

Estimated frequency of responses: annually.

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.

Proposed Effective Date

These amendments shall apply to sales or exchanges of standing timber for lump-sum payments completed on or after the date of publication of a Treasury decision adopting these rules as final regulations in the **Federal Register**.

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 also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. Chapter 5) does not apply to these regulations. It is hereby certified that collection of information in this regulation will not have a significant economic impact on a substantial number of small entities. This certification is based on the fact that the collection of information burden imposed by these regulations flows directly from section 6045(e) of the Code. Moreover, requiring information reporting as described in the preamble with regard to sales or exchanges of standing timber for lump-sum payments imposes minimal burden in time or expense. Therefore, a Regulatory Flexibility Analysis under the Regulatory Flexibility Act (5 U.S.C. Chapter 6) is not required. The IRS invites comments on the accuracy of this certification. Pursuant to section 7805(f) of the 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 Request for 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 may be scheduled if requested by any person who timely submits comments. If a public hearing is scheduled, notice of the date, time and place for the hearing will be published in the **Federal Register**.

Drafting Information

The principal author of these regulations is Julie A. Hanlon-Bolton of the Office of Associate Chief Counsel (Procedure and Administration). 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 1.6045–4 is amended by:

1. Redesignating paragraphs (b)(2)(i), (b)(2)(ii), (b)(2)(iii), and (b)(2)(iv) as paragraphs (b)(2)(i)(A), (b)(2)(i)(B), (B)(2)(i)(C), and (b)(2)(i)(D), respectively.

2. Adding paragraph (b)(2)(i)(E).

3. Redesignating paragraph (b)(2) introductory text as (b)(2)(i) introductory text.

4. Designating the undesignated text as paragraph (b)(2)(ii).

5. Adding a new last sentence at the end of newly designated paragraph (b)(2)(ii).

6. Revising paragraph (c)(2)(i) and paragraph (s).

The revisions and additions read as follows:

§ 1.6045–4 Information reporting on real estate transactions with dates of closing on or after January 1, 1991.

* * * * *

(b) * * *

(2)* * * (i) * * *

(E) Any non-contingent interest in standing timber.

(ii) * * * Further, the term *ownership interest* includes any contractual interest in a sale or exchange of standing timber for a lump-sum payment that is fixed and not contingent.

* * * * *

(c) * * *

(2) * * *

(i) An interest in surface or subsurface natural resources (for example, water, ores, and other natural deposits) or crops, whether or not such natural resources or crops are severed from the land. For purposes of this section, the terms ''natural resources'' and ''crops'' do not include standing timber.

* * * * *

(s) *Effective/applicability date.* This section applies for real estate transactions with dates of closing (as determined under paragraph (h)(2)(ii) of this section) that occur on or after January 1, 1991. The amendments to paragraphs (b)(2)(i)(e), (b)(2)(ii) and (c)(2)(i) of this section shall apply to sales or exchanges of standing timber for lump-sum payments completed after the date specified in the final regulations.

Linda E. Stiff,

Deputy Commissioner for Services and Enforcement.

[FR Doc. E7–23098 Filed 11–28–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–143397–05]

RIN 1545–BE99

Partner's Distributive Share; Hearing

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Cancellation of notice of public hearing on proposed rulemaking.

SUMMARY: This document cancels a public hearing on proposed regulations providing rules concerning the application of sections 704(c)(1)(B) and 737 to distributions of property after two partnerships engage in an assets-over merger. The proposed regulations affect partnerships and their partners.

DATES: The public hearing, originally scheduled for December 5, 2007, at 10 a.m., is cancelled.

FOR FURTHER INFORMATION CONTACT: Richard A. Hurst of the Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration), at *Richard.A.Hurst@irscounsel.treas.gov.*

SUPPLEMENTARY INFORMATION: A notice of public hearing that appeared in the **Federal Register** on Wednesday, August 22, 2007 (72 FR 46932), announced that a public hearing was scheduled for December 5, 2007, at 10 a.m. in the auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. The subject of the public hearing is under sections 704(c)(1)(B) and 737 of the Internal Revenue Code.

The public comment period for these regulations expired on November 20, 2007. Outlines of topics to be discussed at the hearing were due on November 21, 2007. The notice of proposed rulemaking and notice of public hearing instructed those interested in testifying at the public hearing to submit an outline of the topics to be addressed. As of Monday, November 26, 2007, no one has requested to speak. Therefore, the public hearing scheduled for December 5, 2007, is cancelled.

Cynthia Grigsby,

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

[FR Doc. E7–23192 Filed 11–28–07; 8:45 am]

BILLING CODE 4830–01–P

Notices

Federal Register
Vol. 72, No. 229
Thursday, November 29, 2007

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

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

November 26, 2007.

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

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

Rural Business-Cooperative Service

Title: Rural Business Investment Program, 7 CFR Part 4290.

OMB Control Number: 0570–0051.

Summary of Collection: Section 6029 of the Farm Security and Rural Investment Act of 2002 (Pub. L. 107–171) amended the Consolidated Farm and Rural Development Act (U.S.C. 2009cc) by adding ''Subtitle H—Rural Business Investment Program (RBIP).'' The program is a Developmental Venture Capital program for the purpose to promote economic development and the creation of wealth and job opportunities in rural areas and among individuals living in such areas through the licensing of Rural Business Investment Companies with the mission of addressing unmet equity investment needs of small enterprises located in rural areas. USDA and Small Business Administration signed the Economy Act Agreement authorizing SBA to provide ''the day to day'' management and operation of the RBIP.

Need and Use of the Information: USDA will use the information to determine eligibility for participation in the RBIP and evaluate whether applicants have accomplished the objectives and fulfilled the statutory and regulatory requirements of the RBIP. Without this collection of information would be unable to meet the requirements of the Act and effectively administer the RBIP, ensuring safety and soundness.

Description of Respondents: Business or other for-profit; not-for-profit institutions.

Number of Respondents: 108.

Frequency of Responses: Reporting: Quarterly, annually.

Total Burden Hours: 6,689.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. E7–23154 Filed 11–28–07; 8:45 am]

BILLING CODE 3410–XT–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

November 26, 2007.

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

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

Agricultural Marketing Service

Title: Organic Handler Market Promotion Assessment Exemption.

OMB Control Number: 0581–0216.

Summary of Collection: Industries enter into a marketing order program under the Agricultural Marketing Agreement Act (AMAA) of 1937, as amended by U.S.C. 601–674. Marketing Order programs provide an opportunity for producers of fresh fruit, vegetables, and specialty crops, in specified production areas, to work together to solve marketing problems that cannot be solved individually. In 2002, section

501 of the Fair Act was amended (7 U.S.C. 7401) to exempt any person that produces and markets solely 100 percent organic products, and that does not produce any conventional or non-organic products, from paying assessments under a commodity promotion law with respect to any agricultural commodity that is produced on a certified organic farm as defined in section 2103 of the Organic Foods Production Act of 1990.

Need and Use of the Information: The information collected on form FV–649, is necessary to assist the applicants in making their certifications and the committees or boards to determine an applicant's eligibility, to properly administer the assessment exemption and to verify compliance.

Description of Respondents: Business or other for-profit; farms.

Number of Respondents: 103.

Frequency of Responses: Recordkeeping; reporting: On occasion; annually.

Total Burden Hours: 52.

Agricultural Marketing Service

Title: Lamb Promotion, Research, and Information Program: Referendum Procedures.

OMB Control Number: 0581–0227.

Summary of Collection: The Agricultural Marketing Service (AMS) has the responsibility for the national commodity research and promotion programs. The authority for the Lamb Promotion, Research, and Information Order is established under the Commodity Promotion, Research, and Information Act of 1996 (Act) (7 U.S.C. 7411 *et seq.*). This Act establishes procedures to conduct a referendum among persons subject to assessments who, during a representative period announced by the Secretary of Agriculture, have engaged in the production, feeding, handling, or slaughter of lamb or the exportation of lamb or lamb products.

Need and Use of the Information: The referendum, using form LS–86, is to determine whether the persons subject to assessments favor the continuation, suspension, or termination of the Order. Provision is made for voting in-person, facsimile or by mail at Farm Service Agency county offices only during the period of the referendum.

Description of Respondents: Farms; business or other for-profit.

Number of Respondents: 69,761.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 2,093.

Agricultural Marketing Service

Title: Farmers Market Promotion Program (FMPP).

OMB Control Number: 0581–0235.

Summary of Collection: The purposes of the Farmers Market Promotion Program (FMPP) are to increase domestic consumption of agricultural commodities by improving and expanding, assisting in the improvement and expansion, and to develop or aid in the development of new domestic farmers' markets, roadside stands, community-supported agriculture programs, and other direct producer-to-consumer infrastructure. The Farmer-to-Consumer Marketing Act of 1976 (Act) directs USDA to encourage the direct marketing of agricultural commodities from farmers to consumers, and to promote the development and expansion of direct marketing of agricultural commodities from farmers to consumers. The recently authorized Farmer's Market Promotion Program (FMPP) (7 U.S.C. 3005), section 6 of 7 U.S.C. 3004 directs the Secretary of Agriculture to ''carry out a program to make grants to eligible entities for projects to establish, expand, and promote farmers' markets.''

Need and Use of the Information: The Agricultural Marketing Service will review grant application information to determine eligibility of applicants for participation in FMPP, evaluate goals, objectives, work-plans, expected results and budget for the project.

Description of Respondents: State, Local or Tribal Government.

Number of Respondents: 400.

Frequency of Responses: Recordkeeping; Reporting: One time.

Total Burden Hours: 3,944.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. E7–23157 Filed 11–28–07; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2007–0071]

National Wildlife Services Advisory Committee; Notice of Intent To Reestablish

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of intent.

SUMMARY: We are giving notice that the Secretary of Agriculture intends to reestablish the National Wildlife Services Advisory Committee for a 2-year period. The Secretary has determined that the Committee is necessary and in the public interest.

FOR FURTHER INFORMATION CONTACT: Ms. Joanne Garrett, Director, Operational Support Staff, WS, APHIS, 4700 River Road, Unit 87, Riverdale, MD 20737–1234; (301) 734–7921.

SUPPLEMENTARY INFORMATION: The purpose of the National Wildlife Services Advisory Committee (Committee) is to advise the Secretary of Agriculture on policies, program issues, and research needed to conduct the Wildlife Services program. The Committee also serves as a public forum enabling those affected by the Wildlife Services program to have a voice in the program's policies.

Done in Washington, DC, this 21st day of November 2007.

Boyd K. Rutherford,

Assistant Secretary for Administration.

[FR Doc. E7–23198 Filed 11–28–07; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Roosevelt/Duchesne and Flaming Gorge Ranger Districts Travel Management Plan, Ashley National Forest; Duchesne, Daggett, and Summit Counties, UT and Sweetwater County, WY; Correction

AGENCY: Forest Service, USDA.

ACTION: Notice; correction.

SUMMARY: The Forest Service published a document the **Federal Register** of November 9, 2007, concerning request for comments on the proposed action for the Roosevelt/Duchesne and Flaming Gorge Ranger Districts Travel Management Plan. The document identified a 45-day comment period from the date of publication. The closing date corresponds with December 24, 2007. In order to avoid the scoping comment period closing during the holidays, we are extending the comment period to 60 days from the date of the original publication, which corresponds with January 8, 2008.

FOR FURTHER INFORMATION CONTACT: Kris Rutledge, 435–781–5196. In the **Federal Register** of November 9, 2007, in FR Doc. 72–217, on page 63548, in the first and second column correct the DATES caption to read:

DATES: The comment period on the proposed action will extend 60 days from the date of the Notice of Intent is published in the **Federal Register**. The draft environmental impact statement is expected July 2008 and the final environmental impact statement is expected November 2008.

Dated: November 20, 2007.

Kevin B. Elliott,

Forest Supervisor.

[FR Doc. 07–5874 Filed 11–28–07; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Vernal Ranger Districts Travel Management Plan, Ashley National Forest; Duchesne and Daggett Counties, UT; Correction

AGENCY: Forest Service, USDA.

ACTION: Notice; correction

SUMMARY: The Forest Service published a document the **Federal Register** of November 9, 2007, concerning request for comments on the proposed action for the Roosevelt/Duchesne and Flaming Gorge Ranger Districts Travel Management Plan. The document identified a 45-day comment period from the date of publication. The closing date corresponds with December 24, 2007. In order to avoid, the scoping comment period closing during the holidays, we are extending the comment period to 60 days from the date of the original publication, which corresponds with January 8, 2008.

FOR FURTHER INFORMATION CONTACT: Kris Rutledge, 435–781–5196.

In the **Federal Register** of November 9, 2007, in FR Doc. 72–217, on page 63551, in the second column the **DATES** caption to read:

DATES: The comment period on the proposed action will extend 60 days from the date the Notice of Intent is published in the **Federal Register**. The draft environmental impact statement is expected July 2009 and the final environmental impact statement is expected November 2009.

Dated: November 20, 2007.

Kevin B. Elliott,

Forest Supervisor.

[FR Doc. 07–5875 Filed 11–28–07; 8:45 am]

BILLING CODE 3410–11–P

BROADCASTING BOARD OF GOVERNORS

Sunshine Act Meeting

DATE AND TIME: Tuesday, November 27, 2007, 10 a.m.–10:30 a.m.

PLACE: Cohen Building, Room 3360, 330 Independence Ave., SW., Washington, DC 20237.

CLOSED MEETING: The members of the Broadcasting Board of Governors (BBG) will meet in a special session to review and discuss budgetary issues relating to U.S. Government-funded non-military international broadcasting. This meeting is closed because if open it likely would either disclose matters that would be properly classified to be kept secret in the interest of foreign policy under the appropriate executive order (5 U.S.C. 552b.(c)(1)) or would disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action. (5 U.S.C. 552b.(c)(9)(B)) In addition, part of the discussion will relate solely to the internal personnel and organizational issues of the BBG or the International Broadcasting Bureau. (5 U.S.C. 552b.(c)(2) and (6))

CONTACT PERSON FOR MORE INFORMATION: Persons interested in obtaining more information should contact Carol Booker at (202) 203–4545.

Dated: November 27, 2007.

Carol Booker,

Legal Counsel.

[FR Doc. 07–5891 Filed 11–27–07; 2:50 pm]

BILLING CODE 8610–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket No. DOD–2007–HA–0116]

Proposed Collection; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs, DoD.

ACTION: Notice.

In accordance with section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Office of the Assistant Secretary of Defense for Health Affairs announces the proposed revision of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received January 28, 2008.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

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

• *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301–1160.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Office of the Assistant Secretary of Defense for Health Affairs (OASD), TRICARE Management Activity (TMA), HPA&E, Attn: Richard R. Bannick, Ph.D., 5111 Leesburg Pike, Suite 810, Falls Church, VA 22041–3206.

Title and OMB Number: Surveys on Viability of TRICARE Standard and TRICARE Extra; OMB Control Number 0720–0031.

Needs and Uses: As mandated by Congress, confidential surveys of civilian health care providers and beneficiaries who use TRICARE will be completed in TRICARE market areas within the United States. The provider survey will be used to determine how many providers accept new TRICARE Standard patients in each market. area. Surveys will be conducted in at least 40 locations in the United States each fiscal year from 2008 to 2011. Twenty locations will be TRICARE PRIME Service Areas and twenty locations will be geographic areas where TRICARE Prime is not offered.

Affected Public: Individuals and households.

Annual Burden Hours: 3,333.

Number of Respondents: 40,000.

Responses per Respondent: 1.

Average Burden per Response: 5 minutes.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

The Health Program Analysis and Evaluation Directorate (HPA&E) under the authority of the Office of the Assistant Secretary of Defense (Health Affairs)/TRICARE Management Activity

(OASD(HA)/TMA) will undertake an evaluation of the DoD's TRICARE Standard healthcare option. HPA&E will collect and analyze data that are necessary to meet the requirements outlined in section 702 of the Senate version of the National Defense Authorization Act (NDAA) for FY2008.

Activities include the collection and analyses of data obtained confidentially from civilian physicians (M.D.s & D.O.s) and at least psychologists within U.S. geographic areas. Specifically, mail surveys with telephone follow-up of civilian providers will be conducted in the TRICARE market areas to determine how many healthcare providers are accepting new patients under TRICARE Standard in each market area. The surveys will be conducted in at least 40 TRICARE geographic areas in the United States each fiscal year through and including fiscal year 2011. Representatives of TRICARE beneficiaries and selected provider groups will be consulted to identify potential locations.

In addition, section 702 of the FY 2008 National Defense Authorization Act (NDAA) requires the Department to conduct annual surveys of beneficiary access experience and the availability to access civilian providers under TRICARE Standard and Extra program through FY 2011. These issues address the interests of Congress in reconciliation of responses of providers and beneficiaries who use TRICARE.

Surveys of civilian healthcare providers (M.D.s and D.O.s) and beneficiaries eligible for TRICARE Standard/Extra care will be conducted in at least 40 TRICARE Prime service areas each year. The objective of this effort is to determine if TRICARE beneficiaries have difficulty in finding health care providers willing to provide services under Standard or Extra, and the extent to which providers in the area participate in Standard/Extra.

Dated: November 15, 2007.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 07–5858 Filed 11–28–07; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket No. DOD–2007–OS–0128]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense (Personnel and Readiness), DoD.

ACTION: Notice.

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Under Secretary of Defense (Personnel and Readiness) announces the following proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by January 28, 2008.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

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

• *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301–1160.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instructions, please write to the Office of the Under Secretary of Defense (Personnel and Readiness), Defense Manpower Data Center, *Attn:* LCDR Shenae Morrow, 400 Gigling Road, Seaside, CA 93955.

Title and OMB Control Number: Application for Department of Defense Access Card—Defense Biometric Identification System (DBIDS) Enrollment; OMB Control Number 0704–TBD.

Needs and Uses: This information collection requirement is needed to obtain the necessary data to verify eligibility for a Department of Defense physical access card for personnel who are not entitled to a Common Access Card or other approved DoD identification card. The information is used to establish eligibility for the physical access to a DoD installation or facility, detect fraudulent identification cards, provide physical access and population demographic reports, provide law enforcement data, and in some cases provide anti-terrorism screening.

Affected Public: Individuals or households.

Annual Burden Hours: 50,000.

Number of Respondents: 300,000.

Responses per Respondent: 1.

Average Burden per Response: 10 minutes.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

DoD Directive 1000.25 *DoD Personnel Identity Protection (PIP) Program*, July 2004, establishes policy for the implementation and operation of the PIP Program, to include use of DoD identity credentials and operation of the Defense Biometric Identification System (DBIDS). The DBIDS is a force protection tool of the law enforcement community, utilizing a centralized, rules-based, identity management and access verification system. Consistent with guidance contained in DoD Regulation 5200.08, *Physical Security Program*, April 2007, DBIDS will produce an identification card that will aid security personnel in identifying, controlling, and accounting for non-DoD personnel entering military installations.

Dated: November 15, 2007.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 07–5859 Filed 11–28–07; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket No. DOD–2007–OS–0129]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense (Personnel and Readiness), DoD.

ACTION: Notice.

In compliance with section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995,* the Office of the Under Secretary of Defense (Personnel

and Readiness) announces the following proposed extension of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by January 28, 2008.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

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

• *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301–1160.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Department of Defense Education Activity, *Attn:* Dr. Sandra D. Embler, 4040 North Fairfax Drive, Arlington, VA 22203–1635, or call at (703) 588–3175.

Title and OMB Control Number: Department of Defense Educational Activity (DoDEA) Customer Satisfaction Survey for Sponsors and Students, OMB Control Number 0704–0421.

Needs and Uses: The Department of Defense Education Activity (DoDEA) Customer Satisfaction Survey for Sponsors and Students is a tool used to measure the satisfaction level of sponsors and students with the programs and services provided by DoDEA. This collection is necessary to meet the Government Performance and Results Act of 1993, Public Law 103–62; 107 Stat. 285, that requires agencies to have strategic plans and to consult with affected persons. A major purpose of the regulation is to improve Federal program effectiveness and public accountability by promoting a new focus on results, service quality, and customer satisfaction.

Affected Public: Individuals or households.

Annual Burden Hours: 2,167.

Number of Respondents: 6,500.

Responses per Respondent: 1.

Average Burden per Response: 20 minutes.

Frequency: Biennially.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

The Department of Defense Education Activity (DoDEA) Customer Satisfaction Survey for Sponsors and Students will be administered to DoDEA students in grades 4–12, and to all parents and/or sponsors of DoDEA students. Participating in the survey is completely voluntary and will be administered through an online, Web-based technology. In order to have comparison between DoDEA parents and parents of students in U.S. public schools, some survey questions from the Phi Delta Kappa/Gallup Poll of the Public's Attitudes Toward Schools will be used. Additional survey questions were developed to address specific issues and needs within DoDEA. The surveys will give parents/sponsors and students an opportunity to comment on their overall levels of satisfaction with DoDEA schools, as well as on specific programmatic issues related to Department of Defense schools, including curriculum, communication, and technology. The surveys will be administered biennially.

The information derived from these surveys will be used to improve planning efforts at all levels throughout DoDEA. Schools, districts, and areas will use the survey results to gain insight into the satisfaction levels of sponsors and students, which is one of many measures used for future planning of programs and services offered to DoDEA's students. The survey results will also be used as an outcome measure to monitor progress on the goals of the DoDEA Community Strategic Plan.

Dated: November 15, 2007.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 07–5860 Filed 11–28–07; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Office of the Secretary

[DOD–2007–OS–0126]

U.S. Court of Appeals for the Armed Forces Proposed Rules Changes

ACTION: Notice of proposed changes to the Rules of Practice and Procedure of the United States Court of Appeals for the Armed Forces.

SUMMARY: This notice announces the following proposed changes to Rule 27(b), 30(e), and 36(A) of the Rules of Practice and Procedure, United States Court of Appeals for the Armed Forces for public notice and comment. New language is in bold print. Language to be deleted is marked by a strikethrough.

DATES: Comments on the proposed changes must be received within 30 days of this notice.

ADDRESSES: You may submit comments, identified by docket number and/or RIN number and title, by any of the following methods:

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

Mail: Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301–1160.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this **Federal Register** document. The general policy for comments and other submissions is to make them available for public viewing on the Internet at *http://regulations.gov* as they are received without change, including personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: William A. DeCicco, Clerk of the Court, telephone (202) 761–1448.

Dated: November 21, 2007.

L.M. Bynum,

Alternate OSD Federal Liaison Officer, DoD.

BILLING CODE 5001–06–M

PROPOSED CHANGE TO RULE 27(b)

EXTRAORDINARY RELIEF

RULE 27. PETITION FOR EXTRAORDINARY RELIEF, WRIT-APPEAL PETITION, ANSWER, AND REPLY

(a) Unchanged.

(b) Writ-appeal petition, answer, and reply. A writ-appeal petition for review of a decision by a Court of Criminal Appeals acting on a petition for extraordinary relief shall be filed by an appellant, together with any available record, including the items specified by subsection (a)(2)(C), within the time prescribed by Rule 19(e), **shall conform in length to Rule 24(b),** shall be accompanied by proof of service on the appellee in accordance with Rule 32, and shall contain the information required by subsection (a)(2)(B).

PROPOSED CHANGE TO RULE 30(e)

RULE 30. MOTIONS

(a)-(d) Unchanged.

(e) Once a notice of hearing has been given to counsel for the parties, motions may not be filed within 5 ~~working~~ **business** days prior to the date on which such hearing is scheduled, except by leave of the Court and for good cause shown.

PROPOSED CHANGE TO RULE 36A

RULE 36A. CITATIONS TO SUPPLEMENTAL AUTHORITIES

If pertinent and significant authorities come to a party's attention after such party has filed a pleading allowed under these Rules, or after oral argument but before a final decision, the party may promptly advise the Clerk by letter, with a copy to all parties, setting forth the citations. The letter must state **why the supplemental citations are pertinent and significant,** ~~without argument, the reasons for each supplemental citation,~~ referring either to the page of the earlier filed pleading or to a point argued orally. ~~to which the citation is pertinent.~~ **The body of the letter must not exceed 350 words, and copies of the supplemental authorities referenced in the letter shall be attached to the original and each copy of the letter.** Any response by other parties must be made promptly and must be similarly limited. See Rule 37(b)(2).

If the letter or the response is to be submitted less than 5 business days prior to oral argument, submission and service shall be by overnight mail delivery or by more expeditious means to allow the Court and all parties adequate time to consider the authorities cited before oral argument.

Comments:

Current Rule 27(b) regarding writ-appeal petitions does not contain a page limit. The proposed change amends this oversight.

The recommendation to change Rule 30(e) would modify the word "working" to "business" days for consistency with new Rule 36A.

Current Rule 36A provides for the citation of supplemental authority by letter both before and after oral argument. The letter must explain why the citations are being provided "without argument" and identify the page of the brief or the point argued orally to which the supplemental citation refers. Opposing counsel may respond, but is similarly limited. The current rule is comparable to Federal Rule of Appellate Procedure 28(j) as it existed prior to being amended in 2002. The amended rule, like the current version of Rule 28(j), allows counsel a limit of 350 words to state the reasons why the cases are being cited as supplemental authorities. It also removes the restriction in the current rule that prohibited counsel from including argument in the letter. The prohibition was dropped because the line between a statement explaining the reasons for the filing "without argument" and a comparable statement "with argument" is, for practical purposes, non-existent. The requirement that counsel identify why the supplemental authority is "pertinent and significant" is a better formulation that may eliminate marginal or ill-advised filings. By limiting the response to 350 words, there is little chance that the Rule 36A letter will become a vehicle for unauthorized supplemental briefing.

The amended rule adds three requirements that are not in the Federal Rules of Appellate Procedure: 1) the proposed rule specifically directs counsel to use the 350 words to explain why the supplemental authorities are pertinent and significant; 2) counsel is required to attach a copy of each authority to the letter and all copies; and 3) when filing the letter less than 5 business days before oral argument, the letter must be transmitted to counsel by overnight mail or more expeditiously to allow for appropriate consideration.

[FR Doc. 07–5857 Filed 11–28–07; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF EDUCATION

Arbitration Panel Decision Under the Randolph-Sheppard Act

AGENCY: Department of Education.

ACTION: Notice of arbitration panel decision under the Randolph-Sheppard Act.

SUMMARY: The Department of Education (Department) gives notice that on July 18, 2007, an arbitration panel rendered a decision in the matter of *Frank Malone*

v. *Ohio Rehabilitation Services Commission, Bureau of Services for the Blind (Case No. R–S/04–8).* This panel was convened by the Department under 20 U.S.C. 107d–1(a), after the Department received a complaint filed by the petitioner, Frank Malone.

FOR FURTHER INFORMATION CONTACT: You may obtain a copy of the full text of the arbitration panel decision from Suzette E. Haynes, U.S. Department of Education, 400 Maryland Avenue, SW., Room 5022, Potomac Center Plaza, Washington, DC 20202–2800. Telephone: (202) 245–7374. If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

SUPPLEMENTARY INFORMATION: Under section 6(c) of the Randolph-Sheppard Act (the Act), 20 U.S.C. 107d–2(c), the Secretary publishes in the **Federal Register** a synopsis of each arbitration panel decision affecting the administration of vending facilities on Federal and other property.

Background

Frank Malone (Complainant) alleged violations by the Ohio Rehabilitation Services, Bureau of Services for the Blind, the State Licensing Agency (SLA), regarding the Act, the implementing regulations in 34 CFR part 395, and State rules and regulations. Specifically, Complainant alleged that these violations led to his resignation as manager of the cafeteria at the Verne Riffe Center for Government and the Arts (Riffe Center) in Columbus, Ohio.

Additionally, Complainant alleged that the SLA improperly administered the Randolph-Sheppard Vending Program with respect to the SLA's rules and regulations concerning rent payments owed by him to the Ohio Building Authority (OBA), and the SLA's alleged failure to maximize Complainant's cafeteria facility, thus limiting his vocational potential.

Summary

Complainant filed a grievance against the SLA on this matter. A hearing on the grievance was held on August 20, 21, 22, and 26, 2003. Complainant's grievance was denied. On October 14, 2003, the hearing officer sustained the SLA's decision concerning the revocation of Complainant's vending license and ordered that the SLA collect from Complainant all monies due regarding outstanding rent payments to OBA. On November 19, 2003, the SLA adopted the hearing officer's order as final agency action. Complainant sought review by a Federal arbitration panel of that decision.

Arbitration Panel Decision

After reviewing all of the records and hearing testimony of witnesses, the panel ruled that the SLA failed in its responsibilities toward Complainant in violation of the Act, implementing regulations, and State rules and regulations. Specifically, the panel directed the SLA to restore Complainant's vending operator's license and reinstate him in the Business Enterprise program with full seniority.

Further, the panel concluded that Complainant had been deprived of employment as a licensed vendor for four years, in part as a result of the SLA's omissions. Therefore, the panel also directed the SLA to offer Complainant the first available vending facility consistent with his ability and comparable in size, responsibility, and income potential as that of his previous assignment at the Riffe Center cafeteria facility.

Additionally, the panel awarded Complainant damages in the amount of $93,202.01 for lost profits that he would have earned at the Riffe Center cafeteria facility less the amount of rent payments owed by Complainant to the SLA in the amount of $19,254.30. The total amount of the damage award to be paid by the SLA to Complainant is $73,947.71. The panel also found insufficient evidence to award further damages based upon Complainant's claim that he was entitled to an ATM machine and to have a priority for catering.

The views and opinions expressed by the panel do not necessarily represent the views and opinions of the Department.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister.*

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Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Dated: November 26, 2007.

William W. Knudsen,

Deputy Assistant, Secretary for Special Education and Rehabilitative Services.

[FR Doc. E7–23153 Filed 11–28–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL05–72–004]

Dynegy Midwest Generation, Inc.; Notice of Filing

November 21, 2007.

Take notice that on November 13, 2007, Dynegy Midwest Generation, Inc. filed its Reactive Supply and Voltage Control from Generation Sources Service rate schedule in compliance of the Commission Order issued October 12, 2007, Initial Decision, *Dynegy Midwest Generation, Inc.*, Opinion No. 498, 121 FERC ¶ 61,025 (2007).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the

Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on December 4, 2007.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–23150 Filed 11–28–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL08–12–000]

PJM Industrial Customer Coalition, Complainant v. PJM Interconnection, L.L.C., Respondent; Notice of Complaint Filing

November 21, 2007.

Take notice that on November 20, 2007, pursuant to section 206 of the Federal Power Act, 16 U.S.C. 824e, and Rule 206 of the Rules of Practice and Procedure, 18 CFR 385.206, PJM Industrial Customer Coalition (Complainant) filed a formal complaint against PJM Interconnection, L.L.C. (Respondent) alleging that certain provisions in the Respondent's tariff, that would ''sunset'' the existing payments for customer curtailment when locational marginal pricing exceeds a particular threshold, currently $75/MWh, are unjust and unreasonable.

The Complainant has requested fast track processing.

The Complainant states that a copy of the complaint has been served on all potentially affected parties.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on December 6, 2007.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–23149 Filed 11–28–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL08–11–000]

TransCanada Power Marketing Ltd., Complainant v. ISO New England Inc., Respondent; Notice of Complaint Filing

November 21, 2007.

Take notice that on November 19, 2007, pursuant to sections 206 and 306 of the Federal Power Act, 16 U.S.C. 824e and 825e, and Rule 206 of the Rules of Practice and Procedure, 18 CFR 385.206, TransCanada Power Marketing Ltd. (Complainant) filed a formal complaint against ISO New England Inc. (Respondent) alleging that the Respondent de-list a portion of the Complainant's capacity, making that capacity ineligible to participate in the first Forward Capacity Auction (FCA) in the Forward Capacity Market (FCM) in contradiction of the rules that the Commission approved for qualifying capacity for the FCA for New England in *Devon Power LLC*, 115 FERC ¶ 61,340, *order on reh'g*, 117 FER ¶ 61,133 (2006). The Complainant is requesting the Commission to order the Respondent to accept the Complainant's composite designation of 6.222 MW of qualified capacity as a Self-Supplied FCA Resource for participation in the first Forward Capacity Auction conducted in furtherance of the FCM that has been established for New England.

The Complainant has requested fast track processing.

The Complainant states that a copy of the complaint has been served on the Respondent.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on December 3, 2007.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–23148 Filed 11–28–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No.: 2801–027]

Littleville Power Company, Inc.; Notice of Application Tendered for Filing With the Commission, Soliciting Additional Study Requests, and Establishing Procedual Schedule for Licensing and Deadline for Submission of Final Amendments

November 21, 2007.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent Minor License.

b. *Project No.:* 2801–027.

c. *Date Filed:* October 31, 2007.

d. *Applicant:* Littleville Power Company, Inc.

e. *Name of Project:* Glendale Hydroelectric Project.

f. *Location:* On the Housatonic River in the Town of Stockbridge, Berkshire County, Massachusetts. The project does not affect Federal lands.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Kevin M. Webb, Environmental Affairs Coordinator, Littleville Power Company, Inc., One Tech Drive, Suite 220, Andover, MA 01810, (978) 681–1900 ext. 809, *kevin.webb@northamerica.enel.it.*

i. *FERC Contact:* Kristen Murphy, (202) 502–6236 or *kristen.murphy@ferc.gov*.

j. *Cooperating agencies:* We are asking Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the environmental document. Agencies who would like to request cooperating status should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See*, 94 FERC ¶ 61,076 (2001).

k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. Deadline for filing additional study requests and requests for cooperating agency status: December 30, 2007.

All documents (original and eight copies) should be filed with: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

Additional study requests and requests for cooperating agency status may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''eFiling'' link.

m. This application is not ready for environmental analysis at this time.

n. *The existing Glendale Project consists of:* (1) A 250-foot-long, 30-foot-high gravity dam with a 182-foot-long spillway; (2) a 23-acre reservoir; (3) two manually-operated 10 by 10-foot intake gates; (4) a 1,500-foot-long, 40-foot-wide intake canal; (5) a forebay structure and a 250-foot-long, 12-foot-diameter steel penstock; (6) a powerhouse with four turbines with a combined installed capacity of 1,140-kilowatts; (7) a 300-foot-long tailrace channel; (8) a step-up transformer and 13.8 kV transmission line; and (9) appurtenant facilities.

The applicant proposes to install a new 165-kW turbine that would pass a minimum flow into the bypassed channel. The applicant estimates that the total average annual generation, with the proposed additional turbine, would be 5,800 megawatthours. The applicant proposes to continue to operate the project in run-of-river mode with an increase in minimum flow in the bypass reach from 10 cfs to 90 cfs or inflow, whichever is less. The purpose of the project is to produce electrical power for sale to the Groton, MA Municipal Light Department.

o. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

p. With this notice, we are initiating consultation with the Massachusetts State Historic Preservation Officer (SHPO), as required by § 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36, CFR, at 800.4.

q. *Procedural schedule and final amendments:* The application will be processed according to the following Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate. The Commission staff proposes to issue one environmental assessment rather than issue a draft and final EA. Comments, terms and conditions, recommendations, prescriptions, and reply comments, if any, will be addressed in an EA. Staff intents to give at least 30 days for entities to comment on the EA, and will take into consideration all comments received on the EA before final action is taken on the license application.

Issue Acceptance letter/ Additional: Information Requests	January 2008.
Issue Scoping Document	February 2008.
Additional Information Response due.	April 2008.
Notice of application is ready for environmental analysis.	May 2008.
Comments, recommendations, prescriptions due.	July 2008.
Notice of availability of the EA.	January 2009.

Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–23147 Filed 11–28–07; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8499–9; Docket ID No. EPA–HQ–ORD–2007–0971]

An Exploratory Study: Assessment of Modeled Dioxin Exposure in Ceramic Art Studios

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Peer-Review Workshop.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is announcing an external peer-review workshop to

review the external review draft document titled, ''An Exploratory Study: Assessment of Modeled Dioxin Exposure in Ceramic Art Studios'' (EPA/600/R–06/044A). The draft document was prepared by the National Center for Environmental Assessment (NCEA) within EPA's Office of Research and Development. The purpose of this report is to describe an exploratory investigation of potential dioxin exposures to artists/hobbyists who use ball clay to make pottery and related products. Dermal, inhalation and ingestion exposures to clay were measured at the ceramics art department of Ohio State University in Columbus, OH. Estimates of exposure were made based on measured levels of clay in the studio air, deposited on surrogate food samples and on the skin of artists. EPA is releasing this draft document solely for the purpose of pre-dissemination peer review under applicable information quality guidelines. This document has not been formally disseminated by EPA. It does not represent and should not be construed to represent any Agency policy or determination.

On October 4, 2007, EPA announced a 45-day public comment period on the draft document (72 FR 56756). The public comment period has closed as of November 19, 2007. The public comment period and the external peer-review panel workshop are separate processes that provide opportunities for all interested parties to comment on the document. All public comments submitted have been forwarded to EPA's contractor, Eastern Research Group, Inc. (ERG), and provided to the external peer-review panel members prior to the workshop for consideration during discussions at the workshop.

In preparing a final report, EPA will consider the public comments submitted to EPA's docket during the public comment period, and the comments and, recommendations from the external peer-review workshop, including any oral public comments made at the workshop.

DATES: The peer-review panel workshop will begin on Wednesday, January 16, 2008, at approximately 9 a.m. and end at 5 p.m. Members of the public may attend the peer-review panel workshop. Time will be set aside on the morning of January 16, 2008 for registered attendees who wish to make brief oral comments (for more information refer to the instructions for registration below).

ADDRESSES: Eastern Research Group (ERG), an EPA contractor for external scientific review, will convene an independent panel of experts and organize and conduct the peer-review workshop to review this draft document. The peer-review workshop will be held at the Navy League Building, 2300 Wilson Boulevard, Arlington, Virginia 22201.

Observers may attend the peer-review workshop through a registration process by calling ERG's conference line between the hours of 9 a.m. and 5:30 p.m. EST at (781) 674–7374 or toll free at (800) 803–2833, or by faxing a registration request to (781) 674–2906 (please reference the ''Dioxin/Cermics Peer-Review Panel Workshop'' and include full address and contact information) or by sending an e-mail to *Meetings@erg.com* (Subject line: Dioxin/Ceramics Peer-Review Panel Workshop; Body: include full address and contact information). Pre-registration is strongly recommended as space is limited, and registration will be accepted on a first-come, first-served basis. The deadline for pre-registration is Monday, January 7, 2008. If space allows, registrations will continue to be accepted after this date, including on-site registration. Time will be set aside to hear comments from observers, and individuals will be limited to a maximum of five minutes during the morning of the day of the workshop. When you register, please inform ERG that you wish to make comments during the comment period.

The draft document, ''An Exploratory Study: Assessment of Modeled Dioxin Exposure in Ceramic Art Studios,'' is available primarily via the Internet on the National Center for Environmental Assessment(s home page under the Recent Additions and the Data and Publications menus at *http://www.epa.gov/ncea.* A limited number of paper copies are available from the NCEA Information Management Team; telephone: 202–564–3261; facsimile: 202–565–0050.

If you are requesting a paper copy, please provide your name, mailing address, and the document title, ''An Exploratory Study: Assessment of Modeled Dioxin Exposure in Ceramic Art Studios''. Copies are not available from ERG and copies will not be available at the workshop.

FOR FURTHER INFORMATION CONTACT: Questions regarding information, registration, and logistics for the external peer-review workshop should be directed to Eastern Research Group, 110 Hartwell Avenue, Lexington, MA 02421–3136; telephone: (781) 674–7374 or toll free at (800) 803–2833; facsimile: (781) 674–2906; e-mail: *Meetings@erg.com.*

If you need technical information about the document, please contact John Schaum, National Center for Environmental Assessment (NCEA); telephone: 202–564–3237; facsimile: 202–565–0078; e-mail *schaum.john@epa.gov*.

Dated: November 21, 2007.

Peter W. Preuss,

Director, National Center for Environmental Assessment.

[FR Doc. E7–23158 Filed 11–28–07; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting Notice

AGENCY: Federal Election Commission.

DATES AND TIMES: Thursday, November 29, 2007, at 10 a.m.

PLACE: 999 E Street, NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

THE FOLLOWING ITEM HAS BEEN ADDED TO THE AGENDA: *Advisory Opinion 2007–30:* Chris Dodd for President, Inc., by Marc E. Elias, Esq.

PERSON TO CONTACT FOR INFORMATION: Mr. Robert Biersack, Press Officer, Telephone: (202) 694–1220.

Mary W. Dove,

Secretary of the Commission.

[FR Doc. 07–5892 Filed 11–27–07; 3:06 pm]

BILLING CODE 6715–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10054, CMS–R–118 and CMS–10246]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper

performance of the Agency's function; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Extension without change of a currently approved collection; *Title of Information Collection:* Recognition of payment for new technology services for New Technology ambulatory payment classification (APC) groups under the Outpatient Prospective Payment System and Supporting Regulations in 42 CFR part 419; *Use:* CMS needs to keep pace with emerging new technologies and make them accessible to Medicare beneficiaries in a timely manner. It is necessary that CMS continue to collect appropriate information from interested parties such as hospitals, medical device manufacturers, pharmaceutical companies and others that bring to CMS' attention specific services that they wish us to evaluate for New Technology APC payment. The information that CMS seeks to continue to collect is necessary to determine whether certain new services are eligible for payment in New Technology APCs, to determine appropriate coding and to set an appropriate payment rate for the new technology service. The intent of these provisions is to ensure timely beneficiary access to new and appropriate technologies. Interested parties such as hospitals, device manufacturers, pharmaceutical companies, and physicians use this information to apply for New Technology APC payments for certain services covered in the Outpatient Prospective Payment System. *Form Numbers:* CMS–10054 (OMB #: 0938–0860); *Frequency:* Reporting—Once; *Affected Public:* Business or other for-profits; *Number of Respondents:* 15; *Total Annual Responses:* 15; *Total Annual Hours:* 180.

2. *Type of Information Collection Request:* Reinstatement without change of a previously approved collection; *Title of Information Collection:* Quality Improvement (formerly Peer Review) Organization Contracts: Solicitation of Statements of Interest from In-State Organizations, General Notice and Supporting Regulations in 42 CFR, 475.102, 475.103, 475.104, 475.105, 475.106; *Use:* The criteria that an organization must satisfy in order to be eligible for a Medicare Quality Improvement Organization (QIO) contract are specified by law and set forth in sections 1152 and 1153 of the Social Security Act (the Act). In very basic terms, the applicant organization must demonstrate that it is either a physician-sponsored or physician-access organization. The qualifications for in-State status for an otherwise qualified QIO organization are also set forth in section 1153(i)(3) of the Act.

To comply with section 1153 of the Act, we must publish the solicitation of statements of interest from qualified in-State organizations no later than January 31, 2008. We wish to publish notice of contract expiration dates and the time periods during which interested, qualified organizations may submit statements of interest and proposals for these contracts substantially sooner than the January 2008 deadline, in order to give maximal notice and opportunity to all qualified and potentially interested organizations. We are soliciting information in the form of responses to our request for statements of interest from qualified in-State organizations who may wish to compete for the QIO contracts for their respective States. The responses should contain an indication of interest and information demonstrating the interested organizations' eligibility to qualify as a QIO under the requirements of sections 1152 and 1153 of the Act. *Form Number:* CMS–R–118 (OMB #: 0938–0526); *Frequency:* Reporting—On occasion; *Affected Public:* Business or other for-profit; *Number of Respondents:* 53; *Total Annual Responses:* 53; *Total Annual Hours:* 1.

3. *Type of Information Collection Request:* New collection; *Title of Information Collection:* Cost and Resource Utilization (CRU) Data Collection for the Medicare Post Acute Care Payment Reform Demonstration; *Use:* The CRU data collection is part of the Post-Acute Care Payment Reform Demonstration mandated by Section 5008 of the Deficit Reduction Act of 2005. This demonstration is intended to address problems with the current Medicare payment systems for post-acute care services, including those for Long Term Care Hospitals, Inpatient Rehabilitation Facilities, Skilled Nursing Facilities, and Home Health Agencies. Each of these four types of providers currently has a separate prospective payment system (PPS) with its own case-mix groups, payment units, and rates. Each case-mix grouper uses a unique set of items to measure patients, making it difficult to compare severity, costs, and outcomes across settings. These four provider types form a continuum of care where patients may overlap in terms of the conditions being treated, but they primarily differ in terms of the severity of the patients' medical or functional impairments. The current payment methods are designed as silos that do not recognize the potential overlap in case mix or the complimentary nature of the services across an episode, nor does it allow for standardized measures of costs across settings since each PPS was developed independently using different measurement systems and underlying assumptions.

The Post-Acute Care Payment Reform Demonstration will examine the relative costliness and outcomes of post acute cases admitted to different settings for similar conditions. The work will differ from past attempts in this area because it will use a standardized case mix tool for measuring patient severity and a standardized resource data collection tool in all four post acute settings. Specifically, the legislation requires that CMS provide information on both the fixed and variables costs for each individual treated in post acute care settings.

The CRU data collection instruments are designed to collect a provider's routine costs to specific patients because in general, nurses' and many other direct care providers' time spent on behalf of specific patients and on activities not patient-specific, is not reported. In addition, charges for therapist services reported on claims may not sufficiently measure true relative differences in therapy resource costs among patients. The data will be used, along with Medicare claims and cost report data, to examine substitution issues: how do costs and outcomes differ for post acute care patients with similar case mix acuity when treated in one of the various settings. The results will be used to provide CMS and the Congress information on setting-neutral payment models, revisions to single setting payment systems, current discharge placement patterns, and patient outcomes across settings.

Since the August 24, 2007, **Federal Register** notice (72 FR 48645), we have made minor changes to the CRU instrument in response to public comments and internal review. The changes are primarily wording changes and direction clarifications. These changes are not expected to impact the data collection burden. *Form Number:* CMS–10246 (OMB #: 0938–New); *Frequency:* Reporting and Recordkeeping; *Affected Public:* Private Sector—Business or other for-profits and not-for-profit institutions; *Number of Respondents:* 138; *Total Annual Responses:* 61,589; *Total Annual Hours:* 28,783.

To obtain copies of the supporting statement and any related forms for the

proposed paperwork collections referenced above, access CMS Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995*, or e-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov*, or call the Reports Clearance Office on (410) 786–1326.

To be assured consideration, comments and recommendations for the proposed information collections must be received by the OMB desk officer at the address below, no later than 5 p.m. on *December 31, 2007*.

OMB Human Resources and Housing Branch, *Attention:* Carolyn Lovett, New Executive Office Building, Room 10235, Washington, DC 20503, Fax Number: (202) 395–6974.

Dated: November 21, 2007.

Michelle Shortt,

Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. E7–23163 Filed 11–28–07; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services, HHS

[Document Identifier: CMS–10165, CMS–2552–96 and CMS–10008]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS) is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Electronic Health Record; *Use:* The purpose of this demonstration project is to reward the delivery of high-quality care supported by the adoption and use of electronic health records in small to medium-sized primary care physician practices. While this is separate and distinct from the Medicare Care Management Performance (MCMP) Demonstration, it expands upon the foundation created by the MCMP Demonstration, which was mandated by Section 649 of the Medicare Prescription Drug, Improvement and Modernization Act of 2003. The electronic health record demonstration will be operational for a 5-year period and will be operated under section 402 demonstration waiver authority. The information to be obtained as part of the application form is necessary to document basic information for physician practices that intend to participate in this demonstration initiative. *Form Number:* CMS–10165 (OMB#: 0938–0965); *Frequency:* Once; *Affected Public:* Private sector—Business or other for-profit; *Number of Respondents:* 2,400; *Total Annual Responses:* 2,400; *Total Annual Hours:* 520.

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Hospital and Health Care Complexes Cost Report and supporting Regulations in 42 CFR 413.20 and 413.24; *Use:* This Cost Report Form is filed annually by freestanding providers participating in the Medicare program to effect year end cost settlement for providing services to Medicare beneficiaries. The CMS–2552–96 cost report is needed to determine the amount of reimbursable cost, based upon the cost limits, that is due these providers furnishing medical services to Medicare beneficiaries. *Form Number:* CMS–2552–96 (OMB #: 0938–0050); *Frequency:* Yearly; *Affected Public:* Private sector—Business or other for-profit and Not-for-profit institutions; *Number of Respondents:* 6,175; *Total Annual Responses:* 6,175; *Total Annual Hours:* 4,090,474.

3. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Process and Information Required to Determine Eligibility of Drugs, Biologicals, and Radiopharmaceutical Agents for Transitional Pass-Through Status Under the Hospital Outpatient Prospective Payment System (OPPS); *Use:* Section 1833(t)(6) of the Social Security Act provides for temporary additional payments or ''transitional pass-through payments'' for certain drugs and biological agents. Interested parties such as hospitals, pharmaceutical companies, and physicians can apply for transitional pass-through payment for drugs and biologicals used with services covered under the OPPS. CMS uses this information to determine if the criteria for making a transitional pass-through payment are met and if an interim Healthcare Common Procedure Coding System (HCPCS) code for a new drug or biological is necessary. *Form Number:* CMS–10008 (OMB #: 0938–0802); *Frequency:* Once; *Affected Public:* Private sector—Business or other for-profit; *Number of Respondents:* 10; *Total Annual Responses:* 10; *Total Annual Hours:* 160.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995*, or e-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov*, or call the Reports Clearance Office on (410) 786–1326.

To be assured consideration, comments and recommendations for the proposed information collections must be received at the address below, no later than 5 p.m. on *January 28, 2008*.

CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development—C, *Attention:* Bonnie L Harkless, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: November 21, 2007.

Michelle Shortt,

Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. E7–23164 Filed 11–28–07; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Gastrointestinal Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Gastrointestinal Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on January 23, 2008, from 8 a.m. to 5 p.m.

Location: Hilton Washington DC/Silver Spring, Maryland Ballroom, 8727 Colesville Rd., Silver Spring, MD, 301–589–5200.

Contact Person: Mimi Phan, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane (for express delivery, 5630 Fishers Lane, rm. 1093), Rockville, MD 20857, 301–827–7001, FAX: 301–827–6776, e-mail: *Mimi.Phan@fda.hhs.gov*, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 3014512538. Please call the Information Line for up-to-date information on this meeting. A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the agency's Web site and call the appropriate advisory committee hot line/phone line to learn about possible modifications before coming to the meeting.

Agenda: The committee will discuss the safety and efficacy of new drug application (NDA) 21–775, ENTEREG (alvimopan), Adolor Corp., for the proposed indication of acceleration of time to upper and lower gastrointestinal recovery following partial large or small bowel resection surgery with primary anastomosis.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/ohrms/dockets/ac/acmenu.htm*, click on the year 2008 and scroll down to the appropriate advisory committee link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before January 8, 2008. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Those desiring to make formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before January 2, 2008. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonable accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by January 3, 2008.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Mimi Phan at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/oc/advisory/default.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: November 26, 2007.

Randall W. Lutter,

Deputy Commissioner for Policy.

[FR Doc. E7–23177 Filed 11–28–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–200–1430–FR; COC–64330]

Notice of Realty Action: Recreation and Public Purposes (R&PP) Act Classification; Logan County, CO

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The following public land parcel in Logan County, Colorado, has been examined and found suitable for classification for conveyance to the Colorado Division of Wildlife under the provision of the Recreation and Public Purposes Act, as amended, 43 U.S.C. 869 *et seq.*, and under sec. 7 of the Taylor Grazing Act, 43 U.S.C. 315f, and E.O. 6910.

Sixth Principal Meridian, Colorado

T. 7 N., R. 53 W.,
Sec. 26, NE¼SE¼.

The area described contains 40 acres in Logan County.

The Colorado Division of Wildlife (CDOW) has not applied for more than the 6,400 acre limitation for recreation uses in a year.

The CDOW has submitted a statement in compliance with the regulations at 43 CFR 2741.4(b). The CDOW proposes to use the land as an addition to its existing Overland State Wildlife Park. The CDOW has not requested more land than is needed for their development and management plans.

DATES: Comments as to the proposed classification and conveyance application must be received by BLM for a period of 45 days from the date of publication of this notice in the **Federal Register**.

ADDRESSES: Detailed information, including but not limited to, a proposed development plan and documentation relating to compliance with applicable environmental and cultural resources laws is available for review at the Royal Gorge Field Office, Bureau of Land Management, 3170 East Main Street, Canon City, Colorado 81212.

FOR FURTHER INFORMATION CONTACT: Debbie Bellew, Realty Specialist, at (719) 269–8514 or *dbellew@co.blm.gov.*

SUPPLEMENTARY INFORMATION: The CDOW has filed a petition-application under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*) for classification and conveyance. The land is not needed for any Federal purposes and has been identified for disposal in the Northeast Colorado Resource Management Plan (September 1986). Conveyance of the land for recreational or public purposes is consistent with current BLM land use planning and would complement the CDOW's outdoor recreation program and would be in the public interest.

All interested parties will receive a copy of this notice once it is published in the **Federal Register**. The notice will be published in a newspaper of local circulation for three consecutive weeks. The regulations do not require a public meeting.

Upon publication of this notice in the **Federal Register** the parcel will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for conveyance under the

Recreation and Public Purposes Act and leasing under the mineral leasing laws.

The conveyance of the land, when issued, will be subject to the following terms, conditions and reservations:

1. A reservation to the United States for ditches and canals constructed by the authority of the United States Act of August 30, 1890 (43 U.S.C. 945).

2. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.

3. All mineral deposits in the parcel shall be reserved to the United States together with the right to prospect for, mine and remove the minerals.

4. All valid existing rights documented on the official public land records at the time of patent issuance.

5. Pursuant to the authority contained in Section 3(d) of Executive Order 11988 of May 24, 1977 (42 FR 26951) and the Recreation and Public Purposes Act of 1926 as amended, 43 U.S.C. 869 *et seq.*, the patent will be subject to a restriction which constitutes a covenant running with the land, that the land, which is within the floodplain of the South Platte River, may be used only for non-intensive open space recreation.

6. Indemnification Term: The patentee, by accepting the patent, covenants and agrees to indemnify, defend, and hold the United States harmless from any costs, damages, claims, causes of action, penalties, fines, liabilities, and judgments of any kind arising from the past, present, or future acts or omissions of the patentee, its employees, agents, contractor, or lessees, or any third party, arising out of, or in connection with, the patentee's use, occupancy or operations on the patented real property. This indemnification and hold harmless agreement includes, but is not limited to, acts and omissions of the patentee and its employees, agents, contractors or lessees, or any third party, arising out of or in connection with the use and/or occupancy of the patented real property which has already resulted or does hereafter result in: (1) Violations of Federal, State and local laws and regulations that are now, or may in the future, become applicable to the real property; (2) Judgments, claims, or demands of any kind assessed against the United States; (3) Costs, expenses, or damages of any kind incurred by the United States; (4) Releases or threatened releases of solid or hazardous waste(s) and/or hazardous substance(s) as defined by Federal or State environmental laws, off, on, into, or under land, property, and other interests of the United States; (5) Activities by which solids or hazardous substances or wastes, as defined by Federal and State environmental laws are generated, released, stored, used, or otherwise disposed of on the patented real property, and any cleanup response, remedial action, or other actions related in any manner to said solid or hazardous substance(s) or waste(s); or (6) natural resource damages as defined by Federal and State law. This covenant shall be construed as running with the patented real property and may be enforced by the United States in a court of competent jurisdiction.

7. CERCLA Term: ''Pursuant to the requirements established by section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9620(h)) (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1988, (100 Stat. 1670), notice is hereby given that the above-described parcel has been examined and no evidence was found to indicate that any hazardous substances have been stored for one year or more, nor had any hazardous substances been disposed of or released on the subject property.''

Classification Comments: Interested persons may submit comments involving the suitability of the land for development as a recreational area to include: a graveled parking lot, boundary fencing, informational signs, food plots (.5–1.5 ac), hunter access paths and flushing strips. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments: Interested persons may submit comments, including notification of any encumbrances or other claim relating to the parcel, and regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factors not directly related to the suitability of the land for recreational use and development. Any adverse comments will be reviewed by the BLM State Director, Colorado. In the absence of any adverse comments, this realty action will become effective 60 days after publication of this Notice of Realty Action in the **Federal Register**. The land will not be offered for conveyance until after the classification becomes effective. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, be advised that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so. If you wish to have your name or address withheld from public disclosure under the Freedom of Information Act, you must state it prominently at the beginning of your comments. Any determination by the BLM to release or withhold the names and/or addresses of those who comment will be made on a case-by-case basis. Such requests will be honored to the extent allowed by law. BLM will make available for public review, in their entirety, all comments submitted by businesses or organizations, including comments by individuals in their capacity as an official or representative of an organization or business.

(Authority: 43 Code of Federal Regulations (CFR) 2741.5)

Roy L. Masinton,

Field Manager, Royal Gorge Field Office.

[FR Doc. E7–23120 Filed 11–28–07; 8:45 am]

BILLING CODE 4310–JB–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–07–027]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: December 6, 2007 at 11 a.m.

PLACE: Room 101, 500 E Street, SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meetings: None.
2. Minutes.
3. Ratification List.
4. Inv. No. 731–TA–1135 (Preliminary) (Sodium Metal from France)—briefing and vote. (The Commission is currently scheduled to transmit its determination to the Secretary of Commerce on or before December 7, 2007; Commissioners' opinions are currently scheduled to be transmitted to the Secretary of Commerce on or before December 14, 2007.)
5. Outstanding action jackets:

1. Document GC–07–225 (Administrative matter).

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: November 26, 2007.

William R. Bishop,

Hearings and Meetings Coordinator.

[FR Doc. E7–23181 Filed 11–28–07; 8:45 am]

BILLING CODE 7020–02–P

NATIONAL SCIENCE FOUNDATION

National Science Board; Sunshine Act Meetings

The National Science Board, pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of meetings for the transaction of National Science Board business and other matters specified, as follows:

AGENCY HOLDING MEETING: National Science Foundation; National Science Board.

DATE AND TIME: Wednesday, December 5, 2007, at 8:30 a.m.; and Thursday, December 6, 2007 at 8:30 a.m.

PLACE: National Science Foundation, 4201 Wilson Blvd., Room 1235, Arlington, VA 22230. All visitors must report to the NSF visitor desk at the 9th and N. Stuart Streets entrance to receive a visitor's badge.

STATUS: Some portions open, some portions closed

Open Sessions

December 5, 2007

8:30 a.m.–9 a.m.
9 a.m.–9:30 a.m.
9:30 a.m.–11 a.m.
11:30 a.m.–noon
1:30 p.m.–3:30 p.m.
5 p.m.–5:15 p.m.

December 6, 2007

8:30 a.m.–9 a.m.
9 a.m.–10 a.m.
10 a.m.–10:45 a.m.
11 a.m.–noon
1:30 p.m.–2:30 p.m.

Closed Sessions

December 5, 2007

11 a.m.–11:30 a.m.
3:30 p.m.–5 p.m.

December 6, 2007

10:45 a.m.–11 a.m.
1 p.m.–1:05 p.m.

1:05 p.m.–1:30 p.m.

AGENCY CONTACT: Dr. Robert E. Webber, *rwebber@nsf.gov,* (703) 292–7000, *http://www.nsf.gov/nsb/.*

MATTERS TO BE DISCUSSED:

Wednesday, December 5, 2007

CPP Subcommittee on Polar Issues

Open Session: 8:30 a.m.–9 a.m.

- Approval of October Minutes.
- SOPI Chairman's Remarks.
- OPP Director's Report.
- Reports from Antarctica.

CPP Task Force on Sustainable Energy

Open Session: 9 a.m.–9:30 a.m.

- Task Force Co-Chairmen's Remarks.
- Discussion of the Sustainable Energy Background Paper.
- Discussion of the First Task Force Workshop.

Audit and Oversight Committee

Open Session: 9:30 a.m.–11a.m.

- Approval of Minutes of the October 2, 2007 Meeting.
- Committee Chairman's Opening Remarks.
- Chief Financial Officer's Update.
- Annual Financial Report.
- Report by NSF Advisory Committee on GPRA Performance Assessment.
- NSF Human Capital Management Update.
- Audit of NSF Practices to Oversee and Manage Its Research Center Programs.
- Committee Chairman's Closing Remarks.

Closed Session: 11 a.m.–11:30 a.m.

- Pending Investigations.

CPP Task Force on International Science

Open Session: 11:30 a.m.–12 p.m.

- Approval of Minutes for October 2007 Meeting.
- Task Force Chairman's Remarks.
- Review of Public Comments.
- Discussion of the Draft Task Force Report on International Science and Engineering Partnerships.

Committee on Programs and Plans (CPP)

Open Session: 1:30 p.m.–3:30 p.m.

- Approval of Minutes.
- Committee Chairman's Remarks.
- *Status Reports:*
  - Task Force on Transformative Research.
  - Task Force on International Science.
  - Subcommittee on Polar Issues.
  - Task Force on Sustainable Energy.
- *Discussion Item:* Board Policy on Recompetition of NSF Awards.
- *Discussion Item:* Facilities Operations and Management.
- MREFC & Facilities Update.
- NSF Background Information Relevant to NSB Reporting Actions:
  - NSF Support for Interdisciplinary Research.
  - NSF Pilot Program of Grants for New Investigators.
- *NSB Information Item:* National Radio Astronomy Observatory (NRAO).
- *NSB Information Item:* National Ecological Observatory Network (NEON).
- *NSB Information Item:* Global Environment for Network Innovations (GENI).

Closed Session: 3:30 p.m.–5 p.m.

- *NSB Action Item*: Atacama Large Millimeter Array (ALMA).
- *NSB Action Item:* Plant Science Cyber Infrastructure Collaborative (PSCIC).
- *NSB Action Item:* National Ecological Observatory Network (NEON).

Executive Committee

Open Session: 5 p.m.–5:15 p.m.

- Approval of Minutes for August 2007.
- Executive Committee Chairman's Remarks.
- Updates or New Business from Committee Members.

Thursday, December 6, 2007

CSB Task Force on Cost Sharing

Open Session: 8:30 a.m.–9 a.m.

- Task Force Chairman's Remarks.
- Report on Cost Sharing Roundtable Discussions at the 2007 National NSF EPSCoR Meeting and the NSF ERC 2007 Annual Meeting.
- Discussion of Cost Sharing Roundtable Discussion at the NSF I/UCRC 2008 Annual Meeting.
- Discussion of the December 7, 2007 Cost Sharing Roundtable Discussion at NSF.
- Discussion of the Cost Sharing Survey.
- Discussion of Task Force Timetable and Next Steps after February Delivery of Board. Report on Cost Sharing to Congress.

EHR Subcommittee on Science and Engineering Indicators

Open Session: 9 a.m.–10 a.m.

- Approval of October Minutes.
- Subcommittee Chairman's Remarks.
- Progress Report on *S&E Indicators* 2008.

• Update on *S&E Indicators* ''Digest.''
• *Science and Engineering Indicators* 2008 Companion Piece.
• *Science and Engineering Indicators* 2008 Rollout.
• *Science and Engineering Indicators* 2010.
• Presentation on Electronic ''Digest.''
• Subcommittee Chairman's Summary.

Committee on Strategy and Budget (CSB)

Open Session: 10 a.m.–10:45 a.m.

• Approval of CSB Minutes, October 3, 2007.
• Committee Chairman's Remarks.
• Recommendations on NSF Average Award Size, Duration, and Proposal Success Rate.
• Discussion of the Number of Proposal Submissions by a Single Institution or Principal Investigator.
• *Status Report:* CSB Task Force on Cost Sharing.

Closed Session: 10:45 a.m.–11a.m.

• Status of NSF FY 2009 Budget Request.

Committee on Education and Human Resources (EHR)

Open Session: 11a.m.–12 p.m.

• Approval of October 2007 Minutes.
• Committee Chairman's Remarks.
• Update on NSF Implementation of Board STEM Education Guidance.
• Status of Subcommittee on Science and Engineering Indicators.
• Discussion: Preparing the Next Generation of STEM Innovators.
• Board Executive Officer's Report.

Plenary Executive Closed

Closed Session: 1 p.m.–1:05 p.m.

• Approval of October 2007 Minutes.

Plenary Closed

Closed Session: 1:05 p.m.–1:30 p.m.

• Approval of October 2007 Minutes.
• Awards and Agreements.
• Closed Committee Reports.

Plenary Open

Open Session: 1:30 p.m.–2:30 p.m.

• Approval of October 2007 Minutes.
• Resolution to Close February 2008 Meeting.
• Chairman's Report.
• Director's Report.
• Open Committee Reports.

Michael P. Crosby,

Executive Officer and Board Office Director.

[FR Doc. E7–23174 Filed 11–28–07; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 030–04781]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment to Byproduct Materials License No. 21–00182–03, for Unrestricted Release of the Pharmacia & Upjohn Company's Facilities in Kalamazoo, MI

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of Environmental Assessment and Finding of No Significant Impact for License Amendment.

FOR FURTHER INFORMATION CONTACT: William Snell, 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) 829–9871; fax number: (630) 515–1259; or by e-mail at *wgs@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of a license amendment to Byproduct Materials License No. 21–00182–03. This license is held by Pharmacia & Upjohn Company, LLC (the Licensee), a subsidiary of Pfizer, Inc., and governs licensed activities at its 7000 Portage Road, Kalamazoo, Michigan site. Issuance of the amendment would authorize release of Building 172 and the adjoining North Tank Farm (the Facilities) for unrestricted use. Licensed activities will continue at other site locations.

The Licensee requested this action in a letter dated August 22, 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 August 22, 2007, license amendment request, resulting in release of the Facilities for unrestricted use. License No. 21–00182–03 was issued on April 24,1958, pursuant to 10 CFR part 30, and has been amended periodically since that time. This license authorizes the Licensee to use byproduct materials for activities involving research and development. Amendment 21 issued on July 31, 1984, authorized the incineration of licensed materials in Building 172. The principal types of waste burned in the incinerator in Building 172 included pathologic wastes, trash, returned pharmaceuticals, organic process residues, waste solvents and laboratory chemicals. Some of this incinerated waste was contaminated with low levels of radioactive materials.

The Facilities are situated on a 1728 acre pharmaceutical complex consisting of multiple chemical and compound manufacturing structures including offices and pharmaceutical manufacturing facilities. Building 172 is a one story building of about 8500 square feet that is 24 feet in height which contains the incinerator, operating controls, emissions controls, office areas, and waste receipt, transfer and shipping areas. The incinerator is a rotary kiln that is 12 feet long and 5½ feet in diameter with a secondary combustion chamber that is 19 feet long and about 8 feet in diameter. The adjoining North Farm Area consists of three 10,000 gallon steel and carbon tanks used to store liquids prior to incineration. The pharmaceutical complex is located in a mixed residential, agricultural and commercial area.

The licensee ceased using the 10,000 gallon tanks to receive or store radioactive liquids in 1996 and ceased using the incinerator in Building 172 in December 2006. A facility historical site assessment and scoping surveys were performed in January 2007, while demolition and final status surveys of the Facilities were initiated in June 2007. Based on the Licensee's historical knowledge of the site and the conditions of the Facilities, 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 Facilities in June and July 2007 and provided information to the NRC to demonstrate that they meet the criteria in Subpart E of 10 CFR part 20 for unrestricted release.

Need for the Proposed Action

The Licensee has ceased conducting licensed activities in the Facilities and seeks their unrestricted use.

Environmental Impacts of the Proposed Action

The historical review of the relevant licensed activities shows that such activities involved use of the following radionuclides with half-lives greater than 120 days: Hydrogen-3 and carbon-14. Prior to performing the final status survey, the Licensee conducted decontamination activities, as necessary, in the areas affected by these radionuclides.

The Licensee completed final status surveys in July 2007 covering all areas of the Facilities. The final status survey report was attached to the Licensee's amendment request dated August 22, 2007. The Licensee elected to demonstrate compliance with the radiological criteria for unrestricted release as specified in 10 CFR 20.1402 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 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 in Building 172 and the adjoining North Farm Area. 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 Facilities. 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 Facilities for unrestricted use is in compliance with 10 CFR 20.1402, including the impact of residual radioactivity at previously-released site locations of use. Based on its review, the staff considered the impact of the residual radioactivity from the Facilities 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 Building 172 and the adjoining North Farm Area meet 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 Michigan Department of Environmental Quality (DEQ) for review on October 31, 2007. On November 6, 2007, Mr. Bob Skowronek, Chief, Radioactive Materials Unit, with the Michigan DEQ, 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. The documents related to this action are listed below, along with their ADAMS accession numbers.

1. Dee L. Clement, Pfizer, Inc., letter to William Snell, U.S. Nuclear Regulatory Commission, Region III, dated August 22, 2007 (ADAMS Accession No. ML072360479);

2. NRC Inspection Report No. 030–04781/07–01(DNMS) (NRC Form 591M) dated June 29, 2007 (ADAMS Accession No. ML071840206);

3. Title 10 Code of Federal Regulations, Part 20, Subpart E, ''Radiological Criteria for License Termination;''

4. Title 10 Code of Federal Regulations, Part 51, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions;''

5. NUREG–1496, ''Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities;''

6. NUREG–1757, ''Consolidated NMSS Decommissioning Guidance.''

If you do not have access to ADAMS, or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov.* These documents may also be viewed electronically on the public computers located at the NRC's PDR, O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Lisle, Illinois, this 16th day of November 2007.

For the Nuclear Regulatory Commission.

Patrick L. Louden,

Chief, Decommissioning Branch, Division of Nuclear Materials Safety, Region III.

[FR Doc. E7–23159 Filed 11–28–07; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 030–34325]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact for Amendment of a Materials Permit in Accordance With Byproduct Materials License No. 03–23853–01va, for Unrestricted Release of a Department of Veterans Affairs' Facility in Coatesville, PA

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of Environmental Assessment and Finding of No Significant Impact for License Amendment.

FOR FURTHER INFORMATION CONTACT: William Snell, 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) 829–9871; fax number: (630) 515–1259; or by e-mail at *wgs@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering the amendment of a materials permit held under Master Byproduct Materials License No. 03–23853–01VA. The license is held by the Department of Veterans Affairs (the Licensee). The permit pertains to its VA Medical Center facility located at 1400 Black Horse Hill Road, Coatesville, Pennsylvania (the Facility). Issuance of the amendment would authorize release of the Facility's Building 11 for unrestricted use and termination of the permit. The Licensee requested this action in a letter dated June 28, 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 June 28, 2007, materials permit amendment request, resulting in release of Building 11 for unrestricted use. License No. 03–23853–01VA was issued on March 17, 2003, pursuant to 10 CFR Parts 30 and 35, and has been amended periodically since that time. This license authorizes the Licensee to use byproduct materials at Licensee facilities, as authorized by permits issued by the Licensee's National Radiation Safety Committee for: Medical use defined in 10 CFR part 35; research and development as defined in 10 CFR part 30; portable gauge use; and veterinary use.

Building 11 is a three-story brick building containing 65 rooms, is approximately 40 by 200 feet in size, and was used for research. The site is located in a semi-rural area of mixed residential and commercial land use. Between 1964 and 1996, the VA Medical Center in Coatesville possessed numerous Atomic Energy Commission and NRC licenses. Use of licensed materials at the Medical Center ceased in 1995, and the last of the licenses was terminated in 1996 and the site was released for unrestricted use. Following that action, 28 radioactive-labeled vials were found in Building 11. Accordingly, in February 2006, the Licensee issued a new permit authorizing the Facility to store these vials pending their disposal.

Based on the Licensee's historical knowledge of the site and the conditions of Building 11, the Licensee determined that only routine decontamination activities in accordance with NRC guidance were required to search for any other radioactive materials and conduct radiological surveys of Building 11. 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 Building 11 on February 2, April 6, September 28, and October 4, 2006, and on March 9, 2007, and provided information to the NRC to demonstrate that the proposed action will meet the criteria in Subpart E of 10 CFR part 20 for unrestricted release.

Need for the Proposed Action

The Licensee has ceased conducting licensed activities in Building 11, and seeks the unrestricted use of Building 11.

Environmental Impacts of the Proposed Action

The historical review of licensed activities conducted in Building 11 shows that such activities involved use of the following radionuclides with half-lives greater than 120 days: hydrogen-3 (H–3) and carbon-14 (C–14). Prior to performing the final status survey, the Licensee conducted decontamination activities, as necessary, in the areas of Building 11 affected by these radionuclides.

The Licensee completed final status surveys on Building 11 on March 9, 2007. The surveys covered all areas of Building 11. The final status survey report was attached to the Licensee's amendment request dated June 28, 2007. The Licensee elected to demonstrate compliance with the 10 CFR 20.1402 criteria for unrestricted release by using release criteria for building surfaces based on NRC Regulatory Guide 1.86, ''Termination of Operating Licenses for Reactors.'' The criterion used is 5×10^3 disintegrations per minute per 100 square centimeters (dpm/100 cm^2) for H–3 and C–14. These values are much more restrictive than the radionuclide-specific dose-based release criteria described in NUREG–1757, ''Consolidated NMSS Decommissioning Guidance,'' Volume 2, which are 1.2×10^8 dpm/100 cm^2 for H–3 and 3.7×10^6 dpm/100 cm^2 for C–14. These values define the maximum amount of residual radioactivity on building surfaces, equipment, and materials 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 values 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 in Building 11. 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 Building 11. 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 Building 11 for unrestricted use and the termination of the Licensee's permit is in compliance with 10 CFR part 20. Based on its review, the staff considered the impact of the residual radioactivity from Building 11 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 Building 11 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 Pennsylvania Bureau of Radiation Protection for review on October 5, 2007. On October 10, 2007, the Bureau of Radiation Protection, 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. The documents related to this action are listed below, along with their ADAMS accession numbers.

1. E. Lynn McGuire, Department of Veterans Affairs, letter to Cassandra Frazier, U.S. Nuclear Regulatory Commission, Region III, dated June 28, 2007 (ADAMS Accession No. ML071860254);

2. Regulatory Guide 1.86, ''Termination of Operating Licenses for Reactors;''

3. Title 10 Code of Federal Regulations, Part 20, Subpart E, ''Radiological Criteria for License Termination;''

4. Title 10 Code of Federal Regulations, Part 51, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions;''

5. NUREG–1496, ''Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities;''

6. NUREG–1757, ''Consolidated NMSS Decommissioning Guidance.''

If you do not have access to ADAMS, or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov*. These documents may also be viewed electronically on the public computers located at the NRC's PDR, O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Lisle, Illinois, this 16th day of November 2007.

For the Nuclear Regulatory Commission.

Patrick L. Louden,

Chief, Decommissioning Branch, Division of Nuclear Materials Safety, Region III.

[FR Doc. E7–23161 Filed 11–28–07; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56831; File No. SR–Amex–2007–98]

Self-Regulatory Organizations; American Stock Exchange LLC; Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment Nos. 1 and 2, Relating to the Listing and Trading of Units of the United States 12 Month Oil Fund, LP and the United States 12 Month Natural Gas Fund, LP

November 21, 2007.

I. Introduction

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 [2] thereunder, notice is hereby given that on August 23, 2007, the American Stock Exchange LLC (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been substantially prepared by the Exchange. On September 14, 2007, the Exchange submitted Amendment No. 1 to the proposed rule change. On October 25, 2007, the Exchange submitted Amendment No. 2 to the proposed rule change. The proposed rule change, as

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

amended, was published for comment in the **Federal Register** on November 2, 2007 for a 15-day comment period.[3] This order approves the proposed rule change, as modified by Amendment Nos. 1 and 2 on an accelerated basis.

II. Description of Proposal

The Exchange proposes to list and trade units (each a ''Unit'' and, collectively, the ''Units'') of each of the United States 12 Month Oil Fund, LP (''12 Month Oil Fund'') and the United States 12 Month Natural Gas Fund, LP (''12 Month Natural Gas Fund'') (each a ''Partnership'' and, collectively, the ''Partnerships'') pursuant to Amex Rules 1500–AEMI and 1501 through 1505.[4] The Exchange has represented that the Units will conform to the initial and continued listing criteria under Rule 1502,[5] specialist prohibitions under Rule 1503 and the obligations of specialists under Rule 1504.

Ownership of a Partnership Unit represents a fractional undivided unit of a beneficial interest in the net assets of that Partnership.[6] Each of the net assets of the 12 Month Oil Fund and the 12 Month Natural Gas Fund will consist primarily of investments in futures contracts for crude oil, heating oil, gasoline, natural gas, and other petroleum-based fuels that are traded on the New York Mercantile Exchange (''NYMEX''), Intercontinental Exchange (''ICE Futures'') or other U.S. and foreign exchanges (collectively, ''Futures Contracts''). In the case of the 12 Month Oil Fund, the predominant investments are expected to be based on, or related to, crude oil. Similarly, for the 12 Month Natural Gas Fund, the predominant investments are expected to be based on, or related to, natural gas.

The 12 Month Oil Fund may also invest in other crude oil-related investments such as cash-settled options on Futures Contracts, forward contracts for crude oil, and over-the-counter (''OTC'') transactions based on the price of crude oil, heating oil, gasoline, natural gas, other petroleum-based fuels, Futures Contracts, and indices based on the foregoing (collectively, ''Other Crude Oil-Related Investments''). Futures Contracts and Other Crude Oil-Related Investments collectively are referred to as ''Crude Oil Interests.'' Similarly, the 12 Month Natural Gas Fund may also invest in other natural gas-related investments such as cash-settled options on Futures Contracts, forward contracts for natural gas, and OTC transactions based on the price of natural gas, crude oil and other petroleum-based fuels, Futures Contracts and indices based on the foregoing (collectively, ''Other Natural Gas-Related Investments''). Futures Contracts and Other Natural Gas-Related Investments collectively are referred to as ''Natural Gas Interests.''

Each of the 12 Month Oil Fund and the 12 Month Natural Gas Fund will invest in Crude Oil Interests and Natural Gas Interests, respectively, to the fullest extent possible without being leveraged or unable to satisfy its current or potential margin or collateral obligations. In pursuing this objective, the primary focus of each Partnership's investment manager, Victoria Bay Asset Management, LLC (''General Partner''), will be the investment in Futures Contracts and the management of its investments in short-term obligations of the United States of two years or less (''Treasuries'') and cash and cash equivalents (collectively, ''Cash'') for margining purposes and as collateral.

Each Fund seeks to track price changes in percentage terms of an underlying commodity as measured by a benchmark defined to be the average price of specified futures contracts.[7] The investment objective of the 12 Month Oil Fund is for the changes in percentage terms of the Units' net asset value (''NAV'') to reflect the changes in percentage terms of the price of light, sweet crude oil delivered to Cushing, Oklahoma, as measured by the changes in the average of the prices of twelve crude oil futures contracts traded on NYMEX (the ''Oil Benchmark Futures Contracts''), less the 12 Month Oil Fund's expenses.[8] Similarly, the investment objective of the 12 Month Natural Gas Fund is for the changes in percentage terms of the Units' NAV to reflect the changes in percentage terms of the price of natural gas delivered at the Henry Hub, Louisiana, as measured by the changes in the average of the prices of 12 futures contracts on natural gas traded on NYMEX (the ''Natural Gas Benchmark Futures Contracts''), less the 12 Month Natural Gas Fund's expenses.[9] With respect to both funds, when calculating the daily movement of the average price of the relevant twelve futures contracts, each contract month will be equally weighted.

The General Partner for the Funds will employ a ''neutral'' investment strategy intended to track the changes in the price of crude oil and natural gas, respectively, regardless of whether the price of those commodities goes up or goes down. The ''neutral'' investment strategy is designed to permit investors to purchase and sell the Funds' Units for the purpose of investing indirectly in crude oil and natural gas in a cost-effective manner and/or to permit market participants to hedge the risk of losses in crude oil or natural gas investments.

III. Commission Findings and Accelerated Approval

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations

[3] *See* Securities Exchange Act Release No. 56719 (October 29, 2007), 72 FR 62277 (''Notice'').

[4] Amex Rule 1500–AEMI provides for the listing of Partnership Units, which are defined as securities, that are: (a) issued by a partnership that invests in any combination of futures contracts, options on futures contracts, forward contracts, commodities, and/or securities; and (b) that are issued and redeemed daily in specified aggregate amounts at net asset value. *See* Exchange Act Release No. 53582 (March 31, 2006), 71 FR 17510 (April 6, 2006) (SR–Amex–2005–127) (approving Amex Rules 1500–AEMI and 1501 through 1505 in conjunction with the listing and trading of Units of the United States Oil Fund, LP).

[5] The Amex stated that it will require a minimum of 100,000 Units to be outstanding at the start of trading and expects that the initial price of a Unit will be $50.00.

[6] Each Partnership is a commodity pool that will issue Units that may be purchased and sold on the Exchange.

[7] A detailed discussion of the underlying benchmark for each Fund, dissemination of the values thereof, investment objective of the Funds, portfolio investment methodology, investment techniques, availability of information and key values, creation and redemption of Units, dividends and distributions, Amex's initial and continued listing standards, Amex trading rules and trading halts, information circular to Exchange members, and other related information regarding the Funds can be found in the Notice. *See supra* note 3.

[8] The Oil Benchmark Futures Contracts consist of the near month contract to expire and the contracts for the following eleven months, for a total of twelve consecutive months' contracts, except when the near month contract is within two weeks of expiration, in which case it will be measured by the futures contracts that are the next month contract to expire and the contracts for the eleven consecutive months following that contract. The average price is determined by summing up the 12 individual monthly prices and dividing them by 12, and then comparing that result to the prior day's average price determined in the same fashion. The composition of the Oil Benchmark Futures Contracts will be changed or ''rolled'' over a one day period by selling the near month contract and buying the contract, which at that time is the thirteen month contract.

[9] The Natural Gas Benchmark Futures Contracts consist of the near month contract to expire and the contracts for the following eleven months, for a total of twelve consecutive months' contracts, except when the near month contract is within two weeks of expiration, in which case it will be measured by the futures contracts that are the next month contract to expire and the contracts for the eleven consecutive months following that contract. The average price is determined by summing up the 12 individual monthly prices and dividing them by 12, and then comparing that result to the prior day's average price determined in the same fashion. The composition of the Natural Gas Benchmark Futures Contract will be changed or ''rolled'' over a one day period by selling the near month contract and buying the contract which at that time is the thirteen month contract on the same day.

thereunder applicable to a national securities exchange.[10] In particular, the Commission finds that the proposed rule change is consistent with section 6(b)(5) of the Act,[11] which requires that an exchange have rules designed, among other things, to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest; and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers, or to regulate by virtue of any authority conferred by the Act matters not related to the purpose of the Act or the administration of the Exchange. The Commission notes that it previously approved the original listing and trading of certain partnership units similar to the Units.[12]

The Commission further believes that the proposal is consistent with section 11A(a)(1)(C)(iii) of the Act,[13] which sets forth Congress' finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. The Amex will disseminate for each Partnership every 15 seconds throughout Amex's trading day by means of the Consolidated Tape Association/Consolidated Quote High Speed Lines information with respect to the indicative partnership value (''IPV''). The Exchange will also make available on its Web site daily trading volume, the closing prices, and the NAV. Web site disclosure of portfolio holdings for both Funds will be made daily and will include, as applicable, the specific types, the name and value of each Crude Oil or Natural Gas Interest, the specific types of Crude Oil or Natural Gas Interests and characteristics of such Crude Oil or Natural Gas Interests, Treasuries, and amount of Cash held in the portfolio of the Funds. In addition, Amex represented that quotations and last-sale information regarding the Futures Contracts are widely disseminated through a variety of market data vendors worldwide, including Bloomberg and Reuters. In addition, the Exchange further represented that real-time futures data is available by subscription from Reuters and Bloomberg.

Furthermore, the Commission believes that the proposal to list and trade the Units is reasonably designed to promote fair disclosure of information that may be necessary to price the Units appropriately and to prevent trading when a reasonable degree of transparency cannot be assured. The Commission also believes that the Exchange's trading halt rules are reasonably designed to prevent trading in the Units when transparency is impaired. Trading in the Units will be halted in the event the market volatility trading halt parameters set forth in Amex Rule 117 have been reached. In addition, Amex Rule 1502(b)(ii)–(iii) provides that, if the IPV or the underlying benchmark futures contract of a Fund is not being disseminated as required, the Exchange may halt trading during the day in which the interruption to the dissemination occurs. If the interruption to the dissemination of the IIV or the underlying benchmark futures contract persists past the trading day in which it occurred, the Exchange will halt trading no later than the beginning of the trading day following the interruption.

The Commission further believes that the trading rules and procedures to which the Units will be subject pursuant to this proposal are consistent with the Act. The Exchange has represented that the Units will be traded on the Exchange similar to other equity securities.

In support of this proposal, the Exchange has made the following representations:

(1) The Exchange will obtain a representation from each Partnership, prior to listing, that the NAV per Unit for each Fund will be calculated daily and made available to all market participants at the same time. In addition, the Exchange represents that disclosure of the portfolio composition for each Fund will be made to all market participants at the same time.

(2) The Exchange's surveillance procedures are adequate to deter and detect violations of Exchange rules relating to trading of the Units. Specifically, the surveillance procedures will be similar to those used for units of the United States Oil Fund, LP and the United States Natural Gas Fund, LP as well as other commodity-based trusts, trust issued receipts, and exchange-traded funds. In addition, the surveillance procedures will incorporate and rely upon existing Amex surveillance procedures governing options and equities. The Exchange currently has in place a comprehensive surveillance sharing agreement with each of NYMEX and ICE Futures for the purpose of providing information in connection with trading in, or related to, futures contracts traded on NYMEX and ICE Futures, respectively. To the extent that a Partnership invests in Crude Oil Interests or Natural Gas Interests traded on other exchanges, the Amex will enter into comprehensive surveillance sharing agreements with those particular exchanges. The Exchange has represented that each of the Partnerships will only invest in futures contracts on markets where the Exchange has entered into the appropriate comprehensive surveillance sharing agreements.

(3) Prior to the commencement of trading, the Exchange will inform its members and member organizations in an Information Circular. The Information Circular will discuss the special characteristics, and risks, of trading in the Units. Specifically, the Information Circular, among other things, will discuss what the Units are, how a basket of Units is created and redeemed, the requirement that members and member firms deliver a prospectus to investors purchasing the Units prior to, or concurrently with, the confirmation of a transaction, applicable Amex rules, dissemination of information regarding the per-Unit IPV, trading information, and applicable suitability rules. The Information Circular will also reference the fact that there is no regulated source of last sale information regarding physical commodities, and describe the regulatory framework relating to the trading of crude oil, natural gas, heating oil, gasoline, or other petroleum-based fuels and crude oil- and natural gas-based futures contracts and related options. The Information Circular will also discuss any relief, if granted, by the Commission or the staff from any rules under the Act.

(4) The Trust is required to comply with Rule 10A–3 under the Act[14] for the initial and continued listing of the Units.

[10] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[11] 15 U.S.C. 78f(b)(5).

[12] *See* Securities Exchange Act Release Nos. 53582 (March 31, 2006), 71 FR 17510 (April 6, 2006) (SR–Amex–2005–127) (approving Amex Rules 1500–AEMI and 1501 through 1505 in conjunction with the listing and trading of Units of the United States Oil Fund, LP); and 55632 (April 13, 2007), 72 FR 19987 (April 20, 2007) (SR–Amex–2006–112) (approving the listing and trading of shares of the United States Natural Gas Fund, LP).

[13] 15 U.S.C. 78k–1(a)(1)(C)(iii).

[14] 17 CFR 240.10A–3.

This approval order is based on the Exchange's representations.

Acceleration

The Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[15] for approving the proposed rule change, as amended, prior to the thirtieth day after the date of publication of notice in the **Federal Register**. The Commission notes that the present proposal is similar to prior proposals that the Commission has approved,[16] is consistent with current Amex listing requirements, and received no comments following publication in the **Federal Register**. The Commission does not believe that the proposed rule change, as amended, raises novel regulatory issues. Consequently, the Commission believes that it is appropriate to permit investors to benefit from these additional investment choices without delay.

Accordingly, the Commission finds that there is good cause, consistent with section 6(b)(5) of the Act,[17] to approve the proposal, as amended, on an accelerated basis.

V. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[18] that the proposed rule change (SR–Amex–2007–98), as amended, be, and is hereby approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Nancy M. Morris,

Secretary.

[FR Doc. E7–23169 Filed 11–28–07; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56824; File No. CBOE–2007–134]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing of Proposed Rule Change Relating to the Continuous Quoting Obligations of DPMs

November 20, 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 November 9, 2007, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared substantially by CBOE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend CBOE Rule 8.85 relating to the continuous quoting obligations of Designated Primary Market-Makers (''DPMs''). The text of the proposed rule change is available at CBOE, the Commission's Public Reference Room, and *http://www.cboe.com/legal*.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CBOE included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. CBOE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

CBOE proposes to modify the continuous electronic quoting obligation of DPMs in multiply-listed option classes, and make them consistent with the continuous quoting obligation of e-DPMs [3] and Lead Market-Makers (''LMMs'') in Hybrid option classes.[4] CBOE is not proposing to change the continuous electronic quoting obligation of DPMs in classes listed solely on CBOE.

Currently, DPMs are required to provide continuous electronic quotations in 100% of the series of each option class allocated to the DPM. E–DPMs and LMMs, on the other hand, are required to provide continuous electronic quotes in 90% of the series of each appointed option class. CBOE believes that it would be appropriate and reasonable to reduce the continuous electronic quoting obligation of DPMs in multiply-listed option classes from 100% of the series to 90% of the series. The participation entitlement for DPMs has been reduced over the past several years, and presently the participation entitlement is allocated between DPMs and e-DPMs under Rule 8.87. Specifically, if the DPM and one or more e-DPMs are quoting at the best bid/offer on CBOE, one-half of the entitlement is allocated to the DPM, and the other half is divided equally among the e-DPMs quoting at the best bid/offer on CBOE. In addition, in 2005 CBOE implemented a Preferred Market-Maker Program which provides that in instances where a Preferred Market-Maker receives a participation entitlement, then the DPM and e-DPM participation entitlement shall not apply to any order.[5]

CBOE believes that reducing the continuous electronic quoting obligations of DPMs in multiply-listed option classes may also mitigate quotations. In the event that an order is received in a series of a multiply-listed option class in which CBOE is not disseminating a quotation, CBOE would process the order in accordance with the provisions of Rule 6.14—the Hybrid Agency Liaison. As a result, CBOE does not believe there would be any negative effect on the handling of orders.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[6] in general, and furthers the objectives of Section 6(b)(5) of the Act,[7] in particular, in that it is designed to promote just and equitable principles of trade, serve to remove impediments to and perfect the mechanism of a free and open market and a national market system, and protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received with respect to the proposed rule change.

[15] 15 U.S.C. 78s(b)(2).

[16] *See supra*, note 12.

[17] 15 U.S.C. 78s(b)(5).

[18] 15 U.S.C. 78s(b)(2).

[19] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* CBOE Rule 8.93.

[4] *See* CBOE Rule 8.15A.

[5] *See* CBOE Rule 8.13.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which CBOE 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–CBOE–2007–134 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–2007–134. 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 the 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–2007–134 and should be submitted on or before December 20, 2007.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Nancy M. Morris,

Secretary.

[FR Doc. E7–23168 Filed 11–28–07; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56833; File No. SR–CHX–2007–26]

Self-Regulatory Organizations; The Chicago Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment Number 1 Thereto Relating to Participant Fees and Credits

November 21, 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 31, 2007, The Chicago Stock Exchange, Inc. (''CHX'' or ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by the Exchange. On November 19, 2007, CHX filed Amendment No. 1 to the proposed rule change. The Exchange has designated this proposal as one establishing or changing a due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f)(2) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CHX proposes to amend its Schedule of Participant Fees and Credits (the ''Fee Schedule'') to: (a) Provide that port fees would not be charged to participant firms that provide a certain amount of liquidity to the ''Matching System'' [5]; (b) modify the ''provide'' credits associated with trades in Tape B securities to create an incentive to send orders in these and other securities to the Matching System; (c) modify the fees for the receipt of orders through the CHX Connect network; and (d) add new fees in connection with the processing of away-market trades that are sent to clearing through the Exchange's facilities. The text of the proposed rule change is available at the Exchange's Web site, *http://www.chx.com/rules/proposed_rules.htm*, the Exchange, and the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CHX 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. CHX 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

Through this filing, the Exchange would amend its Fee Schedule in several ways. First, the Exchange would amend the Fee Schedule to provide that port fees would not be charged to participant firms that provide a certain amount of liquidity to the Matching System.[6] Specifically, port fees would not be charged to a participant firm for any month in which that firm executes an average daily volume of 5 million or more provide shares in the Matching

[8] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(2).

[5] *See generally,* CHX Rules, Article 20.

[6] Under the Exchange's Fee Schedule, port charges of $400 per month currently are assessed for each participant give-up that has access through a participant connection to the Matching System. Port charges are not assessed for access to the Matching System through the Exchange's Brokerplex system.

System.[7] The Exchange believes that it is appropriate to eliminate the port fees charged to participant firms that send a high level of volume to the Matching System because the Exchange's costs of providing services to these firms are offset by the revenues produced by the firms' trading activity on the Exchange.

As its second Fee Schedule change, the Exchange would modify the provide credits associated with trades in Tape B securities to create an incentive for CHX participants to send orders in these and other securities to the Matching System. Under the current Fee Schedule, the Exchange charges a $.0029/share take fee and pays a $.0026/share credit in connection with the execution of single-sided orders of 100 or more shares in the Exchange's Matching System. The Exchange proposes to increase, to $.0036/share, the credit paid for trades in Tape B securities, for any participant firm that executes an average daily volume of 5 million or more provide shares in Tape A and/or C securities in the Exchange's Matching System. The Exchange also proposes to increase, to $.0032/share, the credit paid for trades in Tape B securities, for any participant firm that executes an average daily volume of fewer than 5 million provide shares in Tape A and/or C securities.[8] These increases in the credit paid for trades in Tape B securities are in direct response to price changes announced by other market centers and are designed to create an incentive for CHX participants to send orders in Tape B securities to the CHX, rather than to other markets.[9]

Another proposed change to the Fee Schedule would modify the fees for the receipt of orders through the CHX Connect network.[10] Under the current Fee Schedule, the Exchange charges a $5,000 per month fee to any participant firm that receives orders through the CHX Connect network. The Exchange proposes to increase this fee to $10,000/month and charge an additional fee of $.0004/share for executions that are processed by the network. These changes are designed to help cover the costs of providing the network. The Exchange, however, proposes to reduce the base fee from $10,000 per month to as low as $5,000 per month, by applying a credit of $.0004 for each provide share executed in the Exchange's Matching System.[11] This credit would create an incentive for users of the CHX Connect network to send orders to the Exchange's Matching System.

The last proposed change to the Fee Schedule would add new fees in connection with the processing of certain away-market trades that are sent to clearing through the Exchange's facilities. Under the Exchange's existing Fee Schedule, the Exchange charges a $.0015/share fee for the clearing-related processing of away-market trades in securities that are not listed or traded pursuant to unlisted trading privileges on the Exchange. The Exchange proposes to increase this fee to $.0035/share for clearing reports in Tape A and B securities and to $.0025/share for clearing reports in Tape C securities up to a maximum of $100 per side.[12] The Exchange also proposes to apply the fees to trades in all securities, instead of limiting the fee to securities that are not listed or traded on the Exchange, to better allocate the Exchange's costs across all of these clearing-only reports.[13] These fee changes are designed to help offset the Exchange's costs of processing these transactions for clearing.

All of the proposed fee changes, except the change to the CHX Connect fees, would take effect November 1, 2007. The proposed changes to the CHX Connect fees would take effect December 1, 2007.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b)(4) of the Act[14] in that it provides for the equitable allocation of reasonable dues, fees and other charges among its members.

B. Self Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change is filed pursuant to Section 19(b)(3)(A)(ii) of the Act[15] and subparagraph (f)(2) of Rule 19b–4 thereunder[16] because it establishes or changes a due, fee, or other charge applicable only to a member imposed by a self-regulatory organization. Accordingly, the proposal is effective upon Commission receipt of the filing. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[17]

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

[7] A ''provide'' share is one that is given a provide credit under the take/provide provisions of the Exchange's Fee Schedule. *See* Fee Schedule, Section E(1). In calculating a firm's average daily volume, the Exchange would not count activity on days when the Exchange closes early.

[8] In calculating a firm's average daily volume, the Exchange would not count trading activity on days when the Exchange closes early. The Exchange calculates a firm's ADV based on the total number of provide shares executed in the Exchange's Matching System for each full trading day in a month, divided by the number of full trading days.

[9] The Exchange's proposal to make the top tier of the credit available to firms that execute at least a certain number of shares in Tape A and C securities similarly is designed to create an incentive for firms to send orders in these securities to the Exchange.

[10] The Exchange's CHX Connect system is a communications service that allows its participants to route orders to any destination connected to the CHX's network, including (1) the CHX Matching System; (2) CHX institutional brokers; (3) market makers or other broker-dealers connected to the CHX's network, which provide order handling and execution services in the over-the-counter market; and (4) other destinations (including order-routing vendors) that are connected to the CHX's network. *See* Securities Exchange Act Release No. 54846 (November 30, 2006), 71 FR 71003 (December 7, 2006) (SR–CHX–2006–34). Fees are charged under the Fee Schedule to participants that receive orders through this service.

[11] No credits will be carried over from month to month.

[12] These fees would be assessed only on away-market trades that are reported to the tape, but not to clearing, in another market. The fees would be charged for each report that is submitted to clearing through the Exchange's systems.

[13] With the introduction of the Exchange's electronic book and its move to its new trading model, the Exchange has begun trading more securities pursuant to unlisted trading privileges, leaving fewer issues that are neither listed nor traded on the Exchange. The Exchange believes it is no longer appropriate to assess these processing fees only on a subset of the reports that are sent to clearing.

[14] 15 U.S.C. 78(f)(b)(4).

[15] 15 U.S.C. 78s(b)(3)(A)(ii).

[16] 17 CFR 240.19b–4(f)(2).

[17] For purposes of calculating the 60-day period within which the Commission may summarily abrogate the proposed rule change under Section 19(b)(3)(C) of the Act, the Commission considers the period to commence on November 19, 2007, the date on which CHX filed Amendment No. 1. *See* 15 U.S.C. 78s(b)(3)(C).

• Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–CHX–2007–26 on the subject line.

Paper Comments

• Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CHX–2007–26. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site *(http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 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 CHX. 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–CHX–2007–26 and should be submitted on or before December 20, 2007.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Nancy M. Morris,

Secretary.

[FR Doc. E7–23170 Filed 11–28–07; 8:45 am]

BILLING CODE 8011–01–P

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56836; File No. SR–Phlx–2007–55]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Elimination of the Short Sale Price Test

November 21, 2007.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4[2] thereunder, notice is hereby given that on July 31, 2007, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been substantially prepared by the Phlx. Phlx has designated the proposed rule change as constituting a ''non-controversial'' rule change under paragraph (f)(6) of Rule 19b–4 under the Act.[3] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx, pursuant to Section 19(b)(1) of the Act[4] and Rule 19b–4 thereunder,[5] proposes to amend Phlx Rules 185, 455, 785 and 1072 to reflect the elimination of the short sale price test, including any tick or bid test of any self-regulatory organization (''Price Test'') and the elimination of the ''short exempt'' marking requirement.[6]

The text of the proposed rule change is available at the Exchange, on the Exchange's Web site at *http://www.Phlx.com*, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Phlx included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Phlx has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to conform Phlx Rules to Rules 200(g) and 201(b) of Regulation SHO.[7] On June 28, 2007, the SEC approved final rules deleting the price test of Rule 10a–1[8] and amending Regulation SHO to prohibit any SRO from having a price test in place. In addition, Rule 200(g) of Regulation SHO was modified to remove the requirement upon broker-dealers to mark sell orders as ''short exempt.''

Phlx Rules 185, 455, 785 and 1072 contain language regarding the Price Test and the ''short exempt'' marking requirement. Phlx Rule 185 contains language regarding the entry, display and execution of sell short orders on XLE, Phlx's electronic equity trading system, that are subject to the Price Test. With the elimination of the Price Test, sell short orders will not be handled any differently by XLE and the amendments to this rule will so reflect. Phlx Rule 455 stated that XLE will not execute a sell order unless effected in compliance with Rule 10a–1. Rule 10a–1 contained the Price Test and is being eliminated. The amendments to Phlx Rule 455 will reflect this.

Phlx Rule 785 requires member organizations to make an automated submission of trading data, including marking orders as short exempt, where appropriate. Phlx Rule 785 will be amended to reflect the elimination of the ''short exempt'' marking requirement. Phlx Rule 1072 outlines the requirements on options specialists and Registered Options Traders (''ROTs'') regarding their use of an exception to the NASD (n/k/a Financial Industry Regulatory Authority, Inc.) bid test (which was a type of Price Test) available to hedging options transactions. The elimination of the Price Test extended to the NASD bid test and therefore options specialist and ROTs will not need the exemption outlined in Phlx Rule 1072. Phlx Rule 1072 will be deleted.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b)

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

[4] 15 U.S.C. 78s(b)(1).

[5] 17 CFR 240.19b–4.

[6] *See* Securities Exchange Act Release No. 55970 (June 28, 2007).

[7] 17 CFR 242.200(g) and 17 CFR 242.201(b).

[8] 17 CFR 240.10a–1.

of the Act [9] in general, and furthers the objectives of Section 6(b)(5) of the Act [10] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

(i) Significantly affect the protection of investors or the public interest;

(ii) Impose any significant burden on competition; and

(iii) Become operative within 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective upon filing pursuant to Section 19(b)(3)(A) of the Act [11] and Rule 19b–4(f)(6) thereunder.[12] Phlx has requested that the Commission waive the 5-day pre-filing notice requirement and the 30-day operative delay of the proposal. The Commission believes that such waivers are consistent with the protection of investors and the public interest because the proposed rule change conforms Phlx's rules to currently effective Commission Rules and should eliminate potential confusion relating to orders on XLE.[13] For this reason, the Commission designates the proposal to be operative upon filing with the Commission.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–Phlx–2007–55 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2007–55. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549 on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Phlx. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2007–55 and should be submitted on or before December 20, 2007.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Nancy M. Morris,

Secretary.

[FR Doc. E7–23171 Filed 11–28–07; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6).

[13] For purposes only of waiving the 30-day pre-operative period, the Commission has considered the impact of the proposed rule change on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[14] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 5969]

Shipping Coordinating Committee; Notice of Meeting

The Subcommittee on Fire Protection of the Shipping Coordinating Committee (SHC) will conduct an open meeting at 10 a.m. on Tuesday, December 11, 2007 in the Radio Technical Commission for Maritime Services (RTCM) Headquarters Building, 1800 N. Kent Street, Suite 1060, Arlington, VA 22209. The primary purpose of the meeting is to prepare for the 52nd Session of the International Maritime Organization (IMO) Subcommittee on Fire Protection to be held at Central Hall Westminster in London, UK from January 14–18, 2008.

Discussion will focus on papers received and draft U.S. positions regarding:

—Performance testing and approval standards for fire safety systems;
—Comprehensive review of the Fire Test Procedures Code;
—Review of fire safety of external areas on passenger ships;
—Measures to prevent fires in engine-rooms and cargo pump-rooms;
—Fire resistance of ventilation ducts;
—Review of the Code of Safety for Special Purpose Ships (SPS Code);
—Application of requirements for requirements for dangerous goods in the International Convention for the Safety of Life at Sea (SOLAS) and the High-Speed Craft Code 2000 (2000 HSC Code);
—Unified interpretation on the number/arrangement of portable extinguishers;
—Development of provisions for gas fueled ships;
—Consideration of International Association of Classification Societies (IACS) unified interpretations;
—Fixed hydrocarbon gas detection systems on double-hull tankers;
—Clarification of SOLAS chapter II–2 requirements regarding interrelationship between control station and safety center; and
—Analysis of fire casualty records.

Members of the public are invited to attend this meeting up to the seating

capacity of the room. Interested persons may seek further information by writing: Chief, Lifesaving and Fire Safety Division, Commandant (CG–5214), U.S. Coast Guard Headquarters, Room 1308, 2100 Second Street, SW., Washington, DC 20593–0001, by calling: Mr. R. Eberly at (202) 372–1393, or by e-mail at *Randall.Eberly@uscg.mil.*

Dated: November 20, 2007.

Mark W. Skolnicki,

Executive Secretary, Shipping Coordinating Committee, Department of State.

[FR Doc. E7–23166 Filed 11–28–07; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF STATE

[Public Notice 5970]

Shipping Coordinating Committee; Notice of Meeting

The Subcommittee on Radio Communications and Search and Rescue of the Shipping Coordinating Committee (SHC) will conduct open meetings at 9:30 a.m. Thursday, December 13, 2007, Wednesday, January 9, February 20, March 12, and April 2, 2008. The meetings will be held in suite 1060 of the Radio Technical Commission for Maritime Services (RTCM), 1800 North Kent Street, Arlington, VA 22209. These meetings are to prepare for the 12th Session of the International Maritime Organization (IMO) Subcommittee on Radiocommunications and Search and Rescue (COMSAR) scheduled for April 6–10, 2008 in London, England.

The primary matters to be considered include:

—Global Maritime Distress and Safety System (GMDSS);
—International Telecommunication Union (ITU) Radiocommunication matters;
—Satellite services (Inmarsat and COSPAS–SARSAT);
—Matters concerning search and rescue;
—Developments in maritime radiocommunication systems and technology;
—Revision of the International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual;
—Replacements for use of NBDP (radio telex) for maritime distress and safety communications in maritime MF/HF bands;
—Guidelines for uniform operating limitations of high-speed craft; and
—Development of an e-navigation strategy.

Members of the public may attend these meetings up to the seating capacity of the rooms. Interested persons may seek information, including meeting room numbers, by writing: Mr. Russell S. Levin, U.S. Coast Guard Headquarters, Commandant (CG–622), Jemal Building Room JR10–1216, 1900 Half Street, SW., Washington, DC 20593 or by sending e-mail to *Russell.S.Levin@USCG.mil.*

Dated: November 21, 2007.

Mark W. Skolnicki,

Executive Secretary, Shipping Coordinating Committee, Department of State.

[FR Doc. E7–23167 Filed 11–28–07; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Compatibility Program Notice Baton Rouge Metropolitan Airport, Ryan Field, Baton Rouge, LA

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the Greater Baton Rouge Airport District under the provisions of 49 U.S.C. (the Aviation Safety and Noise Abatement Act, hereinafter referred to as ''the Act'') and 14 CFR part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96–52 (1980). On July 30, 2007, the FAA determined that the noise exposure maps submitted by the Greater Baton Rouge Airport District under part 150 were in compliance with applicable requirements. On November 13, 2007, the FAA approved the Baton Rouge Metropolitan Airport, Ryan Field noise compatibility program. Most of the recommendations of the program were approved. No program elements relating to new or revised flight procedures for noise abatement were proposed by the airport operator.

DATES: *Effective Date:* The effective date of the FAA's approval of the Baton Rouge Metropolitan Airport, Ryan Field noise compatibility program is November 13, 2007.

FOR FURTHER INFORMATION CONTACT: Lance E. Key (ASW 615), 2601 Meacham Boulevard, Fort Worth, Texas 76137–4298. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for Baton Rouge Metropolitan Airport, Ryan Field, effective November 13, 2007.

Under section 47504 of the Act, an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing non-compatible land uses and prevention of additional non-compatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR part 150 program recommendations is measured according to the standards expressed in part 150 and the Act and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing non-compatible land uses around the airport and preventing the introduction of additional non-compatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR part 150, section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing

action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where federal funding is sought, requests for project grants must be submitted to the FAA Regional Office in Fort Worth, Texas.

The Greater Baton Rouge Airport District submitted to the FAA on May 14, 2007 the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from May 2005 through May 2007. The Baton Route Metropolitan Airport, Ryan Field noise exposure maps were determined by FAA to be in compliance with applicable requirements on July 30, 2007. Notice of this determination was published in the **Federal Register** on August 7, 2007.

The Baton Rouge Metropolitan Airport, Ryan Field Part 150 study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from November 2007 to the year 2011. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 47504 of the Act. The FAA began its review of the program on August 7, 2007, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new or modified flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained ten proposed actions for noise mitigation located on and/or off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. The overall program, therefore, was approved by the FAA effective November 13, 2007.

Outright approval was granted for nine of the specific program elements. Only one program element, Land Use Element 3a, was ''Disapproved Pending Submittal of Additional Information to the FAA''. Under this program element, the Airport District asked the FAA to approve the voluntary land acquisition of one hundred eight (108) acres of undeveloped land that was zoned to allow incompatible development within the 2011 65 DNL around Baton Rouge Metropolitan Airport, Ryan Field. The acreage in question amounted to 13 separate parcels in various locations northwest, northeast, east and southeast of the airport. In disapproving this program element, the FAA found the land in question to be zoned commercial or industrial (a compatible use under Part 150 guidelines), however the involved local zoning districts all permit a variety of noise-sensitive land uses; to include libraries, nursing homes, assisted living residences and hospitals (noncompatible use) within the areas described. In addition, it was determined that undeveloped, residential-zoned land (noncompatible use) northwest, northeast, and east of the Airport is inside the 65 DNL. The FAA therefore determined that supporting documentation would need to be provided showing that (1) the Airport is in compliance with its Grant Assurance 31, (2) appropriate existing and proposed new local land use controls are inadequate to prevent noncompatible development, and (3) noncompatible development of the parcel(s) is highly likely.

The nine program elements approved by the FAA included: Five Land Use Elements that addressed City/Parish compatible use planning around the airport; the development of an airport noise information program; the acquisition of seven (7) homes at various locations around the airport (within the 65 DNL); the offer to sound insulate ninety-two (92) homes located with the 65 DNL contour; and the offer to purchase noise servitudes from those owners who do not wish to participate in the sound insulation program or who's house cannot accommodate the sound insulation process.

Four Program Management Elements were approved that established a system for logging and tracking noise complaints; developing and maintaining a log for recording engine maintenance run-ups on the airport; periodically reviewing the Part 150 Study to determine if changing airport conditions warrant further review; and preparing a plan to deal with the disposal or development of noise lands acquired by the airport under previous noise mitigation actions.

These determinations are set forth in detail in a Record of Approval signed by the Airports Division Manager on November 13, 2007. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the Baton Rouge Metropolitan Airport, Ryan Field. The Record of Approval also will be available on-line at *http://www.faa.gov/apr/environmental/14cfr150/index14.cfm.*

Issued in Fort Worth, Texas, November 21, 2007.

Kelvin L. Solco,

Manager, Airports Division.

[FR Doc. 07–5873 Filed 11–28–07; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD 2007 0014]

Information Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Maritime Administration's (MARAD's) intention to request extension of approval for three years of a currently approved information collection.

DATES: Comments should be submitted on or before January 28, 2008.

FOR FURTHER INFORMATION CONTACT: Rita Jackson, Maritime Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590. Telephone: (202) 366–0284; or E-Mail: *Rita.Jackson@dot.gov*. Copies of this collection can also be obtained from that office.

SUPPLEMENTARY INFORMATION:

Title of Collection: Request for Waiver of Service Obligation, Request for Deferment of Service Obligation and Application for Review.

Type of Request: Extension of currently approved information collection.

OMB Control Number: 2133–00510.

Form Numbers: MA–935, MA–936, MA–937.

Expiration Date of Approval: Three years from date of approval by the Office of Management and Budget.

Summary of Collection of Information: This information collection is essential for determining if a student or graduate of the United States Merchant Marine Academy (USMMA) or subsidized student or graduate of a State maritime academy has a waive able situation preventing them from fulfilling the requirements of a service obligation contract signed at the time of their enrollment in a Federal maritime

training program. It also permits the Maritime Administration (MARAD) to determine if a graduate, who wishes to defer the service obligation to attend graduate school, is eligible to receive a deferment. Their service obligation is required by law.

Need and Use of the Information: This information collected establishes overall compliance with the service obligation contract in support of the Economic Growth and Trade and National Security goals identified in the DOT Strategic Plan. Because the graduates are required to serve as commissioned officers in the U.S. Merchant Marine Reserve, U.S. Naval Reserve (as an aspect of the service obligation), they become the Navy's single largest source of naval reserve officers except for Naval R.O.T.C. In their civilian capacities, they are required first to sail on their professional merchant marine licenses or work in the maritime industry ashore. This dual role makes the graduates especially valuable because national defense planning initiatives and the Nation's economic needs depend on available personnel who are highly trained.

Description of Respondents: U.S. Merchant Marine Academy students and graduates, and subsidized students and graduates.

Annual Responses: 21.

Annual Burden: 4.2 hours.

Comments: Comments should be referred to the docket number that appears at the top of this document. Written comments may be submitted to the Docket Clerk, U.S. DOT Dockets, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590. Comments also may be submitted by electronic means via the Internet at *http://www.regulations.gov*. Specifically address whether this information collection is necessary for proper performance of the functions of the agency and will have practical utility, accuracy of the burden estimates, ways to minimize this burden, and ways to enhance the quality, utility, and clarity of the information to be collected. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m. *EDT* (*or EST*), Monday through Friday, except Federal holidays. An electronic version of this document is available on the World Wide Web at *http://www.regulations.gov*.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://www.regulations.gov*.

Authority: 49 CFR 1.66.

By order of the Maritime Administrator.

Dated: November 20, 2007.

Christine S. Gurland,

Acting Secretary, Maritime Administration.

[FR Doc. E7–23152 Filed 11–28–07; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35087]

Canadian National Railway Company and Grand Trunk Corporation—Control—EJ&E West Company [1]

AGENCY: Surface Transportation Board, DOT.

ACTION: Decision No. 2 in STB Finance Docket No. 35087; Notice of Acceptance of Primary Application and Related Filings; Issuance of Procedural Schedule.

SUMMARY: The Surface Transportation Board (Board) is accepting for consideration the primary application filed October 30, 2007, by Canadian National Railway Corporation (CNR) and Grand Trunk Corporation (GTC), a noncarrier holding company through which CNR controls its U.S. rail subsidiaries, and seven related filings. The primary application seeks Board approval under 49 U.S.C. 11321–26 of the acquisition of control of EJ&E West Company (EJ&EW), a wholly owned noncarrier subsidiary of Elgin, Joliet and Eastern Railway Company (EJ&E), by CNR and GTC. This proposal is referred to as the Control Transaction, and CNR and GTC are referred to collectively as applicants.

The related filings are notices of exemption involving an intra-corporate family transaction and the granting of trackage rights. The Sub-No. 1 filing provides for EJ&E to transfer property to EJ&EW, which, at that time, would become a rail common carrier, prior to applicants acquiring control of EJ&EW. The Sub-Nos. 2 through 7 filings provide for grants of trackage rights by EJ&EW to Grand Trunk Western Railroad (GTW), Illinois Central Railroad Company (IC), Chicago, Central & Pacific Railroad Company (CCP), and Wisconsin Central Ltd. (WCL), and by IC and CCP to EJ&EW, promptly upon applicants' acquisition of control of EJ&EW, should the Board approve the proposed Control Transaction.

The Board finds that the Control Transaction is a ''minor transaction'' under 49 CFR 1180.2(c), and adopts a procedural schedule for consideration of the application. In finding that the transaction is a minor transaction, the Board has preliminarily determined that any anticompetitive effects of the transaction will clearly be outweighed by the transaction's anticipated contribution to the public interest in meeting significant transportation needs. 49 CFR 1180.2(b)(2). The Board makes this determination based solely on evidence presented in the application. The Board stresses that this is not a final determination, and its finding may be rebutted by filings and evidence submitted into the record for this proceeding. The Board will give careful consideration to any claims that the transaction will have anticompetitive effects that are not apparent from the application itself.

Moreover, the Board has determined to prepare an Environmental Impact Statement (EIS) with respect to the transaction.

DATES: The effective date of this decision is November 29, 2007. Any person who wishes to participate in this proceeding as a party of record (POR) must file, no later than December 13, 2007, a notice of intent to participate. All comments, protests, requests for conditions, and any other evidence and argument in opposition to the primary application and related filings, including filings by the U.S. Department of Justice (DOJ) and the U.S. Department of Transportation (DOT), must be filed by January 28, 2008. Responses to comments, protests, requests for conditions, and other opposition, and rebuttal in support of the primary application or related filings must be filed by March 13, 2008. If a public

[1] This decision also embraces *Elgin, Joliet and Eastern Railway Company—Corporate Family Exemption—EJ&E West Company*, STB Finance Docket No. 35087 (Sub-No. 1); *Chicago, Central & Pacific Railroad Company—Trackage Rights Exemption—EJ&E West Company*, STB Finance Docket No. 35087 (Sub-No. 2); *Grand Trunk Western Railroad Incorporated—Trackage Rights Exemption—EJ&E West Company*, STB Finance Docket No. 35087 (Sub-No. 3); *Illinois Central Railroad Company—Trackage Rights Exemption—EJ&E West Company*, STB Finance Docket No. 35087 (Sub-No. 4); *Wisconsin Central Ltd.—Trackage Rights Exemption—EJ&E West Company*, STB Finance Docket No. 35087 (Sub-No. 5); *EJ&E West Company—Trackage Rights Exemption—Chicago, Central & Pacific Railroad Company*, STB Finance Docket No. 35087 (Sub-No. 6); and *EJ&E West Company—Trackage Rights Exemption—Illinois Central Railroad Company*, STB Finance Docket No. 35087 (Sub-No. 7).

hearing or oral argument is held, it will be held on a date to be determined by the Board. Under 49 U.S.C. 11325(d)(2), a final decision would be issued by April 25, 2008; however, the Board is also required to accommodate in its decisionmaking the requirements of the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.* Thus, the Board will not issue a final decision on the merits of the application until the environmental review is completed, including preparation of an EIS and a substantial opportunity for public comment and participation. For further information respecting dates, see Appendix A (Procedural Schedule).

ADDRESSES: Any filing submitted in this proceeding must be submitted either via the Board's e-filing format or in the traditional paper format. Any person using e-filing should attach a document and otherwise comply with the instructions found on the Board's Web site at *http://www.stb.dot.gov* at the ''E-FILING'' link. Any person submitting a filing in the traditional paper format should send an original and 10 paper copies of the filing (and also an electronic version) to: Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, one copy of each filing in this proceeding must be sent (and may be sent by e-mail only if service by e-mail is acceptable to the recipient) to each of the following: (1) Secretary of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590; (2) Attorney General of the United States, c/o Assistant Attorney General, Antitrust Division, Room 3109, Department of Justice, Washington, DC 20530; (3) Paul A. Cunningham (representing CNR and GTC), Harkins Cunningham LLP, 1700 K Street, NW., Suite 400, Washington, DC 20006–3804; and (4) any other person designated as a POR on the service list notice (as explained below, the service list notice will be issued as soon after December 13, 2007, as practicable).

FOR FURTHER INFORMATION CONTACT: Julia M. Farr, (202) 245–0359. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.]

SUPPLEMENTARY INFORMATION: CNR is one of Canada's two major railroads, extending from Halifax, Nova Scotia, on the Atlantic to Vancouver and Prince Rupert, British Columbia, on the Pacific. Through its GTC subsidiary, CNR controls the following rail carriers: GTW, IC, CCP, WCL, Duluth, Winnipeg and Pacific Railway Company (DWP), St. Clair Tunnel Company (SCTC), Cedar River Railroad Company (CRRC), Waterloo Railway Company (Waterloo), Sault Ste. Marie Bridge Company (SSMB), Wisconsin Chicago Link Ltd. (WCLL), Duluth, Missabe and Iron Range Railway Company (DMIR), Bessemer and Lake Erie Railroad Company (B&LE), and The Pittsburgh & Conneaut Dock Company (P&C Dock). DWP extends the applicants' system from the international border at Duluth Junction/Ranier over DWP's own lines to Nopeming Junction, MN. GTW also extends applicants' system to Chicago from the international border at Port Huron/Sarnia and Detroit/Windsor. In 1999, applicants acquired IC, thus extending applicants' system from Chicago to the Gulf Coast, and becoming part of a North American Free Trade Agreement (NAFTA) rail network offering shippers access to Kansas City Southern de México, S.A. de C.V. (KCSM), Mexico's largest rail system. In 2001, applicants acquired WCL and its affiliates, and in 2004 applicants acquired the Great Lakes Transportation LLC (GLT) carriers including DMIR, thus providing applicants with a connection between Chicago and applicants' lines west of the Great Lakes. In the GLT transaction, applicants also acquired B&LE and P&C Dock, which, together with applicants' ownership of DMIR and Great Lakes Fleet, LLC (a water carrier operating on the Great Lakes), provides applicants a continuous supply chain for iron ore moving from the Missabe Iron Range of Minnesota to the Union Railroad Company, which serves the Edgar Thompson Steel Works of United States Steel Corporation (USS) in Braddock, PA.

EJ&EW is an Illinois corporation formed on August 16, 2007, and is a wholly owned noncarrier subsidiary of EJ&E. EJ&E is a Class II railroad that currently operates over 198 miles of track in Northeastern Illinois and Northwestern Indiana, consisting primarily of an arc around Chicago, IL, extending from Waukegan, IL, southwards to Joliet, IL, then eastward to Gary, IN, and then northwest to South Chicago along Lake Michigan. EJ&E provides rail service to approximately 100 customers, including steel mills, coal utilities, plastics, and chemical producers, steel processors, distribution centers, and scrap processors. EJ&E is a wholly owned indirect subsidiary of USS, a noncarrier. USS owns all of the issued and outstanding stock of Transtar, Inc. (Transtar), a noncarrier holding company, which owns all of the issued and outstanding stock of seven common carrier railroads, including EJ&E.[2]

Before applicants acquire control of EJ&EW, EJ&E plans to transfer all of its land, rail, and related assets located west of the centerline of Buchanan Street in Gary (together with the real property and related fixtures associated with the hump and Dixie leads located east of Buchanan Street) to EJ&EW, which at that time would become a rail common carrier. As noted above, this transaction is the subject of the Sub-No. 1 related filing. EJ&E would retain its land, rail, and related assets east of the centerline (other than the real property and related fixtures associated with the hump and Dixie leads). It is expected that, if the Control Transaction is approved and applicants acquire control of EJ&EW, EJ&E would change its name to Gary Railway Company, and EJ&EW would assume the Elgin, Joliet & Eastern Railway Company name.

In order to permit trains of its operating subsidiaries—GTW, IC, CCP, and WCL—to operate over EJ&EW's line and provide for maximum operational flexibility, applicants intend to cause EJ&EW to grant trackage rights to those subsidiaries over the entire length of EJ&EW from Waukegan to Gary. Applicants also intend to grant EJ&EW trackage rights over selected portions of its CCP and IC subsidiaries. These proposed trackage rights are the subjects of notices of exemption in the related filings Sub-Nos. 2 through 7, providing for grants of trackage rights by EJ&EW to GTW, IC, CCP, and WCL and by IC and CCP to EJ&EW.

GTC and EJ&E have entered into a Stock Purchase Agreement (Agreement), dated as of September 25, 2007. The Agreement provides that, subject to Board authorization of the Control Transaction, and other conditions, GTC will purchase from EJ&E all of the issued and outstanding common stock of EJ&EW for an overall purchase price of $300 million, subject to adjustments as provided for in the Agreement.

Applicants state three primary purposes for pursuing the Control Transaction. First, they believe the Control Transaction would improve their operations in and beyond the Chicago area by providing CNR with a continuous rail route around Chicago, under applicants' ownership, that would connect the five CNR lines that presently radiate from Chicago. Second, acquiring EJ&E's rail assets would make

[2] In 2001, Transtar spun off its interest in B&LE, DMIR, P&C Dock, and a water carrier, Great Lakes Fleet, to GLT, which became a holding company controlled by the Blackstone Group. In 2004, in a transaction unrelated to USS, applicants acquired the GLT subsidiaries.

available to applicants EJ&E's Kirk Yard—an automated classification facility in Gary—as well as smaller facilities in Joliet and Whiting, IN, thus enabling applicants to consolidate car classification work at Kirk and East Joliet Yards and to reduce use of the Belt Railway Company of Chicago's (BRC) Clearing Yard. Lastly, applicants state that their system would benefit from the fact that EJ&E provides an important supply line for North American steel, chemical, and petrochemical industries, as well as for Chicago area utilities and others, which would allow applicants to develop closer and more extensive relationships with companies in and serving those industries.

Financial Arrangements. No new securities have been or would be issued in connection with applicants' acquisition of control of EJ&EW. Under the Agreement, the purchase price would be paid in cash on the closing date. Applicants anticipate that they would finance the Control Transaction with debt and cash on hand.

Passenger Service Impacts. Applicants state that the Control Transaction would not affect passenger rail service operating on CNR rail lines today; rather, applicants anticipate reduced freight train traffic on CNR lines inside the EJ&E arc, which would benefit passenger operations over those lines. Once applicants cease operations on the St. Charles Air Line Route, applicants state that the National Railroad Passenger Corporation (Amtrak) would be the only remaining regular user of that route. Before the line can be formally abandoned, Amtrak trains would need to be re-routed to Norfolk Southern Railway Company's line, as has been planned in connection with the Chicago Region Environmental and Transportation Efficiency (CREATE) Project. Applicants state that EJ&E lines are not used for intercity or commuter passenger rail service, though EJ&E does cross, at grade, several corridors of the Commuter Rail Division of the Regional Transportation Authority of Northeast Illinois (Metra). Applicants state that they would work with Metra and the host freight operators to coordinate operations and adjust operating windows so that the needs of all users can be met. Applicants also note that they are aware that Metra is studying the feasibility of using a portion of the EJ&E corridor for future light-rail commuter service. Applicants state that they would explore options to further Metra's goal of extended commuter train service while accommodating applicants' need to move its freight traffic more efficiently through and around Chicago.

Market Analysis. The primary application included market analyses that contend that there would be no reduction in direct rail competition between CNR and EJ&E as a result of this acquisition. Applicants analyzed stations and interchange points served by both CNR and EJ&E and concluded that there are no cases of 2 to 1 or 3 to 2 reductions in shipper rail options. In addition, applicants submitted a detailed geographic market study of origin and destination markets showing that the acquisition would not increase market concentration.

Discontinuances/Abandonments. Applicants state that they do not anticipate any transaction-related line abandonments. Although applicants intend to re-route all their trains currently operating over the St. Charles Air Line, a formal abandonment of that line would require coordination with BNSF Railway Company (BNSF) and Union Pacific Railroad Company, which own the line jointly with applicants, and with existing users such as Amtrak.

Public Interest Considerations. Applicants state that the Control Transaction would promote the public interest in a more efficient and reliable rail transportation system, and would have no adverse competitive, safety, or other effects. Applicants assert that the Control Transaction would have no anticompetitive effects in that it would connect two transportation systems that do not compete but instead complement each other and would together create a stronger network. Applicants assert that there would be no 2-to-1 shippers, nor 3-to-2 shippers, on the CNR/EJ&EW system. Moreover, applicants state that the Control Transaction would bring about no vertical foreclosure, no reduction in effective geographic competition, and no increase in market power. Applicants state that, as in past transactions, they are committed to keeping gateways open and honoring trackage rights and haulage agreements with all connecting carriers.

Applicants assert that, even if the Control Transaction had any adverse impacts on competition, those effects would be outweighed by its transportation benefits. The Control Transaction, applicants assert, would ensure more efficient and reliable rail transportation at a lower cost and would, over time, reduce rail traffic congestion, increase rail capacity for carriers operating in Chicago, and reduce traffic density in Chicago's urban core. Applicants state that the Control Transaction would provide CNR with a continuous route around Chicago, which would make it possible for CNR traffic to bypass the congested Chicago terminal. Applicants maintain that this rerouting would benefit CNR-served customers in the Chicago area and customers served by other Class I railroads by reducing the demand on the capacity of BRC, Indiana Harbor Belt Railroad (IHB), and other CNR lines through the central Chicago terminal area. Further, applicants note, the availability of a continuous CNR route around Chicago would greatly improve the fluidity of intermodal and other CNR traffic that must move to, from, or through Chicago. Also, the availability of a continuous CNR route around Chicago would advance the congestion-reducing objectives of the CREATE Project and make it possible for applicants to more quickly cease operations over the St. Charles Air Line. The Control Transaction, applicants state, would also eliminate interchanges between EJ&E and CNR, making possible single-line service for approximately 10,000 carloads that the two railroads now carry in interline service each year. Applicants also note that the public would benefit from applicants' plans to spend approximately $100 million to upgrade EJ&E's infrastructure.

Time Schedule for Consummation. Applicants intend to consummate control of EJ&EW as soon as possible after the effective date of the final order, should the Board authorize the proposed Control Transaction. Applicants expect to have fully implemented the Control Transaction within three years after consummation of their acquisition of control over EJ&EW.

Environmental Impacts. Applicants concede that environmental review under NEPA is necessary in this case. As discussed below, the increased traffic that would result from this transaction would substantially exceed the Board's thresholds for environmental review. Due to the potentially significant impact that this transaction may have on the environment and communities in the affected area, the Board will prepare a full EIS. Applicants also have agreed to prepare a Safety Integration Plan (SIP), pursuant to the Board's regulations at 49 CFR 1106, which will be addressed in the EIS. In the SIP, applicants will specify how they would ensure safe operations during the acquisition and implementation process. Applicants state that the transaction would have no adverse impact on historic properties, as there are no line abandonments and no elimination of duplicative rail facilities involved in the proposed transaction,

and that, therefore, there is no need for historic review under the National Historic Preservation Act of 1966 (NHPA), 16 U.S.C. 470. Based on the available information, it does not appear that historic review is required in this case.

Labor Impacts. Applicants anticipate two principal labor impacts as a result of the Control Transaction: The elimination of redundant positions and the organization/integration of forces to realize the efficiencies of the transaction. Applicants estimate that the Control Transaction would result in the elimination of 114 positions. Applicants anticipate that, to the extent the transaction leads to the elimination of positions, most of these impacts could be accommodated through normal attrition during the implementation period. Applicants' continuing need for experienced, skilled railroaders at its neighboring Chicago operations makes it highly likely that most of the affected employees would have the opportunity to fill other positions opening up elsewhere in applicants' Chicago operation. Applicants state they would work with the respective collective bargaining units to attempt to secure labor implementing agreements that would provide for the flexibility to fully employ any potentially adversely impacted employee. Applicants further acknowledge that the Control Transaction would be subject to employee protective conditions and other procedures adopted in *New York Dock Ry.—Control—Brooklyn Eastern District Terminal, 360 I.C.C. 60, aff'd sub nom. New York Dock Ry.* v. *United States,* 609 F.2d 83 (2d Cir. 1979) (*New York Dock*).

Related Filings. In connection with this transaction, several notices of exemption were filed under 49 CFR 1180.2(d)(3) and 1180.2(d)(7).

Sub-No. 1. In Sub-No. 1, EJ&E filed a verified notice of exemption under 49 CFR 1180.2(d)(3) for a transaction within a corporate family. Under this notice of exemption, EJ&E will transfer all its land, rail, and related assets located west of the centerline of Buchanan Street in Gary, IN (together with the real property and related fixtures associated with the hump and Dixie leads located east of Buchanan Street), to EJ&EW, which upon completion of the transfers would become a rail carrier. EJ&E will retain its land, rail, and related assets east of the centerline (other than the real property and related fixtures associated with the hump and Dixie leads). EJ&E intends to consummate the transaction with EJ&EW immediately before CNR and GTC acquire control of EJ&EW, which would not occur until after approval of the Control Transaction by the Board. The purpose of the transaction is that it would allow EJ&E to segregate into a separate corporate entity (EJ&EW) the rail properties to be acquired by GTC, thus facilitating the transaction described in the primary application. According to EJ&E, this is a transaction within a corporate family of the type specifically exempted from prior review and approval under 49 CFR 1180.2(d)(3). As a condition to use of this exemption, EJ&E states that any employees adversely affected by the transaction will be protected by the conditions set forth in *New York Dock.*

Sub-No. 2. In Sub-No. 2, CCP submits a verified notice of exemption under 49 CFR 1180.2(d)(7). Pursuant to a written trackage rights agreement, EJ&EW would grant CCP trackage rights over all of EJ&EW's line, which runs between milepost 74.6 at Waukegan, IL, and milepost 45.4 at Gary, IN, including all trackage west of the centerline of Buchanan Street in Gary, IN, plus trackage associated with the hump and Dixie leads located east of Buchanan Street, a distance approximately 120 miles. Parties intend to execute the trackage rights agreement promptly upon applicants' acquisition of control of EJ&EW, should the Board approve the proposed Control Transaction. As a condition to this exemption, CCP states that any employees affected by the acquisition of the temporary trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN,* 354 I.C.C. 605 (1978), *as modified in Mendocino Coast Ry., Inc.—Lease and Operate,* 360 I.C.C. 653 (1980).

Sub-No. 3. In Sub-No. 3, GTW submits a verified notice of exemption under 49 CFR 1180.2(d)(7). Pursuant to a written trackage rights agreement, EJ&EW would grant GTW trackage rights over EJ&EW's lines between milepost 74.6 at Waukegan, IL, and milepost 45.4 at Gary, IN, including all trackage west of the centerline of Buchanan Street in Gary, IN, plus trackage associated with the hump and Dixie leads located east of Buchanan Street.[3] Parties intend to execute the trackage rights agreement promptly upon applicants' acquisition of control of EJ&EW, should the Board approve the proposed Control Transaction. As a condition to this exemption, GTW states that any employees affected by the acquisition of the temporary trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), *as modified in Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Sub-No. 4. In Sub-No. 4, IC submits a verified notice of exemption under 49 CFR 1180.2(d)(7). Pursuant to a written trackage rights agreement, EJ&EW would grant IC trackage rights over EJ&EW's lines between milepost 74.6 at Waukegan, IL, and milepost 45.4 at Gary, IN, including all trackage west of the centerline of Buchanan Street in Gary, IN, plus trackage associated with the hump and Dixie leads located east of Buchanan Street. Parties intend to execute the trackage rights agreement promptly upon applicants' acquisition of control of EJ&EW, should the Board approve the proposed Control Transaction. As a condition to this exemption, IC states that any employees affected by the acquisition of the temporary trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), *as modified in Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Sub-No. 5. In Sub-No. 5, WCL submits a verified notice of exemption under 49 CFR 1180.2(d)(7). Pursuant to a written trackage rights agreement, EJ&EW would grant WCL trackage rights over EJ&EW's lines between milepost 74.6 at Waukegan, IL, and milepost 45.4 at Gary, IN, including all trackage west of the centerline of Buchanan Street in Gary, IN, plus trackage associated with the hump and Dixie leads located east of Buchanan Street. Parties intend to execute the trackage rights agreement promptly upon applicants' acquisition of control of EJ&EW, should the Board approve the proposed Control Transaction. As a condition to this exemption, WCL states that any employees affected by the acquisition of the temporary trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN,* 354 I.C.C. 605 (1978), *as modified in Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Sub-No. 6. In Sub-No. 6, CNR submits a verified notice of exemption under 49 CFR 1180.2(d)(7). Pursuant to a written trackage rights agreement, CCP would grant EJ&EW trackage rights over CCP's lines between milepost 35.7 at Munger, IL, and milepost 8.3 at Belt Crossing, IL. Parties intend to execute the trackage rights agreement promptly upon applicants' acquisition of control of EJ&EW, should the Board approve the

[3] GTW currently has trackage rights over EJ&E lines between milepost 36.2 at Griffith, IN, and milepost 24.0 at Eola, IL, which EJ&EW would acquire under Sub-No. 1.

proposed Control Transaction. As a condition to this exemption, CNR states that any employees affected by the acquisition of the temporary trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), *as modified in Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Sub-No. 7. In Sub-No. 7, CNR submits a verified notice of exemption under 49 CFR 1180.2(d)(7). Pursuant to a written trackage rights agreement, IC would grant EJ&EW trackage rights over IC's lines between milepost 17.9 at Highlawn, IL, and milepost 31.4 at University Park, IL, and between milepost 36.7 at Joliet, IL, and milepost 7.9 at Lemoyne, IL. Parties intend to execute the trackage rights agreement promptly upon applicants' acquisition of control of EJ&EW, should the Board approve the proposed Control Transaction. As a condition to this exemption, CNR states that any employees affected by the acquisition of the temporary trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), *as modified in Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Primary Application and Related Filings Accepted. The Board finds that the proposed Control Transaction would be a ''minor transaction'' under 49 CFR 1180.2(c), and the Board accepts the primary application for consideration because it is in substantial compliance with the applicable regulations governing minor transactions. See 49 U.S.C. 11321–26; 49 CFR part 1180. The Board is also accepting for consideration the seven related filings, which are also in compliance with the applicable regulations. The Board reserves the right to require the filing of supplemental information as necessary to complete the record.

The Board has received comments in support of the Control Transaction, as well as comments both opposing and supporting the ''minor transaction'' designation.[4] On November 8, 2007, Congressman Peter J. Visclosky submitted a comment with his notice of intent to participate in the proceeding, stating his belief that the Board should treat the Control Transaction as a significant transaction, in order to give those affected in Northwestern Indiana ample opportunity to analyze the impacts of the proposed purchase and comment accordingly. On November 21, 2007, Congresswoman Melissa L. Bean also submitted a comment with her notice of intent to participate urging the Board to treat the Control Transaction as a significant transaction. In addition, Congresswoman Bean requested that an EIS be prepared in connection with the proposed transaction and supported a local field hearing where the concerns of affected citizens and communities could be heard.

On November 19, 2007, Aux Sable Liquid Products, Inc. (Aux Sable) filed a reply in opposition to applicants' request that the Control Transaction be considered a minor transaction. Aux Sable argues that the Control Transaction should be found to be a significant transaction because the proposed transaction would eliminate EJ&E as a neutral switching carrier that provides efficient, economical, and nondiscriminatory access to numerous Class I railroads and short lines.

On November 21, 2007, applicants filed a reply in opposition to the arguments offered by Congressman Visclosky and Aux Sable to the effect that the proposed transaction should be deemed significant. Applicants assert that these parties' arguments present no justification for finding the proposed transaction to be anything other than minor.

The statute and Board regulations treat a transaction that does not involve two or more Class I railroads differently depending upon whether or not the transaction would have ''regional or national transportation significance.'' 49 U.S.C. 11325. Under our regulations, at 49 CFR 1180.2, a transaction that does not involve two or more Class I railroads is to be classified as ''minor''—and thus not having regional or national transportation significance—if a determination can be made either: (1) That the transaction clearly will not have any anticompetitive effects, or (2) that any anticompetitive effects will clearly be outweighed by the anticipated contribution to the public interest in meeting significant transportation needs. A transaction not involving the control or merger of two or more Class I railroads is ''significant'' if neither of these determinations can clearly be made.

The Board finds the proposed Control Transaction to be a ''minor transaction'' because it appears on the face of the application that the efficiency and other public interest benefits would clearly outweigh whatever anticompetitive effects may exist. Today much of CNR's traffic moving between its various components must travel through downtown Chicago. With this acquisition, applicants propose to reroute most of their traffic around Chicago, relieving congestion on crowded downtown track. According to applicants' operating plan, the EJ&E is currently lightly used. Applicants indicate that they could increase use of EJ&E's line by adding more CNR traffic while maintaining existing levels of other traffic. Further, the transaction does not appear to pose any significant anticompetitive effects. There is virtually no overlap; EJ&E and the applicants' rail lines do not appear to serve any shippers in common. Applicants also state their commitment to keeping gateways open and honoring trackage rights and haulage agreements with all connecting carriers so that other railroads would be able to continue to use their trackage rights on the EJ&E after completion of the Control Transaction.

The Board reiterates, however, that its findings regarding the anticompetitive impact are preliminary. The Board will give careful consideration to any claims that the transaction will have anticompetitive effects that are not apparent from the application itself. Moreover, the schedule established by the Board gives Aux Sable the opportunity to present its evidence on the issue of nondiscriminatory access and for the Board to consider the issue. In response to Congressman Visclosky's comment, the Board notes that the proposed schedule is contingent upon completion of a full environmental review process. As discussed, the Board has decided to prepare a full EIS in this proceeding that will ensure that the Board takes the hard look at environmental consequences required

[4] Several parties have provided statements in support of the transaction. On November 9, 2007, applicants submitted the verified statements of Consumers Energy Company, Erco Worldwide, and Millar Western Forest Products Ltd, in support of the proposed Control Transaction. On November 19, 2007, applicants submitted verified statements in support of the Control Transaction from A&R Transport, Inc., Behr Iron & Steel, Inc., Consolidated Grain and Barge Enterprises, Inc., Hapag-Lloyd (America) Inc., Louisiana Pacific Corporation, Major-Prime Plastics, Inc., Ozinga Transportation, Inc., Parkdale International Ltd., and Verso Paper. Also on November 19, 2007, Metropolitan Milwaukee Association of Commerce (MMAC) submitted a verified statement in support of the Control Transaction. On November 20, 2007, applicants submitted the verified statement of ATC Pembroke, Inc., in support of the proposed transaction. In a letter filed on November 21, 2007, the Chicagoland Chamber of Commerce (Chicagoland Chamber) expressed its support of the Control Transaction. Also on November 21, 2007, the Fond du lac Area Chamber of Commerce submitted a verified statement supporting the transaction and applicants submitted a letter from Michigan Governor Jennifer M. Granholm supporting the transaction. Governor Granholm, A&R Transport, Inc., MMAC, Chicagoland Chamber, and the Fond du lac Area Chamber of Commerce urge the Board to treat the proposed transaction as a minor transaction.

by NEPA, which is warranted in view of the large projected traffic increases on certain line segments, and the potential impacts of the proposed transaction on a number of communities that would likely result from the increased activity levels on rail line segments and at rail facilities. As part of the NEPA process, the Board will consider whether to impose specific environmental conditions, should it decide to authorize this proposal, to mitigate potential environmental impacts resulting from the proposed transaction.

Although the Board finds that the application is in substantial compliance with the applicable regulations, applicants have not submitted the information required under 49 CFR 1180.11. Applicants should submit this information to the Board by December 6, 2007.

Public Inspection. The primary application and related filings are available for inspection in the library (Room 131) at the offices of the Surface Transportation Board, 395 E Street, SW., in Washington, DC. In addition, the primary application and related filings may be obtained from Mr. Cunningham (representing CNR and GTC) at the address indicated above.

Procedural Schedule. The Board has considered applicants' request (filed October 30, 2007) for an expedited procedural schedule, under which the Board would issue its final decision before the statutory deadline of 180 days after the filing of the primary application.

On November 19, 2007, the Village of Barrington, IL (Barrington) filed a reply, urging the Board to develop an EIS and adopt a schedule that allows sufficient time to prepare an EIS, including sufficient time for preparation of a scoping notice, a Draft EIS, and Final EIS. On November 21, 2007, applicants responded, contending that the Board lacks sufficient information to decide now whether an EIS is needed in this case.

On November 20, 2007, BNSF submitted comments on applicants' suggested expedited procedural schedule, requesting that the Board set a procedural schedule that provides for sufficient time for consideration of the potential impacts of the proposed transaction and for negotiations with applicants to ensure that the interests of connecting railroads and their shippers are protected. On November 21, 2007, applicants responded, arguing that BNSF's concerns do not warrant lengthening the procedural schedule proposed by the applicants.

The Board denies applicants' request for an expedited procedural schedule and is adopting a procedural schedule, under which the Board would issue its final decision by April 25, 2008, provided that the environmental review process described below is complete. The Board's schedule also provides that any necessary oral argument or public hearing will be held on a date to be determined by the Board.

Under the procedural schedule adopted by the Board: any person who wishes to participate in this proceeding as a POR must file a notice of intent to participate no later than December 13, 2007; all comments, protests, requests for conditions, and any other evidence and argument in opposition to the primary application or related filings, including filings by DOJ and DOT, must be filed by January 28, 2008; and responses to comments, protests, requests for conditions, and other opposition and rebuttal in support of the primary application or related filings must be filed by March 13, 2008. As in past proceedings, DOJ and DOT will be allowed to file, on the response due date (here, March 13), their comments in response to the comments of other parties, and applicants will be allowed to file (as quickly as possible thereafter) a response to any such comments filed by DOJ and/or DOT. Under this schedule, a public hearing or oral argument may be held on a date to be determined by the Board. The Board plans to issue its final decision by April 25, 2008, and make any such approval effective by May 25, 2008, but those dates may be extended as required to accommodate completion of the environmental review process under NEPA, including preparation of an EIS and a full opportunity for public comment and participation. For further information respecting dates, see Appendix A (Procedural Schedule).

Notice of Intent to Participate. Any person who wishes to participate in this proceeding as a POR must file with the Board, no later than December 13, 2007, a notice of intent to participate, accompanied by a certificate of service indicating that the notice has been properly served on the Secretary of Transportation, the Attorney General of the United States, and Mr. Cunningham (representing CNR and GTC).

If a request is made in the notice of intent to participate to have more than one name added to the service list as a POR representing a particular entity, the extra name will be added to the service list as a ''Non-Party.'' The list will reflect the Board's policy of allowing only one official representative per party to be placed on the service list, as specified in Press Release No. 97–68 dated August 18, 1997, announcing the implementation of the Board's ''One Party-One Representative'' policy for service lists. Any person designated as a Non-Party will receive copies of Board decisions, orders, and notices but not copies of official filings. Persons seeking to change their status must accompany that request with a written certification that he or she has complied with the service requirements set forth at 49 CFR 1180.4, and any other requirements set forth in this decision.

Service List Notice. The Board will serve, as soon after December 13, 2007, as practicable, a notice containing the official service list (the service-list notice). Each POR will be required to serve upon all other PORs, within 10 days of the service date of the service-list notice, copies of all filings previously submitted by that party (to the extent such filings have not previously been served upon such other parties). Each POR also will be required to file with the Board, within 10 days of the service date of the service-list notice, a certificate of service indicating that the service required by the preceding sentence has been accomplished. Every filing made by a POR after the service date of the service-list notice must have its own certificate of service indicating that all PORs on the service list have been served with a copy of the filing. Members of the United States Congress (MOCs) and Governors (GOVs) are not parties of record and need not be served with copies of filings, unless any Member or Governor has requested to be, and is designated as, a POR.

Comments, Protests, Requests for Conditions, and Other Opposition Evidence and Argument, Including Filings by DOJ and DOT. All comments, protests, requests for conditions, and any other evidence and argument in opposition to the primary application or related filings, including filings by DOJ and DOT, must be filed by January 28, 2008.

Because the Transaction proposed in the application is a minor transaction, no responsive applications will be permitted. *See* 49 CFR 1180.4(d)(1).

Protesting parties are advised that, if they seek either the denial of the application or the imposition of conditions upon any approval thereof, on the theory that approval (or approval without conditions) would harm competition and/or their ability to provide essential services, they must present substantial evidence in support of their positions. *See Lamoille Valley R.R. Co.* v. *ICC*, 711 F.2d 295 (D.C. Cir. 1983).

Responses to Comments, Protests, Requests for Conditions, and Other

Opposition; Rebuttal in Support of the Primary Application or Related Filings. Responses to comments, protests, requests for conditions, and other opposition submissions, and rebuttal in support of the primary application or related filings must be filed by March 13, 2008.

Public Hearing/Oral Argument. The Board may hold a public hearing or an oral argument in this proceeding on a date to be determined by the Board.

Discovery. Discovery may begin immediately. The parties are encouraged to resolve all discovery matters expeditiously and amicably.

Environmental Matters. NEPA requires that the Board take environmental considerations into account in its decisionmaking. Under both the regulations of the President's Council on Environmental Quality implementing NEPA and the Board's own environmental rules, actions are separated into three classes that prescribe the level of documentation required in the NEPA process. Actions that may significantly affect the environment generally require the Board to prepare an EIS.[5] Actions that may or may not have a significant environmental impact ordinarily require the Board to prepare a more limited Environmental Assessment (EA).[6] Finally, actions whose environmental effects are ordinarily insignificant may be excluded from NEPA review across the board, without a case-by-case review. As pertinent here, an acquisition transaction normally requires the preparation of an EA or EIS where certain thresholds would be exceeded.

The thresholds differ depending on whether a rail line segment is in an area designated as in ''attainment'' or ''nonattainment'' with the National Ambient Air Quality Standards established under the Clean Air Act. Because the EJ&E lines that currently move through Chicago, and the lines of the proposed EJ&EW, are located in nonattainment areas, environmental documentation typically is required where the proposed action would result in: (1) An increase of at least 3 trains per day, (2) an increase in rail traffic of at least 50 percent (measured in annual gross ton miles), or (3) an increase in carload activity at rail yards of at least 20 percent. *See* 49 CFR 1105.7(e)(5)(ii).[7] The application indicates that the thresholds for environmental review would be exceeded here, and applicants agree that the preparation of either an EA or EIS is warranted in this proceeding.[8]

Applicants explain that the most notable change that would result from the proposed transaction is the shifting of rail traffic. Although rail traffic on CNR lines inside the EJ&E arc would generally decrease, these decreases in rail traffic would be offset by substantial increases in the number of trains operated on the EJ&EW line outside Chicago. Following the full implementation of the proposed transaction (which would be phased in), the EJ&EW line outside Chicago would gain approximately 9,695 carloads of extended haul traffic within approximately 3 years of consummation.[9] Applicants state that they would also use the EJ&EW line as a cross-connecting corridor. Accordingly, applicants anticipate that 14 of the existing 18 segments of the EJ&EW line would experience increases of between 15.0 and 26.6 trains per day.[10] These increases in trains per day would significantly exceed the 3 or 8 trains per day thresholds in the Board's environmental rules.

Applicants also project large increases in annual gross ton miles per day (gtm/d) on most of the affected line segments, which would exceed the Board's tonnage increase thresholds. For example, applicants' Operating Plan shows that on the Munger to West Chicago line segment gtm/pd would change by as much as 1,185 percent.[11] Applicants state that the proposed transaction would not impair CNR's ability to handle commuter trains, passenger trains, or trackage/haulage trains currently operating on its lines.

Finally, on the integrated CNR/EJ&EW system, four train pairs would be added to EJ&E terminals (three inbound and three outbound switch trains at Kirk Yard, and one inbound and one outbound switch train at East Joliet Yard). The estimated proposed increase of 1,355 car handlings daily at the Kirk Yard (currently 685 car handlings) and the estimated addition of 709 daily car handlings at East Joliet (currently 500 car handlings) would exceed the Board's thresholds for increased car load activity at rail yards.

The NEPA Process. Based on the information provided in the application and on a number of expressions of concern for the possible impact of the proposed transaction on potentially affected communities, and after consultation with the Section of Environmental Analysis (SEA), the Board has decided that it will prepare a full EIS in this proceeding. Although this proposed transaction is deemed to be minor and is thus entitled to an abbreviated review process on the merits, the schedule will not limit the environmental review process. The Board's proposed final decision date of April 25, 2008, and effective date of May 25, 2008, will be extended as needed to complete the full environmental review process, including preparation of the EIS and public comment as discussed below.

Under NEPA, an EIS is prepared for ''major federal actions significantly affecting the quality of the human environment.'' 42 U.S.C. 4332(2)(C). An EIS normally is not required in acquisition cases; a more limited EA generally is sufficient because there are not usually significant environmental impacts from the change in ownership of the operation of existing lines. 49 CFR 1105.6(b)(4). In this case, however, a full EIS is warranted in view of the large projected traffic increases on certain line segments, and the potential impacts of the proposed transaction on a number of communities that would likely result from the increased activity levels on rail lines segments and at rail facilities.[12]

The EIS process will ensure that the Board takes the hard look at environmental consequences required by NEPA. After issuing a notice of intent to prepare an EIS, the Board will determine the scope of work for the EIS and will provide opportunities for public participation and consultation with appropriate federal, state, and local agencies and governmental entities. A Draft EIS will be prepared that will analyze in detail the potential environmental impacts of the proposed transaction and will make recommendations for environmental

[5] *See* 49 CFR 1105.4(f), 1105.10(a).

[6] *See* 49 CFR 1105.4(d), 1105.10(b).

[7] For rail lines located in attainment areas, environmental documentation normally will be prepared if the proposed action would result in (1) an increase of at least 8 trains per day, (2) an increase in rail traffic of at least 100 percent (measured in annual gross ton miles), or (3) an increase in carload activity at rail yards of at least 100 percent. *See* 49 CFR 1105.7(e)(5)(i).

[8] *See* Application at p. 33.

[9] *See* Application at p. 192. Applicants state that there would be no quantifiable traffic gains from trucks or from rail traffic not presently handled in part by the applicants. *See* Application at p. 209.

[10] *See* Applicants' Operating Plan, Attachment A.2, p. 247.

[11] *Id.*

[12] Contrary to applicants' claims, the Board has enough information about the potential environmental impacts of this project to support the decision to prepare a full EIS. Moreover, making this determination at this point should result in a shorter NEPA review than if the Board began the EA process, only to find that the potential environmental impacts warranted an EIS, and it then had to begin again with the procedural steps required for an EIS.

mitigation.[13] The public will have at least 45 days to comment on the Draft EIS. A Final EIS will then be issued that will respond to the public comments, present the results of any further environmental analysis, and incorporate final environmental mitigation recommendations.[14] The Board will consider the entire environmental record in deciding whether to authorize the transaction as proposed, deny the proposal, or grant it with conditions, including environmental mitigation conditions.

The time the EIS will take to prepare cannot be determined ahead of time because there is no way to predict in advance all of the specific issues that may arise. In prior cases, the EIS process has ranged from approximately 18 months to several years.[15]

Safety Integration Plan. Applicants state that they will work with the Federal Railroad Administration (FRA) to formulate a SIP [16] to address the safe integration of their rail lines, equipment, personnel, and operating practices. The proposed SIP will be submitted to the Board and made available for public review and comment during the EIS process, consistent with the Board's regulations at 49 CFR 1106 and 1180.1(f)(3).

Historic Review. Finally, in accordance with Section 106 of the NHPA the Board is required to determine the effects of its licensing actions on cultural resources.[17] The Board's environmental rules establish exceptions to the need for historic review in certain cases, including the sale of a rail line for the purpose of continued rail operations where further Board approval is required to abandon any service and there are no plans to dispose of or alter properties subject to the Board's jurisdiction that are 50 years old or older.[18] Applicants state that the proposed transaction fits within this exception.[19] They assert that they have no plans to alter or dispose of properties 50 or more years old, and that any future line abandonment or construction activities by applicants would be subject to the Board's jurisdiction. Based on this information, it does not appear that historic review under the NHPA is required in this case.

Filing/Service Requirements. Persons participating in this proceeding may file with the Board and serve on other parties: A notice of intent to participate (due by December 13); a certificate of service indicating service of prior pleadings on persons designated as PORs on the service-list notice (due by the 10th day after the service date of the service-list notice); any comments, protests, requests for conditions, and any other evidence and argument in opposition to the primary application or related filings (due by January 28); and any responses to comments, etc., and any rebuttal in support of the primary application or related filings (due by March 13).

Filing Requirements. Any document filed in this proceeding must be filed either via the Board's e-filing format or in the traditional paper format as provided for in the Board's rules. Any person using e-filing should attach a document and otherwise comply with the instructions found on the Board's Web site at *http://www.stb.dot.gov* at the ''E-FILING'' link. Any person filing a document in the traditional paper format should send an original and 10 paper copies of the document (and also an electronic version) to: Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001.

Service Requirements. One copy of each document filed in this proceeding must be sent to each of the following (any copy may be sent by e-mail only if service by e-mail is acceptable to the recipient): (1) Secretary of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590; (2) Attorney General of the United States, c/o Assistant Attorney General, Antitrust Division, Room 3109, Department of Justice, Washington, DC 20530; (3) Paul A. Cunningham (representing CNR and GTC), Harkins Cunningham LLP, 1700 K Street, NW., Suite 400, Washington, DC 20006–3804; and (4) any other person designated as a POR on the service-list notice.

Service of Decisions, Orders, and Notices. The Board will serve copies of its decisions, orders, and notices only on those persons who are designated on the official service list as either POR, MOC, GOV, or Non-Party. All other interested persons are encouraged either to secure copies of decisions, orders, and notices via the Board's Web site at *http://www.stb.dot.gov* under ''E-LIBRARY/Decisions & Notices'' or to make advance arrangements with the Board's copy contractor, ASAP Document Solutions (mailing address: Suite 103, 9332 Annapolis Rd., Lanham, MD 20706; e-mail address: *asapdc@verizon.net;* telephone number: 202–306–4004), to receive copies of decisions, orders, and notices served in this proceeding. ASAP Document Solutions will handle the collection of charges and the mailing and/or faxing of decisions, orders, and notices to persons who request this service.

Access to Filings. An interested person does not need to be on the service list to obtain a copy of the primary application or any other filing made in this proceeding. Under the Board's rules, any document filed with the Board (including applications, pleadings, etc.) shall be promptly furnished to interested persons on request, unless subject to a protective order. 49 CFR 1180.4(a)(3). The primary application and other filings in this proceeding will also be available on the Board's Web site at *http://www.stb.dot.gov* under ''E-LIBRARY/Filings.''

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The primary application in STB Finance Docket No. 35087 and the related filings in STB Finance Docket No. 35087 (Sub-Nos. 1 through 7) are accepted for consideration.

2. The parties to this proceeding must comply with the procedural schedule adopted by the Board in this proceeding as shown in Appendix A.

3. The parties to this proceeding must comply with the procedural requirements described in this decision.

4. This decision is effective on November 29, 2007.

Decided: November 23, 2007.

By the Board, Chairman Nottingham, Vice Chairman Buttrey, and Commissioner Mulvey. Commissioner Mulvey dissented with a separate expression.

Vernon A. Williams,

Secretary.

COMMISSIONER MULVEY, dissenting:

I would have preferred that the Board categorize this transaction as ''significant.'' In light of the configuration of Class I railroad lines, traffic flows, critical junctures the EJ&E offers in the Chicago area, and the

[13] During the environmental review process, railroad applicants have sometimes negotiated mutually acceptable agreements with affected communities and other entities, addressing specific local environmental concerns. The Board encourages voluntary agreements of this nature because they can be extremely effective in addressing specific local environmental and safety concerns. *See* 49 CFR 1180.1(f)(2).

[14] The environmental analysis will focus on the potential environmental impacts resulting from changes in activity levels on particular line segments and facilities. The Board's general practice has been to mitigate only impacts resulting directly from a proposed transaction, and not to require mitigation for existing conditions and existing railroad operations. *See* 49 CFR 1180.1(f)(1).

[15] Sometimes, environmental work has been suspended for reasons unrelated to the environmental review process.

[16] *See* 49 CFR 244.17(a) and 1106.4(a).

[17] *See* 49 CFR 1105.8.

[18] *See* 49 CFR 1105.8(b)(1).

[19] *See* Application at p. 33.

applicants' less than thorough treatment of how their consolidation would impact other carriers, I do not believe applicants have satisfied the standards necessary for the Board to categorize this transaction as ''minor.'' I recognize that the substantive standard for Board approval of ''significant'' and ''minor'' transactions is the same under 49 U.S.C. 11324(d). However, a ''significant'' categorization would have allowed interested parties and the Board to take advantage of the additional procedural safeguards provided by 49 U.S.C. 11325(c).

I have long been concerned about why the agency's categorization of consolidation transactions includes virtually no ''significant'' transactions, and only one since the early 1990's. The current standards for determining whether a consolidation transaction is ''significant'' or ''minor'' were adopted at a time when many more Class I carriers existed than do today, when the railroad industry was in a different financial posture than it is in today, and when the agency was viewed as an impediment to economic recovery of the industry. That is no longer the environment in which we consider the merits of transactions such as this. As a result, I would have preferred we handle this transaction [20] as a ''significant'' one.[21]

APPENDIX A: PROCEDURAL SCHEDULE

October 3, 2007	Motion for Protective Order filed.
October 22, 2007	Protective Order issued.
October 30, 2007	Primary Application, Related Filings, and Motion to Establish Procedural Schedule filed.
November 29, 2007	Board notice of acceptance of application published in the **Federal Register**.
December 13, 2007	Notices of intent to participate in this proceeding due.
January 28, 2008	All comments, protests, requests for conditions, and any other evidence and argument in opposition to the primary application or related filings, including filings of DOJ and DOT, due.
March 13, 2008	Responses to comments, protests, requests for conditions, and other opposition due. Rebuttal in support of the primary application or related filings due.
TBD	A public hearing or oral argument may be held.
TBD [20]	Date by which a final decision will be served.
TBD [21]	Date by which a final decision will become effective.

[FR Doc. E7–23151 Filed 11–28–07; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35081]

Canadian Pacific Railway Company, et al.—Control—Dakota, Minnesota & Eastern Railroad Corp., et al.

AGENCY: Surface Transportation Board, DOT.

ACTION: Decision No. 3 in STB Finance Docket No. 35081; notice of proposed procedural schedule and request for comments.

SUMMARY: The Surface Transportation Board (Board) invites public comments on a proposed procedural schedule for this proceeding. On October 5, 2007, Canadian Pacific Railway Corporation (CPRC), Soo Line Holding Company, a Delaware Corporation and indirect subsidiary of CPRC (Soo Holding), Dakota, Minnesota & Eastern Railroad Corporation (DM&E), and Iowa, Chicago & Eastern Railroad Corporation, a wholly-owned rail subsidiary of DM&E (IC&E) (collectively referred to as the ''Applicants'') submitted a filing with the Board seeking approval under 49 U.S.C. 11321–26 of the acquisition of control of DM&E and IC&E by Soo Holding (and, indirectly, by CPRC). In Decision No. 2, served on November 2, 2007, and published in the **Federal Register** at 72 FR 63232–36 on November 8, 2007, the Board accepted the October 5 submission as a prefiling notification, thus allowing the Applicants to perfect their application, and provide any supplemental materials or information, on or after December 5, 2007.[1]

DATES: Written comments on the Board's proposed procedural schedule must be filed by December 10, 2007.

ADDRESSES: Any filing submitted in this proceeding must be submitted either via the Board's e-filing format or in the traditional paper format as provided for in the Board's rules. Any person using e-filing should attach a document and otherwise comply with the instructions found on the Board's Web site at *http://www.stb.dot.gov* at the ''E-FILING'' link. Any person submitting a filing in the traditional paper format should send an original and 10 paper copies of the filing (and also an electronic version) to: Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, one copy of each filing in this proceeding must be sent (and may be sent by e-mail only if service by e-mail is acceptable to the recipient) to each of the following: (1) Terence M. Hynes (representing CPRC), Sidley Austin LLP, 1501 K Street, NW., Washington, DC 20005; and (2) William C. Sippel (representing DM&E), Fletcher & Sippel, 29 North Wacker Drive, Suite 920, Chicago, IL 60606.

FOR FURTHER INFORMATION CONTACT: Julia M. Farr, (202) 245–0359. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.]

SUPPLEMENTARY INFORMATION: On November 13, 2007, Applicants filed a petition to establish a revised procedural schedule as directed by the Board in Decision No. 2. The Board now seeks public comments on a procedural schedule that is the same as the Applicants' proposed procedural schedule, except that the record would close with the filing of briefs on July 2, 2008, and that the Board's proposed procedural schedule would provide for a possible oral argument or public hearing to be held on a date in June 2008 to be determined by the Board. Applicants had proposed closing the record on June 16, 2008, with the filing of briefs, and to hold open the possibility of scheduling a public hearing or oral argument after that date. The Board's proposed procedural schedule would instead allow the full 180 days for development of the record,

[20] Under 49 U.S.C. 11325(d)(2), a final decision would be issued by April 25, 2008; however, the Board also is required to accommodate NEPA in its decisionmaking. Therefore, a final decision here will be issued as soon as possible after completion of the EIS process.

[21] The final decision will become effective 30 days after it is served.

[1] In Decision No. 2, the Board found that the transaction contemplated by the Applicants is a significant transaction, as defined at 49 CFR 1180.2(b).

with any public hearing or oral argument scheduled before the record closes with the filing of briefs on July 2, 2008.

The proposed procedural schedule is as follows:

December 5, 2007	Application due.
January 4, 2008	Board notice of acceptance of application to be published in the **Federal Register**.
January 25, 2008	Notices of intent to participate in this proceeding due. Descriptions of anticipated responsive, including inconsistent, applications due. Petitions for waiver or clarification with respect to such applications due.
March 4, 2008	Comments, protests, requests for conditions, and any other evidence and argument in opposition to the Application, including filings from U.S. Department of Justice (DOJ) and U.S. Department of Transportation (DOT) due. Responsive, including inconsistent, applications due.
April 18, 2008	Responses to comments, protests, requests for conditions, other opposition, including DOJ and DOT filings, and responsive, including inconsistent, applications due. Rebuttal in support of the Application due.
May 19, 2008	Rebuttal in support of inconsistent and other responsive applications due.
TBD	A public hearing or oral argument may be held in June.
July 2, 2008	All briefs due.
September 30, 2008	Service date of final decision.
October 30, 2008	Effective date of final decision.

We invite all interested persons to submit written comments on the procedural schedule proposed. Comments must be filed by December 10, 2007. In addition, please be advised that these proposed dates are subject to change depending on the Board's environmental review process.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Decided: November 23, 2007.

By the Board, Chairman Nottingham, Vice Chairman Buttrey, and Commissioner Mulvey.

Vernon A. Williams,

Secretary.

[FR Doc. E7–23146 Filed 11–28–07; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

November 20, 2007.

The Department of Treasury will submit the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before December 31, 2007 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–2073.

Type of Review: Extension.

Title: Revenue Procedure 2007–37, Substitute Mortality Tables for single Employer Defined Benefit Plans.

Description: This revenue procedure describes the process for obtaining a letter ruling as to the acceptability of substitute mortality tables under section 430(h)(3)(C) of the Code.

Respondents: Farms, and not-for-profit institutions.

Estimated Total Burden Hours: 25,400 hours.

OMB Number: 1545–1897.

Type of Review: Extension .

Title: TD 9145 (Final and Temporary) Entry of Taxable Fuel.

Description: The regulation imposes joint and several liability on the importer of record for the tax imposed on the entry of taxable fuel into the U.S. and revises definition of ''enterer''.

Respondents: Businesses and other for-profit institutions.

Estimated Total Burden Hours: 281 hours.

OMB Number: 1545–2076.

Type of Review: Extension.

Title: Capital Costs Incurred to Comply With EPA Sulfur Regulations.

Description: This temporary regulation provides rules for claiming the deduction allowable under section 179B of the Internal Revenue Code for qualified capital costs paid or incurred by a small business refiner. The temporary regulations provide the time and manner for: (i) A small business refiner to make the election to claim this deduction for the taxable year; and (ii) a cooperative small business refiner to make the election to allocate its deduction allowable under section 179B for the taxable year to the cooperative owners and to provide the written notice, as required by section 179B(e)(3), to the cooperative owners.

Respondents: Businesses and other for-profits.

Estimated Total Burden Hours: 50 hours.

OMB Number: 1545–2074.

Type of Review: Extension.

Title: The revenue procedure informs small business refiners how to obtain the certification required under section 45H(f) of the Internal Revenue Code.

Description: These regulations provide rules implementing the provisions of the Unemployment Compensation Amendments (Pub. L. 102–318) requiring 20 percent income tax withholding upon certain distributions from qualified pension plans or tax-sheltered annuities.

Respondents: Businesses and other for-profit institutions.

Estimated Total Burden Hours: 75 hours.

OMB Number: 1545–1895.

Type of Review: Extension.

Title: Revenue Procedure 2004–46, Relief from Late GST Allocation.

Description: This revenue procedure provides guidance to certain taxpayers in order to obtain an automatic extension of time to make an allocation of the generation-skipping transfer tax exemption. Rather than requesting a private letter ruling, the taxpayer may file certain documents directly with the Cincinnati Service Center to obtain relief.

Respondents: Individuals or households.

Estimated Total Burden Hours: 350 hours.

OMB Number: 1545–1885.

Type of Review: Extension.

Title: Announcement 2004–46, Son of Boss Settlement Initiative.

Description: The collected information is required to apply the terms of the settlement set forth in the announcement. The information will be used to determine whether the taxpayer has reported the disclosed item property for income tax purposes.

Respondents: Businesses or other for-profit institutions.

Estimated Total Burden Hours: 5,000 hours.

OMB Number: 1545–1343.

Type of Review: Extension.

Title: PS–100–88 (Final) Valuation Tables.

Description: The regulations require individuals or fiduciaries to report information on Forms 706 and 709 in connection with the valuation of an annuity, an interest for life or a term of years, or a remainder or reversionary interest.

Respondents: Individuals or households.

Estimated Total Burden Hours: 4,500 hours.

OMB Number: 1545–1908.

Type of Review: Extension.

Title: REG–121475–03 (Final) Qualified Zone Academy Bonds: Obligations of States and Political Subdivision.

Description: The agency needs the information to ensure compliance with the requirement under the regulation that the taxpayer rebates the earnings on the defeasance escrow to the United States. The agency will use the notice to ensure that the respondent pays rebate when rebate becomes due. The respondent are state and local governments that issue qualified zone academy bonds under Sec. 1397E of the IRC.

Respondents: State, local, or tribal governments.

Estimated Total Burden Hours: 3 hours.

Clearance Officer: Glenn P. Kirkland, (202) 622–3428, Internal Revenue Service, Room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt, (202) 395–7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

Robert Dahl,

Treasury PRA Clearance Officer.

[FR Doc. E7–23155 Filed 11–28–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

November 20, 2007.

The Department of Treasury will submit the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before December 31, 2007 to be assured of consideration.

Alcohol and Tobacco Tax and Trade Bureau (TTB)

OMB Number: 1513–0025.

Type of Review: Revision.

Title: Notice of Release of Tobacco Products, Cigarette Papers, or Cigarette Tubes.

Forms: TTB 5200.11.

Description: The form documents the release of tobacco products and cigarette papers and tubes from Customs custody, and return of such articles, to a manufacturer or export warehouse proprietor for use in the United States. The form is also used to ensure compliance with laws and regulations at the time of these transactions and for post audit examinations.

Respondents: Business and other for profits.

Estimated Total Burden Hours: 536 hours.

OMB Number: 1513–0058.

Type of Review: Revision.

Title: Usual and Customary Business Records Maintained by Brewers (TTB REC 5130/1).

Description: TTB audits brewers' records to verify production of beer and cereal beverage and to verify the quantity of beer removed subject to tax and removed without payment of tax. TTB believes that these records would be normally kept in the course of doing business.

Respondents: Business and other for profits.

Estimated Total Burden Hours: 1 hour.

OMB Number: 1513–0110.

Type of Review: Revision.

Title: Recordkeeping for Tobacco Products Removed in Bond from a Manufacturer's Premises for Experimental Purposes—27 CFR 40.232(e).

Description: The prescribed records apply to manufacturers who ship tobacco products in bond for experimental purposes. TTB can examine these records to determine that the proprietor has complied with law and regulations that allow such tobacco products to be shipped in bond for experimental purposes without payment of the excise tax.

Respondents: Business and other for profits.

Estimated Total Burden Hours: 1 hour.

Clearance Officer: Frank Foote, (202) 927–9347, Alcohol and Tobacco Tax and Trade Bureau, Room 200 East, 1310 G. Street, NW., Washington, DC 20005.

OMB Reviewer: Alexander T. Hunt, (202) 395–7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

Robert Dahl,

Treasury PRA Clearance Officer.

[FR Doc. E7–23156 Filed 11–28–07; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Government Securities: Call for Large Position Reports

AGENCY: Office of the Assistant Secretary for Financial Markets, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury (''Department'' or ''Treasury'') called for the submission of Large Position Reports by those entities whose reportable positions in the 3⅞% Treasury Notes of October 2012 equaled or exceeded $2 billion as of close of business November 26, 2007.

DATES: Large Position Reports must be received before noon eastern time on December 3, 2007.

ADDRESSES: The reports must be submitted to the Federal Reserve Bank of New York, Government Securities Dealer Statistical Unit, 4th Floor, 33 Liberty Street, New York, New York 10045; or faxed to 212–720–5030.

FOR FURTHER INFORMATION CONTACT: Lori Santamorena, Executive Director; Lee Grandy, Associate Director; or Kevin Hawkins, Government Securities Specialist; Bureau of the Public Debt, Department of the Treasury, at 202–504–3632.

SUPPLEMENTARY INFORMATION: In a press release issued on November 27, 2007, and in this **Federal Register** notice, the Treasury called for Large Position Reports from entities whose reportable positions in the 3⅞% Treasury Notes of October 2012, Series R–2012, equaled or exceeded $2 billion as of the close of business Monday, November 26, 2007. This call for Large Position Reports is a test pursuant to the Department's large position reporting rules under the Government Securities Act regulations (17 CFR part 420). Entities whose reportable positions in this note equaled or exceeded the $2 billion threshold must report these positions to the

Federal Reserve Bank of New York. Entities with positions in this note below $2 billion are not required to file reports. Large Position Reports must be received by the Government Securities Dealer Statistical Unit of the Federal Reserve Bank of New York before noon Eastern Time on Monday, December 3, 2007, and must include the required position and administrative information. The Reports may be faxed to (212) 720–5030 or delivered to the Bank at 33 Liberty Street, 4th floor.

The 3⅞% Treasury Notes of October 2012, Series R–2012, have a CUSIP number of 912828 HG 8, a STRIPS principal component CUSIP number of 912820 QD 2, and a maturity date of October 31, 2012.

The press release and a copy of a sample Large Position Report, which appears in Appendix B of the rules at 17 CFR part 420, are available at the Bureau of the Public Debt's Internet site at *www.treasurydirect.gov/instit/statreg/gsareg/gsareg.htm*.

Questions about Treasury's large position reporting rules should be directed to Treasury's Government Securities Regulations Staff at Public Debt on (202) 504–3632. Questions regarding the method of submission of Large Position Reports should be directed to the Government Securities Dealer Statistical Unit of the Federal Reserve Bank of New York at (212) 720–7993.

The collection of large position information has been approved by the Office of Management and Budget pursuant to the Paperwork Reduction Act under OMB Control Number 1535–0089.

Dated: November 27, 2007.

Anthony W. Ryan,

Assistant Secretary for Financial Markets.

[FR Doc. 07–5890 Filed 11–27–07; 3:16 pm]

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Federal Register

Vol. 72, No. 229

Thursday, November 29, 2007

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Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
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FEDERAL REGISTER PAGES AND DATE, NOVEMBER

61791–62104 1
62105–62408 2
62409–62558 5
62559–62766 6
62767–63096 7
63097–63444 8
63445–63782 9
63783–63966 13
63967–64118 14
64119–64522 15
64523–64918 16
64919–65214 19
65215–65440 20
65441–65654 21
65655–65884 23
65885–66040 26
66041–67226 27
67227–67560 28
67561–67634 29

CFR PARTS AFFECTED DURING NOVEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

2 CFR

175 63783

3 CFR

Proclamations:
8195 62395
8196 62397
8197 62399
8198 62401
8199 62403
8200 62555
8201 62557
8202 64117
8203 65211
8204 65213
8205 65439
8206 65651

Executive Orders:
12170 (See Notice of Nov. 8, 2007: National Emergency With Iran) 63965
12938 (See Notice of Nov. 8, 2007: Emergency Regarding Weapons of Mass Destruction) 63963
13067 (See Notice of November 1, 2007) 62407
13094 (See Notice of Nov. 8, 2007: Emergency Regarding Weapons of Mass Destruction) 63963
13382 (See Notice of Nov. 8, 2007: Emergency Regarding Weapons of Mass Destruction) 63963
13400 (See Notice of November 1, 2007) 62407
13450 64519
13451 65653

Administrative Orders:
Notices:
Notice of November 1, 2007 62407
Notice of November 8, 2007 (Emergency Regarding Weapons of Mass Destruction) 63963
Notice of November 8, 2007 (National Emergency With Iran) 63965

5 CFR

353 62767
532 ..... 63967, 63968
575 64523

6 CFR

27 ..... 65215, 65217, 65219, 65221, 65224
Ch. X 66041

7 CFR

1 66041
210 63785
215 63785
220 63785
235 63785
245 63785
301 ..... 62409, 65172
305 65172
457 62767
718 63242
761 63242
762 63242
763 63242
764 63242
765 63242
766 63242
767 63242
768 63242
769 63242
771 64119
772 64119
773 64119
774 64119
966 64123
993 62409
1170 62105
1405 63242
1806 64119
1901 64119
1910 64119
1924 64119
1925 64119
1927 64119
1940 64119
1941 64119
1943 64119
1950 64119
1951 64119
1955 64119
1956 64119
1962 64119
1965 64119

Proposed Rules:
47 61820
51 62417
56 62591
70 62591
305 64163
318 64163
331 64540
786 65889
1221 65842

34 CFR

668.....62014
674.....61960, 62014
676.....62014
682.....61960, 62014
685.....61960, 62014
690.....62014
691.....62014

36 CFR

1228.....64153

Proposed Rules:

7.....65278
1191.....61826
1193.....61827
1194.....61827
1195.....61828
1250.....64558
1251.....64558
1256.....64558

37 CFR

202.....61801

Proposed Rules:

383.....63532

38 CFR

1.....65461
2.....65461

39 CFR

301.....64155
3001.....63662
3010.....63662, 64155
3015.....63662, 64155
3020.....63662, 64155

40 CFR

49.....63988
52 .....61806, 62119, 62338, 62571, 62579, 62788, 63107, 63990, 64156, 64158, 64946, 64948, 65462
60.....62414, 64860
63.....64860
81 .....62414, 63990, 64948
82.....63490
97.....62788
180 .....62788, 63992, 63994, 63997, 64538, 67256
721.....64951

Proposed Rules:

51.....63850, 65282
52 .....62175, 62420, 62422, 62615, 62616, 62807, 62809, 63850, 64179, 64970, 65283, 65285, 65494
55.....64563
63.....63159
81.....65682
82.....63535
87.....64570
752.....65282

42 CFR

409.....66222
410.....66222, 66580
411 .....62585, 64161, 66222, 66580
412.....62585, 66222
413 .....62585, 66222, 66580
414.....66222, 66580
415.....66222
416.....66580
418.....66222
419.....66580
423.....66222
424.....66222
482.....66222, 66580
484.....66222
485.....66222, 66580
489.....62585

Proposed Rules:

423.....64900
455.....65686
483.....65692

44 CFR

64.....63110, 63112
65.....62121
67.....61806

Proposed Rules:

67 .....61828, 61850, 62178, 62184, 62194

45 CFR

Proposed Rules:

2510.....64970
2513.....64970
2516.....64970
2517.....64970
2520.....64970
2521.....64970
2522.....64970
2523.....64970
2524.....64970
2540.....64970
2550.....64970

47 CFR

2.....67577
11.....62123
15.....63823
27 .....63499, 67577, 67578
64.....61813
73.....63823
76.....65670
90.....67577, 67578

Proposed Rules:

1.....64013
2.....65494
11.....62195
15.....64013
20.....65494
25.....64979
27.....64013
61.....64179
68.....65494
69.....64179
73 .....63866, 63867, 63868
74.....62616
90.....63869, 64013
101.....64013

48 CFR

Ch. 1.....63026, 63094, 65868, 65883
1.....63027, 63089
2 .....63040, 63045, 63075, 65868, 65873
3.....63045, 65873
4 .....63040, 63075, 63076
5.....63075, 63084
6.....63084
7.....63027, 63040
11.....63040
12 .....63040, 63045, 63084
13.....63040, 63075
15.....63045, 63076
17.....63076
18 .....63027, 63045, 63084
19.....63045
22 .....63076, 63088, 65868
23.....63040, 65868
25.....63089
26.....63084
27.....63045
28.....63027
32.....63027
33.....63027, 63045
36.....65868
42.....63040
43.....63027
45.....63040
50.....63027
52 .....63027, 63040, 63045, 63076, 63084, 63089, 65868, 65873
53.....63089
202.....63113
212.....63113
225.....63113

Proposed Rules:

2.....61854
3.....64019
4.....61854
9.....64019
12.....61854
14.....61854
15.....61854
16.....61854
19.....61854
27.....61854
30.....61854
31.....61854, 64185
32.....61854
42.....61854, 64019
44.....61854
49.....61854
52.....61854, 64019
604.....64980
637.....64980
652.....64980

49 CFR

385.....62795
571.....62135
585.....62135
1507.....63706
1572.....63106

Proposed Rules:

571.....62198, 65509
579.....62198
594.....65532
1114.....62200
1121.....62200
1150.....62200
1180.....62200

50 CFR

17 .....62736, 63123, 64286
229 .....62587, 63824, 66048
600.....61815
622.....62415, 66080
635.....67580
648 .....62416, 64000, 64952, 65466, 66082, 66083
660.....64952
679 .....62590, 63500, 64001, 66083

Proposed Rules:

17 .....62992, 66122, 67428
21.....64981
223.....63537
600.....64186
635.....64186
648.....64023, 64187
679 .....63871, 64034, 65539

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT NOVEMBER 29, 2007

AGRICULTURE DEPARTMENT

Federal Crop Insurance Corporation

Crop insurance regulations:

Potato crop provisions; published 10-30-07

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Food additives:

Secondary food additives—

Cetylpyridinium chloride; published 11-29-07

STATE DEPARTMENT

Exchange Visitor Program:

Sanctions and terminations

Withdrawn; published 11-29-07

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Dairy Product Mandatory Reporting Program; establishment; comments due by 12-3-07; published 11-2-07 [FR E7-21559]

Egg, poultry, and rabbit products; inspection and grading:

Fees and charges increase; comments due by 12-6-07; published 11-6-07 [FR 07-05571]

Leafy greens; handling regulations; comments due by 12-3-07; published 10-4-07 [FR E7-19629]

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Agricultural Bioterrorism Protection Act of 2002; implementation:

Select agent and toxin list; biennial review and republication; comments due by 12-3-07; published 11-16-07 [FR E7-22431]

AGRICULTURE DEPARTMENT

Agricultural Research Service

Patent licenses; non-exclusive, exclusive, or partially exclusive:

ISTO Technologies, Inc.; comments due by 12-6-07; published 11-6-07 [FR 07-05505]

Peterson Seed Associates; comments due by 12-6-07; published 11-6-07 [FR 07-05504]

AGRICULTURE DEPARTMENT

Grain Inspection, Packers and Stockyards Administration

Ethanol production, differentiating grain inputs and standardized testing of ethanol production co-products; USDA role; comments due by 12-4-07; published 10-5-07 [FR E7-19733]

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:

Caribbean, Gulf, and South Atlantic fisheries—

Gulf of Mexico reef fish and shrimp; comments due by 12-7-07; published 10-23-07 [FR 07-05245]

Northeastern United States fisheries—

Summer flounder, scup, and black sea bass; comments due by 12-3-07; published 11-14-07 [FR 07-05647]

DEFENSE DEPARTMENT

Non-Federal entities authorized to operate installations; procedures and support; comments due by 12-3-07; published 10-2-07 [FR E7-19446]

DEFENSE DEPARTMENT

Navy Department

Admiralty claims; comments due by 12-3-07; published 10-3-07 [FR E7-19407]

ENVIRONMENTAL PROTECTION AGENCY

Acquisition regulations:

Award term incentives use, guidance; administrative amendments; comments due by 12-3-07; published 10-4-07 [FR E7-19632]

Air quality implementation plans; approval and promulgation; various States:

Colorado; comments due by 12-6-07; published 11-6-07 [FR E7-21611]

Connecticut; comments due by 12-5-07; published 11-5-07 [FR E7-21690]

Delaware; comments due by 12-7-07; published 11-7-07 [FR E7-21853]

Louisiana; comments due by 12-6-07; published 11-6-07 [FR E7-21687]

Massachusetts; comments due by 12-5-07; published 11-5-07 [FR E7-21691]

West Virginia; comments due by 12-7-07; published 11-7-07 [FR E7-21866]

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

Thiabendazole; comments due by 12-3-07; published 10-3-07 [FR E7-19542]

FEDERAL COMMUNICATIONS COMMISSION

Emergency Alert System; regulatory review; comments due by 12-3-07; published 11-2-07 [FR 07-05331]

Radio services, special:

Private land mobile services—

800 MHz band; improving public safety communications; comments due by 12-3-07; published 11-13-07 [FR E7-22128]

FEDERAL MEDIATION AND CONCILIATION SERVICE

Freedom of Information Act; implementation; comments due by 12-5-07; published 11-5-07 [FR E7-21629]

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Food for human consumption:

Food labeling—

Dietary noncariogenic carbohydrate sweeteners and dental caries; health claims; comments due by 12-3-07; published 9-17-07 [FR E7-18196]

HOMELAND SECURITY DEPARTMENT

U.S. Customs and Border Protection

Air commerce:

Private aircraft arriving and departing U.S.; advance information requirement; comments due by 12-4-07; published 11-14-07 [FR E7-22309]

Immigration regulations:

Nonimmigrant aliens infected with HIV; visa and authorization for temporary admission into U.S.; comments due by 12-6-07; published 11-6-07 [FR E7-21841]

HOMELAND SECURITY DEPARTMENT

Coast Guard

Drawbridge operations:

Louisiana; comments due by 12-3-07; published 10-2-07 [FR E7-19422]

Ports and waterways safety; regulated navigation areas, safety zones, security zones, etc.:

Manbirtee Key, Manatee, FL; comments due by 12-6-07; published 11-6-07 [FR E7-21761]

St. Petersburg Captain of Port Zone, FL; comments due by 12-6-07; published 11-6-07 [FR E7-21760]

HOMELAND SECURITY DEPARTMENT

U.S. Citizenship and Immigration Services

Immigration:

Intercountry adoptions by U.S. citizens; citizenship classification of alien children under Hague Convention; comments due by 12-3-07; published 10-4-07 [FR E7-18992]

INTERIOR DEPARTMENT

National Indian Gaming Commission

Indian Gaming Regulatory Act:

Facility license standards; comments due by 12-3-07; published 10-18-07 [FR E7-20541]

PERSONNEL MANAGEMENT OFFICE

Reemployment rights:

Federal employees detailed and transferred to international organizations; comments due by 12-3-07; published 10-2-07 [FR E7-19447]

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airport noise compatibility program:

Noise exposure maps—

Cincinnati/Northern Kentucky International Airport, KY; comments due by 12-8-07; published 10-17-07 [FR 07-05102]

Airworthiness directives:

Airbus; comments due by 12-3-07; published 11-1-07 [FR E7-21394]

Boeing; comments due by 12-3-07; published 10-17-07 [FR E7-20466]

Cessna; comments due by 12-3-07; published 11-2-07 [FR E7-21571]

Empresa Brasileira de Aeronautica S.A. (EMBRAER); comments due by 12-3-07; published 11-1-07 [FR E7-21490]

Honeywell; comments due by 12-4-07; published 10-5-07 [FR E7-19684]

McDonnell Douglas; comments due by 12-3-07; published 11-14-07 [FR 07-05654]

Airworthiness standards:

Aircraft engine standards for pressurized engine static parts; comments due by 12-5-07; published 9-6-07 [FR E7-17626]

Special conditions—

Cessna Model 208B airplane; comments due by 12-3-07; published 11-2-07 [FR E7-21599]

Class E airspace; comments due by 12-5-07; published 11-2-07 [FR 07-05421]

Restricted areas; comments due by 12-7-07; published 10-23-07 [FR E7-20795]

TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration

Motor vehicle safety standards:

Controls, telltales, and indicators; comments due by 12-3-07; published 10-4-07 [FR E7-19365]

TREASURY DEPARTMENT

International Investment Office

Foreign Investment and National Security Act (2007); implementation:

Mergers, acquisitions and takeovers; comments due by 12-7-07; published 10-11-07 [FR E7-20042]

VETERANS AFFAIRS DEPARTMENT

Compensation, pension, burial, and related benefits:

Payments to beneficiaries who are eligible for more than one benefit; comments due by 12-3-07; published 10-2-07 [FR E7-19280]

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal-register/laws.html*.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at *http://www.gpoaccess.gov/plaws/index.html*. Some laws may not yet be available.

H.R. 2602/P.L. 110–118

To name the Department of Veterans Affairs medical facility in Iron Mountain, Michigan, as the "Oscar G. Johnson Department of Veterans Affairs Medical Facility". (Nov. 16, 2007; 121 Stat. 1346)

S.J. Res. 7/P.L. 110–119

Providing for the reappointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution. (Nov. 16, 2007; 121 Stat. 1347)

S. 2206/P.L. 110–120

To provide technical corrections to Public Law 109-116 (2 U.S.C. 2131a note) to extend the time period for the Joint Committee on the Library to enter into an agreement to obtain a statue of Rosa Parks, and for other purposes. (Nov. 19, 2007; 121 Stat. 1348)

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