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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 205

[Docket Number AMS–TM–07–0112; TM–06–04FR]

RIN 0581–AC61

National Organic Program (NOP); Amendments to the National List of Allowed and Prohibited Substances (Crops and Livestock)

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the U.S. Department of Agriculture's (USDA) National List of Allowed and Prohibited Substances (National List) regulations to reflect recommendations submitted to the Secretary of Agriculture (Secretary) by the National Organic Standards Board (NOSB) on August 17, 2005. Consistent with the recommendations from the NOSB, this final rule adds one substance, along with any restrictive annotations, to two sections of the National List. This final rule also clarifies the use and prohibition of chitosan.

DATES: This rule becomes effective December 11, 2007.

FOR FURTHER INFORMATION CONTACT: Bob Pooler, Agricultural Marketing Specialist, Telephone: (202) 720–3252; Fax: (202) 205–7808.

SUPPLEMENTARY INFORMATION:

I. Background.

On December 21, 2000, the Secretary established, within the NOP (7 CFR part 205), the National List regulations (§§ 205.600 through 205.607). The National List regulations identify synthetic substances and ingredients that are allowed and nonsynthetic (natural) substances and ingredients that are prohibited for use in organic production and handling. Under the authority of the Organic Foods Production Act of 1990 (OFPA), as amended, (7 U.S.C. 6501 *et seq.*), the National List can be amended by the Secretary based on proposed amendments developed by the NOSB. Since established, the National List has been amended five times, October 31, 2003 (68 FR 61987), November 3, 2003 (68 FR 62215), October 21, 2005 (70 FR 61217), September 11, 2006 (71 FR 53299), and June 27, 2007 (72 FR 35137). Additionally, an amendment to the National List, proposed on July 17, 2006 (71 FR 40624), is currently pending.

This final rule amends the National List to reflect recommendations submitted to the Secretary by the NOSB on August 17, 2005. On that date the NOSB recommended that the Secretary add one substance to § 205.601 and § 205.603 of the National List regulations.

II. Overview of Amendments

The following provides an overview of the amendments made to designated sections of the National List regulations:

Section 205.601 Synthetic Substances Allowed for Use in Organic Crop Production

This final rule amends paragraph (e) of § 205.601 of the National List regulations by adding Sucrose octanoate esters (CAS #s—42922–74–7; 58064–47–4)—in accordance with approved labeling.

Section 205.603 Synthetic Substances Allowed for Use in Organic Livestock Production

This final rule amends paragraph (b) of § 205.603 of the National List regulations by adding Sucrose octanoate esters (CAS #s—42922–74–7; 58064–47–4)—in accordance with approved labeling.

III. Related Documents

One notice was published regarding the meeting of the NOSB and its deliberations on recommendations and substances petitioned for amending the National List. Substances and recommendations included in this final rule were announced for NOSB deliberation in **Federal Register** Notice 70 FR 43116, July 26, 2005, and published as a proposed rule on July 3, 2006 (71 FR 37854).

IV. Statutory and Regulatory Authority

The OFPA, as amended (7 U.S.C. 6501 *et seq.*), authorizes the Secretary to make amendments to the National List based on proposed amendments developed by the NOSB. Sections 6518(k)(2) and 6518(n) of OFPA authorize the NOSB to develop proposed amendments to the National List for submission to the Secretary and establish a petition process by which persons may petition the NOSB for the purpose of having substances evaluated for inclusion on or deletion from the National List. The National List petition process is implemented under § 205.607 of the NOP regulations. The current petition process (72 FR 2167, January 18, 2007) can be accessed through the NOP Web site at *http://www.ams.usda.gov/nop.*

A. Executive Order 12866

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

B. Executive Order 12988

Executive Order 12988 instructs each executive agency to adhere to certain requirements in the development of new and revised regulations in order to avoid unduly burdening the court system. This proposed rule is not intended to have a retroactive effect.

States and local jurisdictions are preempted under the OFPA from creating programs of accreditation for private persons or State officials who want to become certifying agents of organic farms or handling operations. A governing State official would have to apply to USDA to be accredited as a certifying agent, as described in § 2115(b) of the OFPA (7 U.S.C. 6514(b)). States are also preempted under §§ 2104 through 2108 of the OFPA (7 U.S.C. 6503 through 6507) from creating certification programs to certify organic farms or handling operations unless the State programs have been submitted to, and approved by, the Secretary as meeting the requirements of the OFPA.

Pursuant to section 2108(b)(2) of the OFPA (7 U.S.C. 6507(b)(2)), a State organic certification program may contain additional requirements for the

production and handling of organically produced agricultural products that are produced in the State and for the certification of organic farm and handling operations located within the State under certain circumstances. Such additional requirements must: (a) Further the purposes of the OFPA, (b) not be inconsistent with the OFPA, (c) not be discriminatory toward agricultural commodities organically produced in other States, and (d) not be effective until approved by the Secretary.

Pursuant to section 2120(f) of the OFPA (7 U.S.C. 6519(f)), this proposed rule would not alter the authority of the Secretary under the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*), the Poultry Products Inspections Act (21 U.S.C. 451 *et seq.*), or the Egg Products Inspection Act (21 U.S.C. 1031 *et seq.*), concerning meat, poultry, and egg products, nor any of the authorities of the Secretary of Health and Human Services under the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 *et seq.*), nor the authority of the Administrator of the Environmental Protection Agency (EPA) under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) (7 U.S.C. 136 *et seq.*).

Section 2121 of the OFPA (7 U.S.C. 6520) provides for the Secretary to establish an expedited administrative appeals procedure under which persons may appeal an action of the Secretary, the applicable governing State official, or a certifying agent under this title that adversely affects such person or is inconsistent with the organic certification program established under this title. The OFPA also provides that the U.S. District Court for the district in which a person is located has jurisdiction to review the Secretary's decision.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) requires agencies to consider the economic impact of each rule on small entities and evaluate alternatives that would accomplish the objectives of the rule without unduly burdening small entities or erecting barriers that would restrict their ability to compete in the market. The purpose is to fit regulatory actions to the scale of businesses subject to the action. Section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the rulemaking is not expected to have a significant economic impact on a substantial number of small entities.

Pursuant to the requirements set forth in the RFA, the Agricultural Marketing Service (AMS) performed an economic impact analysis on small entities in the final rule published in the **Federal Register** on December 21, 2000 (65 FR 80548). AMS has also considered the economic impact of this action on small entities. The impact on entities affected by this final rule would not be significant. The effect of this final rule would be to allow the use of additional substances in agricultural production and handling. This action would relax the regulations published in the final rule and would provide small entities with more tools to use in day-to-day operations. AMS concludes that the economic impact of this addition of allowed substances, if any, would be minimal and entirely beneficial to small agricultural service firms. Accordingly, USDA certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Small agricultural service firms, which include producers, handlers, and accredited certifying agents, have been defined by the Small Business Administration (SBA) (13 CFR 121.201) as those having annual receipts of less than $6,500,000 and small agricultural producers are defined as those having annual receipts of less than $750,000. This final rule would have an impact on a substantial number of small entities.

The U.S. organic industry at the end of 2001 included nearly 6,949 certified organic crop and livestock operations. Data on the numbers of certified organic handling operations (any operation that transforms raw product into processed products using organic ingredients) were not available at the time of survey in 2001; but they were estimated to be in the thousands. By the end of 2006, the number of certified organic crop, livestock, and handling operations totaled over 14,800 operations based on reports by certifying agents to the NOP as part of their annual reporting requirements. AMS believes that most of these entities would be considered small entities under the criteria established by the SBA.

U.S. sales of organic food and beverages have grown from $1 billion in 1990 to an estimated $12.2 billion in 2004, $13.8 billion in 2005, and nearly $17 billion in 2006. The organic industry is viewed as the fasting growing sector of agriculture, representing almost 3 percent of overall food and beverage sales. Since 1990, organic retail sales have historically demonstrated a growth rate between 20 to 24 percent each year including a 22 percent increase in 2006.

In addition, USDA has 98 accredited certifying agents (ACAs) who provide certification services to producers and handlers. A complete list of names and addresses of accredited certifying agents may be found on the NOP Web site, at *http://www.ams.usda.gov/nop.* AMS believes that most of these entities would be considered small entities under the criteria established by the SBA.

D. Paperwork Reduction Act

No additional collection or recordkeeping requirements are imposed on the public by this final rule. Accordingly, OMB clearance is not required by section 350(h) of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, *et seq.*, or OMB's implementing regulations at 5 CFR part 1320.

AMS is committed to compliance with the Government Paperwork Elimination Act (GPEA), which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible.

E. Discussion of Comments Received

Eleven (11) comments were received on proposed rule TM–06–04. Comments were submitted by two (2) non-profit organizations, one (1) state department of agriculture, one (1) private certifying agent, and seven (7) consumers. One additional consumer comment was received but because it addresses grass fed beef it was not considered in this rulemaking. The comments can be viewed at *http://www.ams.usda.gov/nop/PublicComments/NLAmendmentsCrops&LSTM=06=04/PublicCommentsCrops&Livestock TM=06=04.html*.

Sucrose Octanoate Esters

The seven (7) consumer comments opposed adding sucrose octanoate esters (SOE) to §§ 205.601 and 205.603 on the grounds that they oppose the use of pesticides. Two other commenters favored the addition of SOE to §§ 205.601 and 205.603. The remaining two (2) commenters did not address the addition of SOE and were assumed to take no position regarding its addition to §§ 205.601 and 205.603.

The seven (7) consumer comments provided brief statements of opposition, to adding sucrose octanoate esters, expressed as one or more of the following reasons: (1) Organic implies that no pesticides were used, (2) the evidence cited is not convincing that sucrose is safe, (3) organic does and should indicate that the substance is unaltered, (4) no pesticides should be allowed in food labeled certified organic, (5) do not favor pollution of

organic standards, (6) if special warnings come with the synthetic how can it be used in organic production, and (7) people who buy organic foods do so because they want food that is free of substances they would not normally ingest.

We have considered these comments. The OFPA and NOP regulations allow for the use of certain pesticides that have been reviewed and evaluated for inclusion on the National List by the NOSB.

In organic crop and livestock production, insect pests are controlled primarily through management practices including physical, mechanical, and biological controls. When these practices are not sufficient, a biological, botanical, or synthetic substance approved for use on the National List may be used. To be added to the National List the OFPA requires that the NOSB review the substance against the criteria established under 7 U.S.C. 6517 and 6518. At its August 17, 2005, meeting in Washington, DC, the NOSB evaluated SOE against the evaluation criteria of 7 U.S.C. 6517 and 6518 of the OFPA, received public comment, and concluded that SOE is consistent with the OFPA evaluation criteria. Accordingly, the NOSB recommended adding SOE to the National List for use in organic crop and livestock production as an insecticide/miticide.

SOE was petitioned for use in organic crop and livestock production as an insecticide/miticide. SOE exists as an amber-colored liquid. The mixture of esters is manufactured from two biochemicals—sucrose (table sugar) and an octanoic acid ester (commonly found in plants and animals). The active ingredient acts by dissolving the waxy protective coating (cuticle) of target pests, causing the insect or mite to dry out and die.

Under FIFRA, the EPA has registered SOE as a biochemical that targets mites and certain soft-bodied insects (e.g., aphids) at three distinct commercial sites: Food and non-food crops, including certain ornamentals; media for growing mushrooms; and adult honey bees (*http://www.epa.gov/oppbppd1/biopesticides/ingredients/factsheets/factsheet_035300.htm*). In assessing risks to human health, the EPA has concluded that no risks to humans are expected from the use of SOE as a pesticide active ingredient. SOE are not toxic to mammals, but in high concentrations, they are corrosive to the eye. To avoid irreversible eye damage, exposed workers are required to wear appropriate protective clothing. In assessing risks to the environment, the EPA determined that no risks to the environment are expected from the use of SOE in pesticide products because: (a) The esters biodegrade rapidly and therefore do not persist in the environment, (b) the esters are not toxic to mammals or other non-target organisms, (c) organisms are already exposed because these sucrose esters are found in plants, and (d) the tiny amounts used in pesticide products are not expected to substantially increase the amount of these esters in the environment.

The NOP consulted with the EPA and Food and Drug Administration (FDA) to ensure that the NOSB recommendation for the use of SOE in organic crop and livestock production would be consistent with Federal regulations governing the use of the substance. The EPA informed the NOP that the recommended use of SOE in organic crop and livestock production is consistent with EPA regulations. The FDA likewise confirmed that the referenced sucrose octanoate ester product is appropriately licensed by the EPA for its use.

In consideration of the preceding information the NOP has decided to add SOE to §§ 205.601 and 205.603.

Chitosan

In the July 3, 2006, proposed rule (71 FR 37854), the NOP stated it ''will not propose to specifically add chitosan to the National List as an adjuvant, it is already permitted for use at § 205.601(m) of the National List regulations.'' Comments were received regarding this statement and, as a result, the NOP is clarifying the use and prohibition of chitosan in organic agriculture.

Chitosan (Poly-D Glucosamine) (CAS #–9012–76–04) was petitioned for use in organic crop production as an adhesive adjuvant to be used with fungicides approved for use under the NOP regulations. At its August 17, 2005, meeting in Washington, DC, the NOSB recommended adding chitosan to the National List for use in organic crop production as an insecticide, with the restriction that it only be used as an adjuvant. In this open meeting, the NOSB evaluated chitosan against the evaluation criteria of 7 U.S.C. 6517 and 6518 of the OFPA, received public comment, and concluded that chitosan is consistent with the OFPA evaluation criteria. The NOSB recommended restricting the use of chitosan to an adjuvant only, due to the fact that chitosan could also be used as a plant defense booster and plant growth enhancer.

The NOP consulted with the EPA concerning the NOSB's recommendation to include chitosan on the National List for use as an adjuvant. The EPA stated that, in addition to chitosan being registered as an active ingredient, it is also approved as an EPA List 4B inert ingredient. The EPA further informed the NOP that chitosan, used as an adjuvant, would be considered an inert ingredient. The NOP regulations, at § 205.601(m), permits the use of EPA List 4 inert ingredients with nonsynthetic substances or synthetic substances approved for use under the NOP regulations as an active pesticide ingredient. As a result, the NOP stated ''it will not propose to specifically add chitosan to the National List as an adjuvant; it is already permitted for use at § 205.601(m) of the National List regulations.''

The two (2) non-profit organizations, one (1) state department of agriculture, and one (1) private certifying agent commented on the decision not to add chitosan for use in organic crop production as an adhesive adjuvant to be used with fungicides approved for use under the NOP regulations. The commenters did not oppose NOP's decision but requested further explanation and elaboration on the factors that led to that determination.

One commenter agreed that chitosan should be considered approved for use as a List 4 inert ingredient under 205.601(m)(l). The commenter believed that such an interpretation would allow for the use of chitosan as an inert ingredient when it is a component of a final product, e.g. listed as an inert ingredient in a Brand Name material and functions as an adjuvant. However, the same commenter noted that the NOP proposal to not specifically add chitosan to the National List may pose challenges for some organic operators in some states because a spray ''adjuvant'' (inert ingredient) may be regulated as a ''pesticide'' (active ingredient) in varying states. As a result, the commenter suggested that the NOP modify language in 205.601 (m) to explicitly recognize that ''adjuvants classified by the EPA,'' along with inerts, are allowed to be combined with nonysnthetic or synthetic substances approved for use in organic production.

We considered all of the comments. In addition to the comments, we consulted further with the EPA concerning the use of chitosan as an adjuvant. The EPA confirmed, as they had before, that chitosan, in addition to its approved use as an active ingredient and plant defense booster/plant growth regulator (enhancer), is also approved as an EPA List 4B inert ingredient. It also reiterated

that chitosan could be used as an adjuvant and that adjuvants are considered inert ingredients under the EPA. However, in cases where chitosan would be combined with a fungicide, chitosan could not be considered an inert ingredient or adjuvant, because chitosan has active fungicidal properties and is labeled for use against fungal diseases such as blight. The EPA also commented that for chitosan to be considered an inert or adjuvant in a formulation, it could not exhibit pesticidal activity. In that regard, the EPA determined that it could not verify that chitosan does not have any fungicidal activity for the intended use and at the proposed levels mentioned in the petition; data does not support its non-fungicidal activity in such a use.

In addition to the concerns raised about chitosan's use as an adjuvant in combination with another fungicide, the issue of whether chitosan should be considered an insecticide (as recommended by the NOSB) or a plant disease control was mentioned. The EPA informed the NOP that data does not reveal chitosan having insecticidal properties. Instead, chitosan is considered more of a systemic acquired response inducer and demonstrates fungicidal activity. As a result, for the purpose of the NOP regulations, chitosan would be better characterized as a plant disease control.

Based on the information submitted through public comment and gathered in further consultation with the EPA, we have determined that chitosan, when used in combination with another fungicide, cannot be considered an inert or adjuvant. It is considered an active ingredient in such cases. However, in cases where chitosan is used in combination with an approved active ingredient on the National List and does not demonstrate any pesticidal/fungicidal activity, it could be considered an inert ingredient or adjuvant.

The preceding chitosan discussion is summarized as follows:

Chitosan was petitioned for use in organic crop production as an adhesive ''adjuvant'' to be used with fungicides approved for use under the NOP regulations. The NOSB recommended adding chitosan to the National List for use in organic crop production as an ''insecticide,'' with the restriction that it only be used as an ''adjuvant.'' The EPA informed the NOP that data does not reveal chitosan having insecticidal properties. Because the NOSB recommended the use of chitosan as an adjuvant, the recommendation restricts the use of the substance to the capacity of an inert ingredient. AMS, in consultation with EPA, has determined that chitosan, when used as an ''adjuvant'' (not demonstrating any pesticidal activity), is already allowed under the existing inert ingredient provisions of § 205.601(m) of the NOP regulations. However, chitosan, when used in combination with a fungicide, cannot be considered an inert or adjuvant, because chitosan has fungicidal properties and is considered an active ingredient in such cases. Accordingly, unless specifically added to § 205.601 of the National List as an active ingredient, chitosan cannot be used with a fungicide.

Therefore, AMS has decided to refer the chitosan recommendation back to the NOSB so that it can reconsider the intended use of the substance and its inclusion on the National List (i.e., should it be considered a plant disease control; and should it be included on the National List as an approved active ingredient?). In the meantime, chitosan, under the inert ingredient provisions of § 205.601(m) of the NOP regulations, can be used as an ''adjuvant'' (not demonstrating any pesticidal activity) in combination with approved active ingredients on the National List, provided the approved active ingredient is not a registered fungicide. Chitosan, when used in combination with a fungicide, is an active ingredient and remains a prohibited substance that shall not be used in organic agriculture. Further, chitosan remains prohibited for use as a plant defense booster, a plant growth enhancer, and as an active ingredient in any other capacity. If readers have questions concerning when a substance qualifies to be an active or inert ingredient, they should contact the EPA for further information and guidance.

F. Effective Date

This final rule reflects recommendations submitted to the Secretary by the NOSB. The substance being added to the National List was based on a petition from the industry and evaluated by the NOSB using criteria in the Act and the regulations. Because this substance is crucial to organic crop and livestock production operations, producers should be able to use them in their operations as soon as possible. Accordingly, AMS finds that good cause exists under 5 U.S.C. 553(d)(3) for not postponing the effective date of this rule until 30 days after publication in the **Federal Register**.

List of Subjects in 7 CFR Part 205

Administrative practice and procedure, Agriculture, Animals, Archives and records, Imports, Labeling, Organically produced products, Plants, Reporting and recordkeeping requirements, Seals and insignia, Soil conservation.

■ For the reasons set forth in the preamble, 7 CFR part 205, subpart G is amended as follows:

PART 205—NATIONAL ORGANIC PROGRAM

■ 1. The authority citation for 7 CFR part 205 continues to read as follows:

Authority: 7 U.S.C. 6501–6522.

■ 2. Section 205.601 is amended by adding new paragraph (e)(9) to read as follows:

§ 205.601 Synthetic substances allowed for use in organic crop production.

* * * * *

(e) * * *

(9) Sucrose octanoate esters (CAS #s—42922–74–7; 58064–47–4)—in accordance with approved labeling.

* * * * *

■ 3. Section 205.603 is amended by adding new paragraph (b)(7) to read as follows:

§ 205.603 Synthetic substances allowed for use in organic livestock production.

* * * * *

(b) * * *

(7) Sucrose octanoate esters (CAS #s—42922–74–7; 58064–47–4)—in accordance with approved labeling.

* * * * *

Dated: December 5, 2007.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. E7–23880 Filed 12–7–07; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. CE277, Special Condition 23–217–SC]

Special Conditions; Honda Aircraft Company Model HA–420 Hondajet; Protection of Systems for High Intensity Radiated Fields (HIRF)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued to Honda Aircraft Company, for a Type Certificate for the HA–420

Hondajet airplane. This airplane will have novel and unusual design features when compared to the state of technology envisaged in the applicable airworthiness standards. These novel and unusual design features include the installation of electronic flight instrument system (EFIS) displays Model G1000 manufactured by Garmin for which the applicable regulations do not contain adequate or appropriate airworthiness standards for the protection of these systems from the effects of high intensity radiated fields (HIRF). These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to the airworthiness standards applicable to these airplanes.

DATES: The effective date of these special conditions is November 30, 2007. Comments must be received on or before January 9, 2008.

ADDRESSES: Comments may be mailed in duplicate to: Federal Aviation Administration, Regional Counsel, ACE–7, Attention: Rules Docket Clerk, Docket No. CE277, Room 506, 901 Locust, Kansas City, Missouri 64106. All comments must be marked: Docket No. CE277. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Jim Brady, Aerospace Engineer, Standards Office (ACE–111), Small Airplane Directorate, Aircraft Certification Service, Federal Aviation Administration, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone (816) 329–4132.

SUPPLEMENTARY INFORMATION: The FAA has determined that notice and opportunity for prior public comment hereon are impracticable because these procedures would significantly delay issuance of the approval design and thus delivery of the affected aircraft. In addition, the substance of these special conditions has been subject to the public comment process in several prior instances with no substantive comments received. The FAA, therefore, finds that good cause exists for making these special conditions effective upon issuance.

Comments Invited

Interested persons are invited to submit such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. The special conditions may be changed in light of the comments received. All comments received will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. CE277.'' The postcard will be date stamped and returned to the commenter.

Background

On November 11, 2006, Honda Aircraft Company, made an application to the FAA for a new Type Certificate for the project airplane. The proposed aircraft incorporates a novel or unusual design feature, such as digital avionics consisting of an EFIS that is vulnerable to HIRF external to the airplane.

Type Certification Basis

Under the provisions of 14 CFR part 21, § 21.17, Honda Aircraft Company must show that the project aircraft meets the following provisions, or the applicable regulations in effect on the date of application for the change to the project: 14 CFR part 23 and FAR part 23, effective February 1, 1965, as amended by Amendments 23–1, dated July 29, 1965, through Amendment 23–55, dated March 1, 2002.

Environmental Standards: FAR part 36, effective March 11, 1994, as amended by Amendment 36–1, dated December 1, 1969 through Amendment 36–27, dated September 6, 2005 FAR part 34, effective September 10, 1990, as amended by Amendment 34–1, dated July 31, 1995 through Amendment 34–3, dated February 3, 1999 as applicable, and § 23.1301 of Amendment 23–20; §§ 23.1309, 23.1311, and 23.1321 of Amendment 23–49; and § 23.1322 of Amendment 23–43; exemptions, if any; and the special conditions adopted by this rulemaking action.

Discussion

If the Administrator finds that the applicable airworthiness standards do not contain adequate or appropriate safety standards because of novel or unusual design features of an airplane, special conditions are prescribed under the provisions of § 21.16.

Special conditions, as appropriate, as defined in § 11.19, are issued in accordance with § 11.38 after public notice and become part of the type certification basis in accordance with § 21.17(a)(2).

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model already included on the same type certificate to incorporate the same novel or unusual design feature, the special conditions would also apply to the other model under the provisions of § 21.101.

Novel or Unusual Design Features

Honda Aircraft Company plans to incorporate certain novel and unusual design features into an airplane for which the airworthiness standards do not contain adequate or appropriate safety standards for protection from the effects of HIRF. These features include EFIS, which are susceptible to the HIRF environment, that were not envisaged by the existing regulations for this type of airplane.

Protection of Systems from High Intensity Radiated Fields (HIRF): Recent advances in technology have given rise to the application in aircraft designs of advanced electrical and electronic systems that perform functions required for continued safe flight and landing. Due to the use of sensitive solid state advanced components in analog and digital electronics circuits, these advanced systems are readily responsive to the transient effects of induced electrical current and voltage caused by the HIRF. The HIRF can degrade electronic systems performance by damaging components or upsetting system functions.

Furthermore, the HIRF environment has undergone a transformation that was not foreseen when the current requirements were developed. Higher energy levels are radiated from transmitters that are used for radar, radio, and television. Also, the number of transmitters has increased significantly. There is also uncertainty concerning the effectiveness of airframe shielding for HIRF. Furthermore, coupling to cockpit-installed equipment through the cockpit window apertures is undefined.

The combined effect of the technological advances in airplane design and the changing environment has resulted in an increased level of vulnerability of electrical and electronic systems required for the continued safe flight and landing of the airplane. Effective measures against the effects of exposure to HIRF must be provided by the design and installation of these systems. The accepted maximum energy

levels in which civilian airplane system installations must be capable of operating safely are based on surveys and analysis of existing radio frequency emitters. These special conditions require that the airplane be evaluated under these energy levels for the protection of the electronic system and its associated wiring harness. These external threat levels, which are lower than previous required values, are believed to represent the worst case to which an airplane would be exposed in the operating environment.

These special conditions require qualification of systems that perform critical functions, as installed in aircraft, to the defined HIRF environment in paragraph 1 or, as an option to a fixed value using laboratory tests, in paragraph 2, as follows:

(1) The applicant may demonstrate that the operation and operational capability of the installed electrical and electronic systems that perform critical functions are not adversely affected when the aircraft is exposed to the HIRF environment defined below:

Frequency	Field strength (volts per meter)	
	Peak	Average
10 kHz–100 kHz	50	50
100 kHz–500 kHz	50	50
500 kHz–2 MHz	50	50
2 MHz–30 MHz	100	100
30 MHz–70 MHz	50	50
70 MHz–100 MHz	50	50
100 MHz–200 MHz	100	100
200 MHz–400 MHz	100	100
400 MHz–700 MHz	700	50
700 MHz–1 GHz	700	100
1 GHz–2 GHz	2000	200
2 GHz–4 GHz	3000	200
4 GHz–6 GHz	3000	200
6 GHz–8 GHz	1000	200
8 GHz–12 GHz	3000	300
12 GHz–18 GHz	2000	200
18 GHz–40 GHz	600	200

The field strengths are expressed in terms of peak root-mean-square (rms) values.

or,

(2) The applicant may demonstrate by a system test and analysis that the electrical and electronic systems that perform critical functions can withstand a minimum threat of 100 volts per meter, electrical field strength, from 10 kHz to 18 GHz. When using this test to show compliance with the HIRF requirements, no credit is given for signal attenuation due to installation.

A preliminary hazard analysis must be performed by the applicant, for approval by the FAA, to identify either electrical or electronic systems that perform critical functions. The term ''critical'' means those functions, whose failure would contribute to, or cause, a failure condition that would prevent the continued safe flight and landing of the airplane. The systems identified by the hazard analysis that perform critical functions are candidates for the application of HIRF requirements. A system may perform both critical and non-critical functions. Primary electronic flight display systems, and their associated components, perform critical functions such as attitude, altitude, and airspeed indication. The HIRF requirements apply only to critical functions.

Compliance with HIRF requirements may be demonstrated by tests, analysis, models, similarity with existing systems, or any combination of these. Service experience alone is not acceptable since normal flight operations may not include an exposure to the HIRF environment. Reliance on a system with similar design features for redundancy as a means of protection against the effects of external HIRF is generally insufficient since all elements of a redundant system are likely to be exposed to the fields concurrently.

Applicability

As discussed above, these special conditions are applicable to the Hondajet HA–420 project. Should Honda Aircraft Company apply at a later date for a supplemental type certificate to modify any other model on the same type certificate to incorporate the same novel or unusual design feature, the special conditions would apply to that model as well under the provisions of § 21.101.

Conclusion

This action affects only certain novel or unusual design features on one model of airplane. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

The substance of these special conditions has been subjected to the notice and comment period in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. For this reason, and because a delay would significantly affect the certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113 and 44701; 14 CFR 21.16 and 21.17 and 14 CFR 11.38 and 11.19.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Hondajet HA–420 manufactured by Honda Aircraft Company.

1. Protection of Electrical and Electronic Systems from High Intensity Radiated Fields (HIRF). Each system that performs critical functions must be designed and installed to ensure that the operations, and operational capabilities of these systems to perform critical functions, are not adversely affected when the airplane is exposed to high intensity radiated electromagnetic fields external to the airplane.

2. For the purpose of these special conditions, the following definition applies: Critical Functions: Functions whose failure would contribute to, or cause, a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Kansas City, Missouri on November 30, 2007.

Patrick R. Mullen,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–23831 Filed 12–7–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. CE276, Special Condition 23–216–SC]

Special Conditions; Pilatus Aircraft Ltd.; Model PC–12/47E; Protection of Systems for High Intensity Radiated Fields (HIRF)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued to Pilatus Aircraft Ltd., for an Amended Type Certificate for the Model PC–12/47E airplane. This airplane will have novel and unusual design features when compared to the state of technology envisaged in the applicable airworthiness standards. These novel and unusual design features include the installation of electronic flight instrument system (EFIS) displays Model APEX manufactured by Honeywell for which the applicable regulations do not contain adequate or appropriate airworthiness standards for the protection of these systems from the effects of high intensity radiated fields (HIRF). These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to the airworthiness standards applicable to these airplanes.

DATES: The effective date of these special conditions is November 30, 2007. Comments must be received on or before January 9, 2008.

ADDRESSES: Comments may be mailed in duplicate to: Federal Aviation Administration, Regional Counsel, ACE–7, Attention: Rules Docket Clerk, Docket No. CE276, Room 506, 901 Locust, Kansas City, Missouri 64106. All comments must be marked: Docket No. CE276. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Jim Brady, Aerospace Engineer, Standards Office (ACE–111), Small Airplane Directorate, Aircraft Certification Service, Federal Aviation Administration, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone (816) 329–4132.

SUPPLEMENTARY INFORMATION: The FAA has determined that notice and opportunity for prior public comment hereon are impracticable because these procedures would significantly delay issuance of the approval design and thus delivery of the affected aircraft. In addition, the substance of these special conditions has been subject to the public comment process in several prior instances with no substantive comments received. The FAA, therefore, finds that good cause exists for making these special conditions effective upon issuance.

Comments Invited

Interested persons are invited to submit such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. The special conditions may be changed in light of the comments received. All comments received will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. CE276.'' The postcard will be date stamped and returned to the commenter.

Background

On Nov. 10, 2003, Pilatus Aircraft Ltd., made an application to the FAA for a new Amended Type Certificate for the project airplane. The PC–12/47 is currently approved under TC No. A78EU. The proposed modification incorporates a novel or unusual design feature, such as digital avionics consisting of an EFIS that is vulnerable to HIRF external to the airplane.

Type Certification Basis

Under the provisions of 14 CFR part 21, § 21.101, Pilatus Aircraft Ltd. must show that the project aircraft meets the following provisions, or the applicable regulations in effect on the date of application for the change to the project: 14 CFR 21.29, 21.183(c) and 14 CFR part 23, Normal Category, effective February 4, 1991, including Amendments 23–1 through 23–42 and § 23.1305c)3) of Amendment 23–43 and § 23.1507 of Amendment 23–45 and § 23.1311 of Amendment 23–49 and 14 CFR part 36, effective November 18, 1969, including Amendments 36–1 through amendment in effect at the time of U.S. Type Certification, and 14 CFR part 34, effective September 10, 1990, and Equivalent Level of Safety, a) ACE–94–8 of June 21, 1994, Spin demonstration, FAR 23.221 a)2), b) Cabin pressure indicator, FAR 23.841b) 6), Section 611(b) of the FAA Act of 1958, Certification Maintenance Requirement (CMR), manual pitch trim system annunciation, Special Conditions, High Energy Radiated Electromagnetic Fields, (HIRF), 23–ACE–46, effective date May 29, 1990, Approved for Flight Into Known Icing as applicable, and § 23.1301 of Amendment 23–20; §§ 23.1309, 23.1311, and 23.1321 of Amendment 23–49; and § 23.1322 of Amendment 23–43; exemptions, if any; and the special conditions adopted by this rulemaking action.

Discussion

If the Administrator finds that the applicable airworthiness standards do not contain adequate or appropriate safety standards because of novel or unusual design features of an airplane, special conditions are prescribed under the provisions of § 21.16.

Special conditions, as appropriate, as defined in § 11.19, are issued in accordance with § 11.38 after public notice and become part of the type certification basis in accordance with § 21.101(b)(2).

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model already included on the same type certificate to incorporate the same novel or unusual design feature, the special conditions would also apply to the other model under the provisions of § 21.101.

Novel or Unusual Design Features

Pilatus Aircraft Ltd. plans to incorporate certain novel and unusual design features into an airplane for which the airworthiness standards do not contain adequate or appropriate safety standards for protection from the effects of HIRF. These features include EFIS, which are susceptible to the HIRF environment, that were not envisaged by the existing regulations for this type of airplane.

Protection of Systems from High Intensity Radiated Fields (HIRF): Recent advances in technology have given rise to the application in aircraft designs of advanced electrical and electronic systems that perform functions required for continued safe flight and landing. Due to the use of sensitive solid state advanced components in analog and digital electronics circuits, these advanced systems are readily responsive to the transient effects of induced electrical current and voltage caused by the HIRF. The HIRF can degrade electronic systems performance by damaging components or upsetting system functions.

Furthermore, the HIRF environment has undergone a transformation that was not foreseen when the current requirements were developed. Higher energy levels are radiated from transmitters that are used for radar, radio, and television. Also, the number of transmitters has increased significantly. There is also uncertainty concerning the effectiveness of airframe

shielding for HIRF. Furthermore, coupling to cockpit-installed equipment through the cockpit window apertures is undefined.

The combined effect of the technological advances in airplane design and the changing environment has resulted in an increased level of vulnerability of electrical and electronic systems required for the continued safe flight and landing of the airplane. Effective measures against the effects of exposure to HIRF must be provided by the design and installation of these systems. The accepted maximum energy levels in which civilian airplane system installations must be capable of operating safely are based on surveys and analysis of existing radio frequency emitters. These special conditions require that the airplane be evaluated under these energy levels for the protection of the electronic system and its associated wiring harness. These external threat levels, which are lower than previous required values, are believed to represent the worst case to which an airplane would be exposed in the operating environment.

These special conditions require qualification of systems that perform critical functions, as installed in aircraft, to the defined HIRF environment in paragraph 1 or, as an option to a fixed value using laboratory tests, in paragraph 2, as follows:

(1) The applicant may demonstrate that the operation and operational capability of the installed electrical and electronic systems that perform critical functions are not adversely affected when the aircraft is exposed to the HIRF environment defined below:

Frequency	Field strength (volts per meter)	
	Peak	Average
10 kHz–100 kHz	50	50
100 kHz–500 kHz	50	50
500 kHz–2 MHz	50	50
2 MHz–30 MHz	100	100
30 MHz–70 MHz	50	50
70 MHz–100 MHz	50	50
100 MHz–200 MHz	100	100
200 MHz–400 MHz	100	100
400 MHz–700 MHz	700	50
700 MHz–1 GHz	700	100
1 GHz–2 GHz	2000	200
2 GHz–4 GHz	3000	200
4 GHz–6 GHz	3000	200
6 GHz–8 GHz	1000	200
8 GHz–12 GHz	3000	300
12 GHz–18 GHz	2000	200
18 GHz–40 GHz	600	200

The field strengths are expressed in terms of peak root-mean-square (rms) values.

or,

(2) The applicant may demonstrate by a system test and analysis that the electrical and electronic systems that perform critical functions can withstand a minimum threat of 100 volts per meter, electrical field strength, from 10 kHz to 18 GHz. When using this test to show compliance with the HIRF requirements, no credit is given for signal attenuation due to installation.

A preliminary hazard analysis must be performed by the applicant, for approval by the FAA, to identify either electrical or electronic systems that perform critical functions. The term ''critical'' means those functions whose failure would contribute to, or cause, a failure condition that would prevent the continued safe flight and landing of the airplane. The systems identified by the hazard analysis that perform critical functions are candidates for the application of HIRF requirements. A system may perform both critical and non-critical functions. Primary electronic flight display systems, and their associated components, perform critical functions such as attitude, altitude, and airspeed indication. The HIRF requirements apply only to critical functions.

Compliance with HIRF requirements may be demonstrated by tests, analysis, models, similarity with existing systems, or any combination of these. Service experience alone is not acceptable since normal flight operations may not include an exposure to the HIRF environment. Reliance on a system with similar design features for redundancy as a means of protection against the effects of external HIRF is generally insufficient since all elements of a redundant system are likely to be exposed to the fields concurrently.

Applicability

As discussed above, these special conditions are applicable to the PC–12/47E. Should Pilatus Aircraft Ltd. apply at a later date for a supplemental type certificate to modify any other model on the same type certificate to incorporate the same novel or unusual design feature, the special conditions would apply to that model as well under the provisions of § 21.101.

Conclusion

This action affects only certain novel or unusual design features on one model of airplane. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

The substance of these special conditions has been subjected to the notice and comment period in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. For this reason, and because a delay would significantly affect the certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113 and 44701; 14 CFR 21.16 and 21.101; and 14 CFR 11.38 and 11.19.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for PC–12/47E Project airplane modified by Pilatus Aircraft Ltd. to add an EFIS.

1. Protection of Electrical and Electronic Systems from High Intensity Radiated Fields (HIRF). Each system that performs critical functions must be designed and installed to ensure that the operations, and operational capabilities of these systems to perform critical functions, are not adversely affected when the airplane is exposed to high intensity radiated electromagnetic fields external to the airplane.

2. For the purpose of these special conditions, the following definition applies: Critical Functions: Functions whose failure would contribute to, or cause, a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Kansas City, Missouri on November 30, 2007.

Patrick R. Mullen,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–23837 Filed 12–7–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. CE279, Special Condition 23–219–SC]

Special Conditions; L–3 Communications Avionics Systems Model SmartDeck in Cirrus Design Corporation Model SR22; Installation of Electronic Flight Instrument System (EFIS); Protection of Systems for High Intensity Radiated Fields (HIRF)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued to L–3 Communications Avionics Systems, for a Supplemental Type Certificate for the Cirrus Design Corporation Model SR22. This airplane will have novel and unusual design features when compared to the state of technology envisaged in the applicable airworthiness standards. These novel and unusual design features include the installation of electronic flight instrument system (EFIS) displays Model SmartDeck manufactured by L–3 Communications Avionics Systems for which the applicable regulations do not contain adequate or appropriate airworthiness standards for the protection of these systems from the effects of high intensity radiated fields (HIRF). These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to the airworthiness standards applicable to these airplanes.

DATES: The effective date of these special conditions is November 30, 2007. Comments must be received on or before January 9, 2008.

ADDRESSES: Comments may be mailed in duplicate to: Federal Aviation Administration, Regional Counsel, ACE–7, Attention: Rules Docket Clerk, Docket No. CE279, Room 506, 901 Locust, Kansas City, Missouri 64106. All comments must be marked: Docket No. CE279. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Jim Brady, Aerospace Engineer, Standards Office (ACE–111), Small Airplane Directorate, Aircraft Certification Service, Federal Aviation Administration, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone (816) 329–4132.

SUPPLEMENTARY INFORMATION: The FAA has determined that notice and opportunity for prior public comment hereon are impracticable because these procedures would significantly delay issuance of the approval design and thus delivery of the affected aircraft. In addition, the substance of these special conditions has been subject to the public comment process in several prior instances with no substantive comments received. The FAA, therefore, finds that good cause exists for making these special conditions effective upon issuance.

Comments Invited

Interested persons are invited to submit such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. The special conditions may be changed in light of the comments received. All comments received will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 279.'' The postcard will be date stamped and returned to the commenter.

Background

On February 27, 2007, L–3 Communications Avionics Systems, made an application to the FAA for a new Supplemental Type Certificate for the project airplane. The Cirrus Design Corporation Model SR22 is currently approved under TC No. A00009CH. The proposed modification incorporates a novel or unusual design feature, such as digital avionics consisting of an EFIS that is vulnerable to HIRF external to the airplane.

Type Certification Basis

Under the provisions of 14 CFR part 21, § 21.101, L–3 Communications Avionics Systems must show that the project aircraft meets the following provisions, or the applicable regulations in effect on the date of application for the change to the project: Part 23 of the Federal Aviation Regulations effective February 1, 1965, as amended by 23–1 through 23–53, except as follows: § 23.301 through Amendment 47; §§ 23.855, 23.1326, 23.1359, not applicable; FAR 36 dated December 1, 1969, as amended by current amendment as of the date of type Certification.

Equivalent Safety Items: Equivalent Levels Of Safety finding (ACE–96–5) made per the provisions of 14 CFR part 23, § 23.221; refer to FAA ELOS letter dated June 10, 1998 for models SR20, SR22, Equivalent Levels Of Safety finding (ACE–00–09) made per the provisions of 14 CFR part 23, section 1143(g) and 23.1147(b); refer to FAA ELOS letter dated September 11, 2000 for model SR22. Equivalent Levels Of Safety finding (ACE–01–01) made per the provisions of 14 CFR Part 23, §§ 23.1143(g) and 23.1147(b); refer to FAA ELOS letter dated February 14, 2001 for model SR20.

Refer to Special Conditions, 23–ACE–88 for ballistic parachute; 23–134–SC for protection of systems for High Intensity Radiated Fields (HIRF), 23–163–SC for inflatable restraint system; and § 23.1301 of Amendment 23–20; §§ 23.1309, 23.1311, and 23.1321 of Amendment 23–49; and § 23.1322 of Amendment 23–43; exemptions, if any; and the special conditions adopted by this rulemaking action.

Discussion

If the Administrator finds that the applicable airworthiness standards do not contain adequate or appropriate safety standards because of novel or unusual design features of an airplane, special conditions are prescribed under the provisions of § 21.16.

Special conditions, as appropriate, as defined in § 11.19, are issued in accordance with § 11.38 after public notice and become part of the supplemental type certification basis in accordance with § 21.101 (b)(2).

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model already included on the same type certificate to incorporate the same novel or unusual design feature, the special conditions would also apply to the other model under the provisions of § 21.101.

Novel or Unusual Design Features

L–3 Communications Avionics Systems plans to incorporate certain novel and unusual design features into an airplane for which the airworthiness standards do not contain adequate or appropriate safety standards for protection from the effects of HIRF.

These features include EFIS, which are susceptible to the HIRF environment, that were not envisaged by the existing regulations for this type of airplane.

Protection of Systems from High Intensity Radiated Fields (HIRF): Recent advances in technology have given rise to the application in aircraft designs of advanced electrical and electronic systems that perform functions required for continued safe flight and landing. Due to the use of sensitive solid state advanced components in analog and digital electronics circuits, these advanced systems are readily responsive to the transient effects of induced electrical current and voltage caused by the HIRF. The HIRF can degrade electronic systems performance by damaging components or upsetting system functions.

Furthermore, the HIRF environment has undergone a transformation that was not foreseen when the current requirements were developed. Higher energy levels are radiated from transmitters that are used for radar, radio, and television. Also, the number of transmitters has increased significantly. There is also uncertainty concerning the effectiveness of airframe shielding for HIRF. Furthermore, coupling to cockpit-installed equipment through the cockpit window apertures is undefined.

The combined effect of the technological advances in airplane design and the changing environment has resulted in an increased level of vulnerability of electrical and electronic systems required for the continued safe flight and landing of the airplane. Effective measures against the effects of exposure to HIRF must be provided by the design and installation of these systems. The accepted maximum energy levels in which civilian airplane system installations must be capable of operating safely are based on surveys and analysis of existing radio frequency emitters. These special conditions require that the airplane be evaluated under these energy levels for the protection of the electronic system and its associated wiring harness. These external threat levels, which are lower than previous required values, are believed to represent the worst case to which an airplane would be exposed in the operating environment.

These special conditions require qualification of systems that perform critical functions, as installed in aircraft, to the defined HIRF environment in paragraph 1 or, as an option to a fixed value using laboratory tests, in paragraph 2, as follows:

(1) The applicant may demonstrate that the operation and operational capability of the installed electrical and electronic systems that perform critical functions are not adversely affected when the aircraft is exposed to the HIRF environment defined below:

Frequency	Field strength (volts per meter)	
	Peak	Average
10 kHz–100 kHz	50	50
100 kHz–500 kHz	50	50
500 kHz–2 MHz	50	50
2 MHz–30 MHz	100	100
30 MHz–70 MHz	50	50
70 MHz–100 MHz	50	50
100 MHz–200 MHz	100	100
200 MHz–400 MHz	100	100
400 MHz–700 MHz	700	50
700 MHz–1 GHz	700	100
1 GHz–2 GHz	2000	200
2 GHz–4 GHz	3000	200
4 GHz–6 GHz	3000	200
6 GHz–8 GHz	1000	200
8 GHz–12 GHz	3000	300
12 GHz–18 GHz	2000	200
18 GHz–40 GHz	600	200

The field strengths are expressed in terms of peak root-mean-square (rms) values.

or,

(2) The applicant may demonstrate by a system test and analysis that the electrical and electronic systems that perform critical functions can withstand a minimum threat of 100 volts per meter, electrical field strength, from 10 kHz to 18 GHz. When using this test to show compliance with the HIRF requirements, no credit is given for signal attenuation due to installation.

A preliminary hazard analysis must be performed by the applicant, for approval by the FAA, to identify either electrical or electronic systems that perform critical functions. The term ''critical'' means those functions, whose failure would contribute to, or cause, a failure condition that would prevent the continued safe flight and landing of the airplane. The systems identified by the hazard analysis that perform critical functions are candidates for the application of HIRF requirements. A system may perform both critical and non-critical functions. Primary electronic flight display systems, and their associated components, perform critical functions such as attitude, altitude, and airspeed indication. The HIRF requirements apply only to critical functions.

Compliance with HIRF requirements may be demonstrated by tests, analysis, models, similarity with existing systems, or any combination of these. Service experience alone is not acceptable since normal flight operations may not include an exposure to the HIRF environment. Reliance on a system with similar design features for redundancy as a means of protection against the effects of external HIRF is generally insufficient since all elements of a redundant system are likely to be exposed to the fields concurrently.

Applicability

As discussed above, these special conditions are applicable to the SmartDeck project. Should L–3 Communications Avionics Systems apply at a later date for a supplemental type certificate to modify any other model on the same type certificate to incorporate the same novel or unusual design feature, the special conditions would apply to that model as well under the provisions of § 21.101.

Conclusion

This action affects only certain novel or unusual design features on one model of airplane. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

The substance of these special conditions has been subjected to the notice and comment period in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. For this reason, and because a delay would significantly affect the certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113 and 44701; 14 CFR 21.16 and 21.101; and 14 CFR 11.38 and 11.19.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Cirrus Design Corporation Model SR22 project airplane modified by L–3

Communications Avionics Systems to add an EFIS.

1. Protection of Electrical and Electronic Systems from High Intensity Radiated Fields (HIRF). Each system that performs critical functions must be designed and installed to ensure that the operations, and operational capabilities of these systems to perform critical functions, are not adversely affected when the airplane is exposed to high intensity radiated electromagnetic fields external to the airplane.

2. For the purpose of these special conditions, the following definition applies: Critical Functions: Functions whose failure would contribute to, or cause, a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Kansas City, Missouri on November 30, 2007.

Patrick R. Mullen,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–23852 Filed 12–7–07; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. CE278, Special Condition 23–218–SC]

Special Conditions; ASPEN Avionics Inc. Model EFD 1000; Electronic Flight Instrument System (EFIS); Protection of Systems for High Intensity Radiated Fields (HIRF)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued to ASPEN Avionics Inc., for a Supplemental Type Certificate for the models listed under the heading ''Type Certification Basis'' under the Approved Model List Process. These airplanes will have novel and unusual design features when compared to the state of technology envisaged in the applicable airworthiness standards. These novel and unusual design features include the installation of electronic flight instrument system (EFIS) displays Model EFD 1000 manufactured by ASPEN Avionics Inc., for which the applicable regulations do not contain adequate or appropriate airworthiness standards for the protection of these systems from the effects of high intensity radiated fields (HIRF). These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to the airworthiness standards applicable to these airplanes.

DATES: The effective date of these special conditions is November 30, 2007. Comments must be received on or before January 9, 2008.

ADDRESSES: Comments may be mailed in duplicate to: Federal Aviation Administration, Regional Counsel, ACE–7, Attention: Rules Docket Clerk, Docket No. CE278, Room 506, 901 Locust, Kansas City, Missouri 64106. All comments must be marked: Docket No. CE278. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Jim Brady, Aerospace Engineer, Standards Office (ACE–111), Small Airplane Directorate, Aircraft Certification Service, Federal Aviation Administration, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone (816) 329–4132.

SUPPLEMENTARY INFORMATION: The FAA has determined that notice and opportunity for prior public comment hereon are impracticable because these procedures would significantly delay issuance of the approval design and thus delivery of the affected aircraft. In addition, the substance of these special conditions has been subject to the public comment process in several prior instances with no substantive comments received. The FAA, therefore, finds that good cause exists for making these special conditions effective upon issuance.

Comments Invited

Interested persons are invited to submit such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. The special conditions may be changed in light of the comments received. All comments received will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 278.'' The postcard will be date stamped and returned to the commenter.

Background

On June 26, 2007, ASPEN Avionics Inc., made an application to the FAA for a new Supplemental Type Certificate under the Approved Model List Process for the project airplanes. The proposed modification incorporates a novel or unusual design feature, such as digital avionics consisting of an EFIS that is vulnerable to HIRF external to the airplane.

Type Certification Basis

Under the provisions of 14 CFR part 21, § 21.101, ASPEN Avionics Inc., must show that the affected airplane models, as changed, continue to meet the applicable provisions, of the regulations incorporated by reference in Type Certificate Numbers listed below or the applicable regulations in effect on the date of application for the change. The regulations incorporated by reference in the type certificate are commonly referred to as the original ''type certification basis'' and can be found in the Type Certificate Numbers listed below. In addition, the type certification basis of airplane models that embody this modification will include section § 23.1301 of Amendment 23–20; §§ 23.1309, 23.1311, and 23.1321 of Amendment 23–49; and § 23.1322 of Amendment 23–43; exemptions, if any; and the special conditions adopted by this rulemaking action.

Aircraft make	Aircraft model(s)	Type certificate No.	Certification basis	Class 1 or 2
Aermacchi S.p.A (Siai Marchetti) ..	S.205–18/F, S.205–18/R, S.205–20/F, S.205–20/R, S.205–22/R, S.208, S.208A.	A9EU	FAR 23	1
	F.260, F.260B, F.260C, F.260D, F.260E, F.260F	A10EU	CAR 3	1
Aero Commander (Dynac Aerospace Corp).	10, 10A, 100, 100A, 100–180	1A21	CAR 3	1

Aircraft make	Aircraft model(s)	Type certificate No.	Certification basis	Class 1 or 2
Aeronautica Macchi S.p.A (Macchi).	AL 60, AL 60–B, AL 60–F5, AL 60–C5	7A12	CAR 3	1
	AM–3	A19EU	FAR 23	1
Aerostar Aircraft Corp. (Piper Aerostar).	360, 400	A11WE	FAR 23	2
American Champion	402	A3CE	CAR 3	2
	8KCAB, 8GCBC	A21CE	FAR 23	1
Aviat (Sky International)	A–1, A–1A, A–1B	A22NM	FAR 23	1
	S–1S, S–1T, S–2, S–2A, S–2B, S–2C, S–2S	A8SO	FAR 23	1
Bellanca (Alexandria Aircraft LLC)	14–19, 14–19–2, 14–19–3, 14–19–3A,17–30, 17–31, 17–31TC.	1A3	CAR 3	1
	17–30A, 17–31A, 17–31ATC	A18CE	FAR 23	1
Cessna	120, 140	A–768	CAR 3	1
	140A	5A2	CAR 3	1
	150, 150A, 150B, 150C, 150D, 150E, 150F, 150G,150H, 150J, 150K, 150L, 150M, A150K, A150L, A150M, 152, A152.	3A19	CAR 3, FAR 23	1
	170, 170A, 170B	A–799	CAR 3	1
	172, 172A, 172B, 172C, 172D, 172E, 172F, 172G,172H, 172I, 172K, 172L, 172M, 172N, 172P, 172Q,172R, 172S.	3A12	CAR 3, FAR 23	1
	172RG, P172D, R172E, R172F, R172G, R172H, R172J, R172K, 175, 175A, 175B, 175C.	3A17	CAR 3	1
	177, 177A, 177B	A13CE	FAR 23	1
	177RG	A20CE	FAR 23	1
	180, 180A,180B, 180C, 180D, 180E, 180F, 180G, 180H, 180J, 180K.	5A6	CAR 3	1
	182, 182A, 182B, 182C, 182D, 182E, 182F, 182G, 182H, 182J, 182K, 182L, 182M, 182N, 182P, 182Q, 182R, 182S, 182T, R182, T182, TR182, T182T.	3A13	CAR 3, FAR 23	1
	185, 185A, 185B, 185C, 185D, 185E, A185E, A185F	3A24	CAR 3	1
	190, 195, 195A, 195B	A–790	CAR 3	1
	210, 210A, 210B, 210C, 210D, 210E, 210F, T210F, 210G, T210G, 210H, T210H, 210J, T210J, 210K, T210K, 210L, T210L, 210M, T210M, 210N, P210N, T210N, 210R, P210R, T210R, 210–5, 210–5A.	3A21	CAR 3	1
	206, P206, P206A, P206B, P206C, P206D, P206E, TP206A, TP206B, TP206C, TP206D, TP206E, U206, U206A, U206B, U206C, U206D, U206E, U206F, U206G, TU206A, TU206B, TU206C, TU206D, TU206E, TU206F, TU206G, 206H, T206H.	A4CE	CAR 3	1
	207, 207A, T207, T207A	A16CE	FAR 23	1
	T–303 (Crusader)	A34CE	FAR 23	2
	310, 310A (USAF U–3A), 310B, 310C, 310D, 310E (USAF U–3B), 310F, 310G, 310H, E310H, 310I, 310J, 310J–1, E310J, 310K, 310L, 310N, 310P, T310P, 310Q, T310Q, 310R, T310R.	3A10		2
	320, 320A, 320B, 320C, 320D, 320E, 320F, 320–1, 335, 340, 340A.	3A25	CAR 3	2
	336	A2CE	CAR 3	2
	337, 337A , 337B, T337B, 337C, 337E, T337E, T337C, 337D, T337D, M337B, 337F, T337F, 337G, T337G, 337H, P337H, T337H, T337H–SP.	A6CE	CAR 3, FAR 23	2
Cirrus Design Corp	SR20, SR22	A00009CH	FAR 23	1
Commander Aircraft Co	112, 112TC, 112B, 112TCA, 114, 114A, 114B, 114TC	A12SO	CAR 3	1
Cub Crafters	CC18–180, CC18–180A	A00006SE	FAR 23	1
DeHavilland/Bombardier	DHC–2 Mark I, DHC–2 Mark II, DHC–2 Mark III	A–806	CAR 3	1
	DH.C1, 21, 22, 22A	A44EU	FAR 21	1
Diamond Aircraft Company	DA 20–A1, DA20–C1	TA4CH	FAR 23	1
	DA 40	A47CE	FAR 23	1
Extra (Extra Flugzeugbau GmbH)	EA300, EA300L, EA300S, EA300/200	A67EU	FAR 23	1
	EA–400	A43CE	FAR 23	1
Found Aircraft Development, Inc	FBA–2C, FBA–2C1 (Bush Hawk), FBA–2C2 (Bush Hawk XP).	A7EA	CAR 3, FAR 23	1
Gulfstream American Corporation	G44, G44A, SCAN Type 30	A–734	CAR 4a	2
Grob-Werke	G115, G115A, G115B, G115C, G115C2, G115D, G115D2, G115EG.	A57EU	FAR 23	1
	G120A	A49CE	FAR 23	1
Grumman American (Tiger Aircraft LLC).	AA–1, AA–1A, AA–1B, AA–1C	A11EA	FAR 23	1
	AA–5, AA–5A, AA–5B, AG–5B	A16EA	FAR 23	1
Hawker Beechcraft	35–33, 35–A33, 35–B33, 35–C33, 35–C33A, E33, E33A, E33C, F33, F33A, F33C, G33, H35, J35, K35, M35, N35, P35, S35, V35, V35A, V35B, 36, A36, A36TC, B36TC.	3A15	CAR 3	1

Aircraft make	Aircraft model(s)	Type certificate No.	Certification basis	Class 1 or 2
	35, A35, B35, C35, D35, E35, F35, G35, 35R	A–777	CAR 3	1
	76	A29CE	FAR 23	1
	95, B95, B95A, D95A, E95, 95–55, 95–A55, 95–B55, 95–B55A, 95–B55B (T–42A), 95–C55, 95–C55A, D55, D55A, E55, E55A, 56TC, A56TC, 58, 58A.	3A16	CAR 3, FAR 23	2
	19A, B19, M19A, 23, A23, A23A, A23–19, A23–24, B23, C23, A24, A24R, B24R, C24R.	A1CE	CAR 3	1
	50, B50, C50, D50, D50A, D50B, D50C, D50E, D50E–5990, E50, F50, G50, H50, J50.	5A4	CAR 3	2
	45 (YT–34), A45 (T–34A) or (B–45), D45 (T–34B)	5A3	CAR 3	1
Helio (Alliance Aircraft Group, LLC).	H–250, H–295, HT–295, H391, H391B, H–395, H–395A, H–700, H–800.	1A8	CAR 3	1
	HST–550, HST–550A	A4EA	CAR 3	1
	500	A2EA	CAR 3	2
King's Engineering Fellowship (The).	Model 44	A2WI	FAR 23	2
	4500–300, 4500–300 Series II	A17CE	FAR 23	2
Lake/Revo (Global Amphibians LLC).	Colonial C–1, Colonial C–2, Lake LA–4, Lake LA–4A, Lake LA–4P, Lake LA–4–200, Lake Model 250.	1A13	CAR 3	1
Lancair (Columbia Aircraft)	LC40–550FG, LC41–550FG, LC42–550FG	A00003SE	FAR 23	1
Liberty Aerospace Incorporated	XL–2	A00008DE	FAR 23	1
Lockheed Aircraft Corporation	402–2	2A11	CAR 3	2
Luscombe Aircraft Corporation	11A, 11E	A–804	CAR 3	1
Maule	Bee Dee M–4, M–4, M–4C, M–4S, M–4T, M–4–180C, M–4–180S, M–4–180T, M–4–210, M–4–210C, M–4–210S, M–4–210T, M–4–220, M–4–220C, M–4–220S, M–4–220T, M–5–180C, M–5–200, M–5–210C, M–5–210TC, M–5–220C, M–5–235C, M–6–180, M–6–235, M–7–235, MX–7–235, MX–7–180, MX–7–420, MXT–7–180, MT–7–235, M–8–235, MX–7–160, MXT–7–160, MX–7–180A, MXT–7–180A, MX–7–180B, M–7–235B, M–7–235A, M–7–235C, MX–7–180C, M–7–260, MT–7–260, M–7–260C, M–7–420AC, MX–7–160C, MX–7–180AC, M–7–420A, MT–7–420.	3A23	CAR 3	1
Mooney Aircraft Corp	M20, M20A, M20B, M20C, M20D, M20E, M20F, M20G, M20J, M20K, M20L, M20M, M20R, M20S.	2A3	CAR 3	1
	M22	A6SW	CAR 3	1
Moravan (Moravan a.s.)	ZLIN 562L	A30EU	FAR 23	1
	ZLIN Z–242L, Z–143L	A76EU	FAR 23	1
Navion Aircraft Company, Ltd. (Navion).	Navion, Navion A, Navion B, Navion D, Navion E, Navion F, Navion G, Navion H.	A–782	CAR 3	1
OMF (Ostmeck. Flugzeugbau GmbH).	OMF–100–160	A46CE	FAR 23	1
Partenavia (Vulcanair S.p.A.)	P68, P68B, P68C, P68C–TC, P68 "Observer," P68 "Observer 2," P68 TC "Observer", AP68TP 300 "Spartacus", AP68TP 600 "Viator", VA300.	A31EU	FAR 23	2
Pilatus Aircraft Limited	PC–6, PC–6–H1, PC–6–H2, PC–6/350, PC–6/350–H1, PC–6/350–H2, PC–6/A, PC–6/A–H1, PC–6/A–H2, PC–6/B–H2, PC–6/B1–H2, PC–6/B2–H2, PC–6/B2–H4, PC–6/C–H2, PC–6/C1–H2.	7A15	CAR 3	1
	PC–7	A50EU	FAR 23	1
Piper (New Piper)	PA–12, PA–12S	A–780	CAR 3	1
	PA–18, PA–18S, PA–18–105, PA–18S–105, PA–18A, PA–18–125, PA–18S–125, PA–18AS–125, PA–18–135, PA–18A–135, PA–18S–135, PA–18AS–135, PA–18–150, PA–18A–150, PA–18S–150, PA–18AS–150, PA–19, PA19S.	1A2	CAR 3	1
	PA–20, PA–20S, PA–20–115, PA–20S–115, PA–20–135, PA–20S–135.	1A4	CAR 3	1
	PA–22, PA–22–108, PA–22–135, PA–22S–135, PA–22–150, PA–22S–150, PA–22–160, PA–22S–160.	1A6	CAR 3	1
	PA–23, PA–23–160, PA–23–235, PA–23–250	1A10	CAR 3	2
	PA–24, PA–24–250 PA–24–260, PA–24–400	1A15	CAR 3	1
	PA–28–140, PA–28–150, PA–28–151, PA–28–160, PA–28–161, PA–28–180, PA–28–235, PA–28S–160, PA–28–161, PA–28–181, PA–28–235, PA–28S–160, PA–28R–201, PA–28R–201T, PA–28RT–201, PA–28RT–201T, PA–28–201T, PA–28–236.	2A13	CAR 3	1
	PA–30, PA–39, PA–40	A1EA	CAR 3	2
	PA–32–260, PA–32–300, PA–32S–300, PA–32R–300, PA–32RT–300, PA–32RT–300T, PA–32R–301(SP), PA–32R–301(HP), PA–32R–301T, PA–32–301, PA–32–301T, PA–32–301FT, PA32–301XTC.	A3SO	CAR 3	1
	PA–34–200, PA–34–200T, PA–34–220T	A7SO	CAR 3	2

Aircraft make	Aircraft model(s)	Type certificate No.	Certification basis	Class 1 or 2
	PA–44–180, PA–44–180T	A19SO	FAR 23	1
	PA–46–310P, PA–46–350P, PA–46–500TP	A25SO	FAR 23	1
Prop-Jets, Inc	200, 200A, 200B, 200C, 200D, 400	3A18	CAR 3	1
PZL (Panstwowe Zaklady Lotnicze).	PZL–104 WILGA 80, PZL–104M WILGA 2000, PZL–WARSZAWA.	A55EU	FAR 23	1
	PZL–KOLIBER 150A, PZL–KOLIBER 160A,	A69EU	FAR 23	1
PZL (PZL Mielec)	PZL M20 03	A68EU	FAR 23	2
	PZL M26 01	A44CE	FAR 23	1
Slingsby Aviation Ltd	T67M260, T67M260–T3A	A73EU	FAR 23	1
SOCATA (SOCATA Groupe Aerospatiale).	TB9, TB10, TB20, TB21, TB200	A51EU	FAR 23	1
	100S, 150ST, 150T, 235E, 235C MS880B, MS885, MS894A, MS893A, MS892A–150, MS892E–150, MS893E, MS894E.	7A14	CAR 3	1
SOCATA (SOCATA Groupe Aerospatiale).	GA–7 (Cougar)	A17SO	FAR 23	2
Stinson (Univair Aircraft Corporation).	108, 108–1, 108–2, 108–3, 108–5	A–767	CAR 3	1
Twin Commander Aircraft Corporation.	500, 500–A, 500–B, 500–U, 500–S, 520, 560, 560–A, 560–E.	ATC 542	CAR 3	1
WACO Aircraft Company	WACO YMF	ATC 542	Aero 7A	1
Zenair Ltd	CH2000	TA5CH	FAR 23	1

Discussion

If the Administrator finds that the applicable airworthiness standards do not contain adequate or appropriate safety standards because of novel or unusual design features of an airplane, special conditions are prescribed under the provisions of § 21.16.

Special conditions, as appropriate, as defined in § 11.19, are issued in accordance with § 11.38 after public notice and become part of the type certification basis in accordance with § 21.101 (b)(2).

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model already included on the same type certificate to incorporate the same novel or unusual design feature, the special conditions would also apply to the other model under the provisions of § 21.101.

Novel or Unusual Design Features

ASPEN Avionics Inc., plans to incorporate certain novel and unusual design features into an airplane for which the airworthiness standards do not contain adequate or appropriate safety standards for protection from the effects of HIRF. These features include EFIS, which are susceptible to the HIRF environment, that were not envisaged by the existing regulations for this type of airplane.

Protection of Systems from High Intensity Radiated Fields (HIRF): Recent advances in technology have given rise to the application in aircraft designs of advanced electrical and electronic systems that perform functions required for continued safe flight and landing. Due to the use of sensitive solid state advanced components in analog and digital electronics circuits, these advanced systems are readily responsive to the transient effects of induced electrical current and voltage caused by the HIRF. The HIRF can degrade electronic systems performance by damaging components or upsetting system functions.

Furthermore, the HIRF environment has undergone a transformation that was not foreseen when the current requirements were developed. Higher energy levels are radiated from transmitters that are used for radar, radio, and television. Also, the number of transmitters has increased significantly. There is also uncertainty concerning the effectiveness of airframe shielding for HIRF. Furthermore, coupling to cockpit-installed equipment through the cockpit window apertures is undefined.

The combined effect of the technological advances in airplane design and the changing environment has resulted in an increased level of vulnerability of electrical and electronic systems required for the continued safe flight and landing of the airplane. Effective measures against the effects of exposure to HIRF must be provided by the design and installation of these systems. The accepted maximum energy levels in which civilian airplane system installations must be capable of operating safely are based on surveys and analysis of existing radio frequency emitters. These special conditions require that the airplane be evaluated under these energy levels for the protection of the electronic system and its associated wiring harness. These external threat levels, which are lower than previous required values, are believed to represent the worst case to which an airplane would be exposed in the operating environment.

These special conditions require qualification of systems that perform critical functions, as installed in aircraft, to the defined HIRF environment in paragraph 1 or, as an option to a fixed value using laboratory tests, in paragraph 2, as follows:

(1) The applicant may demonstrate that the operation and operational capability of the installed electrical and electronic systems that perform critical functions are not adversely affected when the aircraft is exposed to the HIRF environment defined below:

Frequency	Field strength (volts per meter)	
	Peak	Average
10 kHz–100 kHz	50	50
100 kHz–500 kHz	50	50
500 kHz–2 MHz	50	50
2 MHz–30 MHz	100	100
30 MHz–70 MHz	50	50
70 MHz–100 MHz	50	50
100 MHz–200 MHz	100	100
200 MHz–400 MHz	100	100
400 MHz–700 MHz	700	50
700 MHz–1 GHz	700	100
1 GHz–2 GHz	2000	200
2 GHz–4 GHz	3000	200
4 GHz–6 GHz	3000	200
6 GHz–8 GHz	1000	200
8 GHz–12 GHz	3000	300
12 GHz–18 GHz	2000	200
18 GHz–40 GHz	600	200

The field strengths are expressed in terms of peak root-mean-square (rms) values.

or,

(2) The applicant may demonstrate by a system test and analysis that the electrical and electronic systems that perform critical functions can withstand a minimum threat of 100 volts per meter, electrical field strength, from 10 kHz to 18 GHz. When using this test to show compliance with the HIRF requirements, no credit is given for signal attenuation due to installation.

A preliminary hazard analysis must be performed by the applicant, for approval by the FAA, to identify either electrical or electronic systems that perform critical functions. The term ''critical'' means those functions, whose failure would contribute to, or cause, a failure condition that would prevent the continued safe flight and landing of the airplane. The systems identified by the hazard analysis that perform critical functions are candidates for the application of HIRF requirements. A system may perform both critical and non-critical functions. Primary electronic flight display systems, and their associated components, perform critical functions such as attitude, altitude, and airspeed indication. The HIRF requirements apply only to critical functions.

Compliance with HIRF requirements may be demonstrated by tests, analysis, models, similarity with existing systems, or any combination of these. Service experience alone is not acceptable since normal flight operations may not include an exposure to the HIRF environment. Reliance on a system with similar design features for redundancy as a means of protection against the effects of external HIRF is generally insufficient since all elements of a redundant system are likely to be exposed to the fields concurrently.

Applicability

As discussed above, these special conditions are applicable to one modification to the aircraft models listed under the heading ''Type Certification Basis.'' Should ASPEN Avionics Inc., apply at a later date to extend this modification to include additional airplane models, the special conditions would apply to that model as well under the provisions of § 21.101.

Conclusion

This action affects only certain novel or unusual design features on one modification to the aircraft models listed under the heading ''Type Certification Basis.'' It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

The substance of these special conditions has been subjected to the notice and comment period in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. For this reason, and because a delay would significantly affect the certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113 and 44701; 14 CFR 21.16 and 21.101; and 14 CFR 11.38 and 11.19.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the EFD 1000 EFIS manufactured by ASPEN Avionics Inc.

1. Protection of Electrical and Electronic Systems from High Intensity Radiated Fields (HIRF). Each system that performs critical functions must be designed and installed to ensure that the operations, and operational capabilities of these systems to perform critical functions, are not adversely affected when the airplane is exposed to high intensity radiated electromagnetic fields external to the airplane.

2. For the purpose of these special conditions, the following definition applies: Critical Functions: Functions whose failure would contribute to, or cause, a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Kansas City, Missouri on November 30, 2007.

Patrick R. Mullen,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–23835 Filed 12–7–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–28943; Directorate Identifier 2007–NM–011–AD; Amendment 39–15295; AD 2007–25–13]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 767–300F Series Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Boeing Model 767–300F series airplanes. This AD requires replacing the rotomolded duct(s) of the mix manifold system with new duct(s). This AD results from a report of failures of the duct joint seal of the mix manifold system. We are issuing this AD to prevent air conditioning leakage into the mix manifold bay. Such leakage could decrease the air flow to the flight compartment and main cabin or could allow smoke into the flight compartment in the event of a fire in the main cabin or forward cargo compartment.

DATES: This AD becomes effective January 14, 2008.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of January 14, 2008.

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone 800–647–5527) is the 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: Jeffrey S. Palmer, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–150S, FAA, Seattle Aircraft Certification Office,

1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6481; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to certain Boeing Model 767–300F series airplanes. That NPRM was published in the **Federal Register** on August 16, 2007 (72 FR 45980). That NPRM proposed to require replacing the rotomolded duct(s) of the mix manifold system with new duct(s).

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comment received. Boeing supports the NPRM.

Conclusion

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

Costs of Compliance

There are about 40 airplanes of the affected design in the worldwide fleet. This AD affects about 32 airplanes of U.S. registry. The required actions will take about 2 or 8 work hours per airplane, at an average labor rate of $80 per work hour. Required parts will cost about $4,123 or $42,825 per airplane. Based on these figures, the estimated cost of the AD for U.S. operators is $4,283 or $43,465 per airplane. (The estimated work hours and costs depend on the airplane configuration).

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2007–25–13 Boeing: Amendment 39–15295. Docket No. FAA–2007–28943; Directorate Identifier 2007–NM–011–AD.

Effective Date

(a) This AD becomes effective January 14, 2008.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Boeing Model 767–300F series airplanes, certificated in any category; as identified in Boeing Special Attention Service Bulletin 767–21–0192, dated March 23, 2006.

Unsafe Condition

(d) This AD results from a report of failures of the duct joint seal of the mix manifold system. We are issuing this AD to prevent air conditioning leakage into the mix manifold bay. Such leakage could decrease the air flow to the flight compartment and main cabin or could allow smoke into the flight compartment in the event of a fire in the main cabin or forward cargo compartment.

Compliance

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

Replacement

(f) Within 36 months after the effective date of this AD, do the applicable action specified in Table 1 of this AD in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 767–21–0192, dated March 23, 2006.

TABLE 1.—REPLACEMENT

For airplanes identified in the service bulletin as—	Do the following action—
(1) Group 1 airplanes	Replace the rotomolded duct between the transition duct of the right cooling pack and the mix manifold with a new duct made of aluminum.
(2) Group 2 airplanes	Replace the rotomolded ducts of the mix manifold system with new ducts made from Kevlar® and aluminum.

Alternative Methods of Compliance (AMOCs)

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

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District

Office (FSDO), or lacking a PI, your local FSDO.

Material Incorporated by Reference

(h) You must use Boeing Special Attention Service Bulletin 767–21–0192, dated March 23, 2006, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of this document in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207, for a copy of this service information. You may review copies at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*.

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

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–23685 Filed 12–7–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–0301; Directorate Identifier 2007–NM–069–AD; Amendment 39–15300; AD 2007–25–18]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747–400 and 747–400D Series Airplanes

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 certain Boeing Model 747–400 and 747–400D series airplanes. For certain airplanes, this AD requires modifying the stowage bin ladder of zone E, installing new intercostals, removing existing tie rods, and installing new tie rods. For certain other airplanes, this AD requires modifying the lateral shear beam. This AD results from a report indicating that the overhead lateral shear beam aft of main entry door number 5 reacts to certain loads from the weight of the center stowage bins of zone E and additional loads. We are issuing this AD to prevent detachment of the center stowage bins of zone E at forward load levels less than 9g during an emergency landing, which could cause injury to passengers and/or crew and could impede subsequent rapid evacuation.

DATES: This AD is effective December 26, 2007.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of December 26, 2007.

We must receive comments on this AD by February 8, 2008.

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

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

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

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Rene Buendia, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–150S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6448; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Discussion

We have received a report indicating that a review, at Boeing, of the airplane interior loads on certain Boeing Model 747–400 and 747–400D series airplanes without a door 5 crew rest, showed that the overhead lateral shear beam aft of main entry door number 5 does not meet the 9g forward loading requirement. As a result, the overhead lateral shear beam at that door reacts to loads from the weight of the center stowage bins of zone E and to additional loads due to galleys, life raft boxes, closets, and partitions (depending on airplane configuration). This condition, if not corrected, could result in detachment of the center stowage bins of zone E at forward load levels less than 9g during an emergency landing, which could cause injury to passengers and/or crew and could impede subsequent rapid evacuation.

Relevant Service Information

We have reviewed Boeing Special Attention Service Bulletin 747–53–2498, dated December 19, 2006. For certain airplanes, the service bulletin describes procedures for modifying the stowage bin ladder of zone E by installing new tie rod fittings, installing new right and left intercostals, and removing existing tie rods. For certain other airplanes, the service bulletin describes procedures for modifying the lateral shear beam by installing additional stiffeners. Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition.

FAA's Determination and Requirements of This AD

No airplanes affected by this AD are on the U.S. Register. We are issuing this AD because the unsafe condition described previously is likely to exist or develop on other products of the(se) same type design(s) that could be registered in the United States in the future. This AD requires modifying the stowage bin ladder of zone E, installing new intercostals, removing existing tie rods, and installing new tie rods. For certain other airplanes, this AD requires modifying the lateral shear beam.

Since no airplanes are affected by this AD, notice and opportunity for public comment before issuing this AD are unnecessary.

Costs of Compliance

None of the airplanes affected by this action are on the U.S. Register. All airplanes affected by this AD are currently operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, we consider this AD necessary to ensure that the unsafe condition is addressed if any affected airplane is imported and placed on the U.S. Register in the future.

The following table provides the estimated costs for U.S. operators to comply with this AD for any affected

airplane that might be imported and placed on the U.S. Register in the future.

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Parts	Cost per airplane	Number of U.S.-registered airplanes
Modification of the stowage bin ladder, installation of intercostals, and replacement of tie rods (for Group 1 airplanes)	59	$80	$40,107	$44,827	0
Modification of the lateral shear beam (for Group 2 airplanes)	5	80	5,091	5,491	0

FAA's Determination of the Effective Date

No airplane affected by this AD is currently on the U.S. Register. Therefore, providing notice and opportunity for public comment is unnecessary before this AD is issued, and this AD may be made effective in less than 30 days after it is published in the **Federal Register**.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not provide you with notice and an opportunity to provide your comments before it becomes effective. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2007–0301; Directorate Identifier 2007–NM–069–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 have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2007–25–18 Boeing: Amendment 39–15300. Docket No. FAA–2007–0301; Directorate Identifier 2007–NM–069–AD.

Effective Date

(a) This AD becomes effective December 26, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Boeing Model 747–400 and 747–400D series airplanes, certificated in any category; as identified in Boeing Special Attention Service Bulletin 747–53–2498, dated December 19, 2006.

Unsafe Condition

(d) This AD results from a report indicating that the overhead lateral shear beam aft of main entry door number 5 reacts to certain loads. We are issuing this AD to prevent detachment of the center stowage bins of zone E at forward load levels less than 9g during an emergency landing, which could cause injury to passengers and/or crew and could impede subsequent rapid evacuation.

Compliance

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

Modification, Installation, and Replacement

(f) Within 36 months after the effective date of this AD, do the applicable actions required by paragraphs (f)(1) and (f)(2) of this AD by doing all the actions in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 747–53–2498, dated December 19, 2006.

(1) For Group 1 airplanes, as identified in the service bulletin: Modify the stowage bin ladder of zone E, install new right and left intercostals, and remove existing tie rods and install new tie rods.

(2) For Group 2 airplanes, as identified in the service bulletin: Modify the lateral shear beam.

Alternative Methods of Compliance (AMOCs)

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

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

Material Incorporated by Reference

(h) You must use Boeing Special Attention Service Bulletin 747–53–2498, dated December 19, 2006, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of this document in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207, for a copy of this service information. You may review copies at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html*.

Issued in Renton, Washington, on November 30, 2007.

Stephen P. Boyd,

Assistant Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–23851 Filed 12–7–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–0302; Directorate Identifier 2007–NM–161–AD; Amendment 39–15301; AD 2007–25–19]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747–400 Series Airplanes

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 certain Boeing Model 747–400 series airplanes. This AD requires repetitive inspections to detect discrepancies of the forward and rear heat exchanger shells of the air distribution system of the crew rest area, and applicable corrective actions. This AD also requires an inspection to identify the part number, shop code, and build date of the forward and rear heat exchanger shells of the air distribution system of the crew rest area, and applicable corrective actions, which end the repetitive inspections. This AD results from a report of an uncommanded up and down pitch movement of an airplane in flight and resistance in the elevator controls on the ground during taxi. We are issuing this AD to prevent cracking and buckling of the forward or rear heat exchanger shell of the air distribution system of the crew rest area, which could result in jamming of the rudder and/or elevator control cables and consequent reduced controllability of the airplane.

DATES: This AD becomes effective December 26, 2007.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of December 26, 2007.

We must receive comments on this AD by February 8, 2008.

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

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

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

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Barbara Mudrovich, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–150S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6477; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Background

We previously issued AD 2001–18–04, amendment 39–12430 (66 FR 46512, September 6, 2001), applicable to certain Boeing Model 747–400 series airplanes. That AD requires repetitive inspections to detect damage or deflection of the crew rest heat exchanger (forward heat exchanger only), and follow-on actions if necessary. That AD also requires a one-time inspection to determine the part number and shop code of the shell of the crew rest area heat exchanger (forward heat exchanger only), and follow-on actions if necessary, which terminate the repetitive inspections.

Discussion

Since issuance of AD 2001–18–04, we have received a report of uncommanded up and down pitch movement of an airplane in flight and resistance in the elevator controls on the ground during taxi on a Boeing Model 747–400 series airplane. An inspection revealed that the rear heat exchanger shell of the air distribution system of the crew rest area had expanded and deformed inboard and downwards, contacting the elevator control cables, which restricted their movements. Another inspection revealed that the thickness of certain forward heat exchanger shells of the air distribution system of the crew rest area, including forward heater exchanger shell subject to the requirements of AD 2001–18–04, was incorrect. The incorrect shells were manufactured from two-ply laminate instead of three-ply laminate.

Cracking and buckling of the forward or rear heat exchanger shell of the air distribution system of the crew rest area, if not corrected, could result in jamming of the rudder and/or elevator control cables and consequent reduced controllability of the airplane.

Relevant Service Information

Boeing has issued Service Bulletin 747–21A2439, Revision 2, dated May 24, 2007. The service bulletin describes the following procedures:

- Repetitive general visual inspections of the forward and rear heat exchanger shells of the air distribution system of the crew rest area for discrepancies (i.e., cracks, creases, deformation, deflection, and interference with the rudder and/or

elevator cables), and applicable corrective actions (Work Package 1).

• An inspection to identify the part number, shop code, and build date of the forward and rear heat exchanger shells of the air distribution system of the crew rest area, and applicable corrective actions (Work Package 2). Accomplishing these actions eliminates the need for the repetitive inspections.

The corrective actions include replacing any discrepant forward or rear heat exchanger shell of the air distribution system of the crew rest area with a certain new heat exchanger shell, measuring the shell material thickness, repairing holes, re-marking the part number of the forward heat exchanger shell, and making sure the ten common fasteners are fully installed; as applicable.

The compliance time specified in the service bulletin for accomplishing Work Package 1 is 1,200 flight hours or 90 days, whichever occurs first, and thereafter at intervals not to exceed 2,500 flight hours. The compliance time specified in the service bulletin for accomplishing Work Package 2 is 24 months.

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

FAA's Determination and Requirements of This AD

The unsafe condition described previously is likely to exist or develop on other airplanes of the same type design that may be registered in the U.S. at some time in the future. Therefore, we are issuing this AD to prevent cracking and buckling of the forward or rear heat exchanger shell of the air distribution system of the crew rest area, which could result in jamming of the rudder and/or elevator control cables and consequent reduced controllability of the airplane. This AD requires accomplishing the actions specified in the service information described previously.

Differences Between This AD and Service Information

For Work Package 1, Table 1 of paragraph 1.E. of Boeing Service Bulletin 747–21A2439, Revision 2, specifies a compliance time of 1,200 flight hours or 90 days for accomplishing both the general visual inspections and replacement of the heat exchanger shells if necessary. We have determined that, because of the safety implications and consequences associated with cracking, any cracked heat exchanger shell must be replaced before further flight. Therefore, for Work Package 1, this AD requires that the applicable corrective actions for that work package, which include replacement of any discrepant forward or rear heat exchanger shell, be done before further flight. This difference has been coordinated with Boeing.

Costs of Compliance

None of the airplanes affected by this action are on the U.S. Register. All airplanes affected by this AD are currently operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, we consider this AD necessary to ensure that the unsafe condition is addressed if any affected airplane is imported and placed on the U.S. Register in the future.

The following table provides the estimated costs for U.S. operators to comply with this AD for any affected airplane that might be imported and placed on the U.S. Register in the future.

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Cost per airplane
Inspection (Work Package 1)	Between 1 and 3 [1]	$80	Between $80 and $240, per inspection cycle.
Inspection (Work Package 2)	Between 1 and 3 [1]	80	Between $80 and $240.

[1] Depending on the airplane configuration.

FAA's Determination of the Effective Date

No airplane affected by this AD is currently on the U.S. Register. Therefore, providing notice and opportunity for public comment is unnecessary before this AD is issued, and this AD may be made effective in less than 30 days after it is published in the **Federal Register**.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not provide you with notice and an opportunity to provide your comments before it becomes effective. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2007–0302; Directorate Identifier 2007–NM–161–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 have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2007–25–19 Boeing: Amendment 39–15301. Docket No. FAA–2007–0302; Directorate Identifier 2007–NM–161–AD.

Effective Date

(a) This AD becomes effective December 26, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Boeing Model 747–400 series airplanes, certificated in any category; as identified in Boeing Service Bulletin 747–21A2439, Revision 2, dated May 24, 2007.

Unsafe Condition

(d) This AD results from a report of an uncommanded up and down pitch movement of an airplane in flight and resistance in the elevator controls on the ground during taxi. We are issuing this AD to prevent cracking and buckling of the forward or rear heat exchanger shell of the air distribution system of the crew rest area, which could result in jamming of the rudder and/or elevator control cables and consequent reduced controllability of the airplane.

Compliance

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

Inspections and Corrective Actions

(f) At the applicable times specified in the Table 1 of paragraph 1.E. of Boeing Service Bulletin 747–21A2439, Revision 2, dated May 24, 2007, except as provided by paragraph (g) of this AD, do the actions specified in paragraphs (f)(1) and (f)(2) of this AD by accomplishing all the actions specified in the Accomplishment Instructions of the service bulletin.

(1) Do repetitive general visual inspections to detect discrepancies (i.e., cracks, creases, deformation, deflection, and interference with the rudder and/or elevator cables) of the forward and rear heat exchanger shells of the air distribution system of the crew rest area, and do the applicable corrective actions, until the actions required by paragraph (f)(2) of this AD are done. The applicable corrective actions must be done before further flight.

(2) Do an inspection to identify the part number, shop code, and build date of the forward and rear heat exchanger shells of the air distribution system of the crew rest area, and before further flight, do the applicable corrective actions. Accomplishing these actions ends the repetitive inspections required by paragraph (f)(1) of this AD.

(g) Where Boeing Service Bulletin 747–21A2439, Revision 2, dated May 24, 2007, specifies a compliance time ''after the release date of the service bulletin'' or ''after the date of Revision 02 of the service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

Actions According to Previous Issues of Service Bulletin or Previously Accomplished Inspections

(h) Actions done before the effective date of this AD in accordance with Boeing Alert Service Bulletin 747–21A2439, dated November 3, 2005; or Boeing Service Bulletin 74721A2439, Revision 1, dated July 24, 2006; are acceptable for compliance with the corresponding actions specified in this AD.

(i) If a forward heat exchanger shell, part number 65B41601–52, is found installed during the replacement required by paragraph (c) of AD 2001–18–04, amendment 39–12430, or was installed during the inspection required by paragraph (d)(2) of that AD (AD 2001–18–04 refers to Boeing Alert Service Bulletin 747–21A2412, dated January 20, 2000; or Revision 2, dated November 30, 2000; as the appropriate sources of service information for accomplishing the required actions): Actions required by paragraphs (f)(1) and (f)(2) of this AD are not required for that forward heat exchanger shell only.

Parts Installation

(j) As of the effective date of this AD, no person may install a heat exchanger shell having a part number identified in the ''Existing Part Number'' column of the table specified in paragraph 2.C. of Boeing Service Bulletin 747–21A2439, Revision 2, dated May 24, 2007, on any airplane.

Special Flight Permits

(k) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be done, except as provided by paragraphs (k)(1) and (k)(2) of this AD.

(1) If any forward or rear heat exchanger shell of the air distribution system of the crew rest area is found deflecting or interfering with the rudder and/or elevator control cables (*e.g.*, chafing, rubbing, or contacting) during any inspection required by paragraph (f)(1) of this AD, special flight permits are not allowed.

(2) If any crack or crease is found on the forward or rear heat exchanger shell of the air distribution system of the crew rest area during any inspection required by paragraph (f)(1) of this AD, the air distribution system in the crew rest area must be inoperative during flight.

Alternative Methods of Compliance (AMOCs)

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

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

Material Incorporated by Reference

(m) You must use Boeing Service Bulletin 747–21A2439, Revision 2, dated May 24, 2007, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of this document in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207, for a copy of this service information. You may review copies at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on November 30, 2007.

Stephen P. Boyd,

Assistant Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–23850 Filed 12–7–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–28620; Directorate Identifier 2007–NM–090–AD; Amendment 39–15299; AD 2007–25–17]

RIN 2120–AA64

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

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747SR, and 747SP series airplanes. This AD requires repetitive inspections for cracking of the station (STA) 1241 bulkhead fittings just above the canted pressure deck; a one-time determination of the edge margin at seven fastener positions on each side of the airplane; and related investigative/corrective actions if necessary. This AD results from a report that an operator found a 1.65-inch crack on the STA 1241 bulkhead fitting on the left side of a Boeing Model 747–200F series airplane that had accumulated 17,332 total flight cycles. We are issuing this AD to detect and correct cracking in the STA 1241 bulkhead fittings, which could result in reduced structural integrity of the airplane.

DATES: This AD becomes effective January 14, 2008.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of January 14, 2008.

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone 800–647–5527) is the 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: Ivan Li, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, WA 98057–3356; telephone (425) 917–6437; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to certain Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747SR, and 747SP series airplanes. That NPRM was published in the **Federal Register** on July 9, 2007 (72 FR 37130). That NPRM proposed to require repetitive inspections for cracking of the station (STA) 1241 bulkhead fittings just above the canted pressure deck; a one-time determination of the edge margin at seven fastener positions on each side of the airplane; and related investigative/corrective actions if necessary.

Comments

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

Request to Revise ''Relevant Service Information'' Section

Boeing asks that we revise the first sentence in the fourth paragraph of the ''Relevant Service Information'' section of the NPRM. That sentence now reads: ''For airplanes modified in accordance with Boeing Service Bulletin 747–53–2283 (AD 90–06–06). * * *'' Because Boeing Service Bulletin 747–53–2283 describes four different procedures and the modification referred to in the NPRM is a splice strap replacement, Boeing requests that the sentence read: ''For airplanes modified by replacing the splice strap in accordance with Boeing Service Bulletin 747–53–2283, Part III, Splice Strap Replacement and Boeing drawing 624U0006 * * *''

We agree that the requested change clarifies the explanation in the ''Relevant Service Information'' section in the preamble of the NPRM. However, since that section of the preamble does not reappear in the final rule, no change to the final rule is necessary.

Conclusion

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

Costs of Compliance

There are about 455 airplanes of the affected design in the worldwide fleet. This AD affects about 133 airplanes of U.S. registry. The actions take about 14 work hours per airplane, at an average labor rate of $80 per work hour. Based on these figures, the estimated cost of the AD for U.S. operators is $148,960, or $1,120 per airplane, per inspection cycle.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2007–25–17 Boeing: Amendment 39–15299. Docket No. FAA–2007–28620; Directorate Identifier 2007-NM–090-AD.

Effective Date

(a) This AD becomes effective January 14, 2008.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747SR, and 747SP series airplanes, certificated in any category; as identified in Boeing Alert Service Bulletin 747–53A2658, dated February 22, 2007.

Unsafe Condition

(d) This AD results from a report that an operator found a 1.65-inch crack on the station (STA) 1241 bulkhead fitting on the left side of a Boeing Model 747–200F series airplane that had accumulated 17,332 total flight cycles. We are issuing this AD to detect and correct cracking in the STA 1241 bulkhead fittings, which could result in reduced structural integrity of the airplane.

Compliance

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

Inspections and Corrective Action

(f) At the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2658, dated February 22, 2007: Do internal surface high-frequency eddy current and external ultrasonic inspections for cracking of the STA 1241 bulkhead fittings just above the canted pressure deck; determine the edge margin at seven fastener positions on each side of the airplane; and do all applicable related investigative/corrective actions; by doing all of the actions specified in the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2658, dated February 22, 2007, except as provided by paragraphs (f)(1) and (f)(2) of this AD. Do all applicable related investigative/corrective actions before further flight. Repeat the inspections thereafter at the applicable interval specified in paragraph 1.E., ''Compliance'' of the service bulletin.

(1) Where the service bulletin specifies to contact Boeing for appropriate action, before further flight, do the action using a method approved in accordance with the procedures specified in paragraph (g) of this AD.

(2) Where the service bulletin specifies a compliance time after the date on the service bulletin, this AD requires compliance within the specified compliance time after the effective date of this AD.

Alternative Methods of Compliance (AMOCs)

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

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

Material Incorporated by Reference

(h) You must use Boeing Alert Service Bulletin 747–53A2658, dated February 22, 2007, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of this document in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207, for a copy of this service information. You may review copies at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on November 30, 2007.

Stephen P. Boyd,

Assistant Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–23871 Filed 12–7–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–29226; Directorate Identifier 2006–NM–256–AD; Amendment 39–15298; AD 2007–25–16]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–9–81 (MD–81) and DC–9–82 (MD–82) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain McDonnell Douglas Model DC–9–81 (MD–81) and DC–9–82 (MD–82) airplanes. This AD requires, for certain airplanes, inspecting for cracking of the fuselage skin at the upper corners of the forward passenger doorjamb, installing or replacing doublers as applicable, and doing applicable repairs. This AD results from reports of fatigue cracking in the fuselage skin at the upper corners of the forward passenger doorjamb. We are issuing this AD to prevent cracking of the fuselage skin at the upper corners of the forward passenger doorjamb, which could lead to loss of overall structural integrity of the airplane.

DATES: This AD is effective January 14, 2008.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of January 14, 2008.

ADDRESSES: For service information identified in this AD, contact Boeing Commercial Airplanes, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024).

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone 800–647–5527) is the 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: Roger Durbin, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5233; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an airworthiness directive (AD) that would apply to certain McDonnell Douglas Model DC–9–81 (MD–81) and DC–9–82 (MD–82) airplanes. That NPRM was published in the **Federal Register** on September 19, 2007 (72 FR 53495). That NPRM proposed to require, for certain airplanes, inspecting for cracking of the fuselage skin at the upper corners of the forward passenger doorjamb, installing or replacing doublers as applicable, and doing applicable repairs.

Comments

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

Conclusion

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

Costs of Compliance

There are about 76 airplanes of the affected design in the worldwide fleet. This AD affects about 46 airplanes of U.S. registry. The following table provides the estimated costs for U.S. operators to comply with this AD, at an average labor rate of $80 per work hour. The actions vary depending upon the airplane configuration.

ESTIMATED COSTS

Action	Work hours	Parts	Cost per airplane	Fleet cost
Low frequency eddy current inspection.	1	None needed	$80, per inspection cycle	Up to $3,680, per inspection cycle.
High frequency eddy current inspection.	1	None needed	$80, per inspection cycle	Up to $3,680, per inspection cycle.

Authority for This Rulemaking

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

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

Regulatory Findings

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.

You can find our regulatory evaluation and the estimated costs of compliance 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:

2007–25–16 McDonnell Douglas: Amendment 39–15298. Docket No. FAA–2007–29226; Directorate Identifier 2006–NM–256–AD.

Effective Date

(a) This airworthiness directive (AD) is effective January 14, 2008.

Affected ADs

(b) None.

Applicability

(c) This AD applies to McDonnell Douglas Model DC–9–81 (MD–81) and DC–9–82 (MD–82) airplanes; certificated in any category; as identified in Boeing Alert Service Bulletin MD80–53A298, dated August 1, 2006.

Unsafe Condition

(d) This AD results from a report of fatigue cracking in the fuselage skin at the upper corners of the forward passenger doorjamb. We are issuing this AD to prevent cracking of the fuselage skin at the upper corners of the forward passenger doorjamb, which could lead to loss of overall structural integrity of the airplane.

Compliance

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

Repetitive Inspections and Corrective Actions for Configuration 1, 2, and 3 Airplanes

(f) For airplanes identified as Configuration 1, 2, or 3 in Boeing Alert Service Bulletin MD80–53A298, dated August 1, 2006: At the applicable times specified in paragraph 1.E., ''Compliance,'' of the alert service bulletin, do a low-frequency eddy current (LFEC) or high-frequency eddy current (HFEC) inspection, as applicable, for cracking of the fuselage skin at the upper corners of the forward passenger doorjamb; and do all applicable corrective actions (repetitive inspections, installation of doublers, replacements, and repairs), except as provided by paragraph (g) of this AD. Do the actions in accordance with the Accomplishment Instructions of the alert service bulletin. Where the alert service

bulletin specifies a compliance time after the date on the service bulletin, this AD requires compliance within the specified compliance time after the effective date of this AD.

Repair of Certain Conditions

(g) If any crack is found during any inspection required by paragraph (f) of this AD and Boeing Alert Service Bulletin MD80–53A298, dated August 1, 2006, specifies to contact Boeing for repair instructions: Before further flight, repair using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

Corrective Action for Configuration 4 Airplanes

(h) For airplanes identified as Configuration 4 in Boeing Alert Service Bulletin MD80–53A298, dated August 1, 2006: Within 90 days after the effective date of this AD, repair using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

Alternative Methods of Compliance (AMOCs)

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

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD, if it is approved by an Authorized Representative for the Boeing Commercial Airplanes Delegation Option Authorization Organization who has been authorized by the Manager, Los Angeles ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane and 14 CFR 25.571, Amendment 45, and the approval must specifically refer to this AD.

Material Incorporated by Reference

(j) You must use the Accomplishment Instructions of Boeing Alert Service Bulletin MD80–53A298, dated August 1, 2006, to do the actions required by this AD, unless the AD specifies otherwise.

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

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024).

(3) You may review copies of the service information incorporated by reference at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Issued in Renton, Washington, on November 29, 2007.

Stephen P. Boyd,

Assistant Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–23687 Filed 12–7–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–29249; Directorate Identifier 2007–NM–112–AD; Amendment 39–15294; AD 2007–25–12]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes

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

ACTION: Final rule.

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

After a push back from the gate, an A320–200 aircraft was preparing to initiate taxi, when a NLG (nose landing gear) uncommanded retraction occurred, and then the aircraft abruptly hit the ground.

* * * Untimely unlocking and/or retraction of the NLG, while on the ground, could cause injury to ground personnel and significant structural damage to the airplane.

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

DATES: This AD becomes effective January 14, 2008.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of January 14, 2008.

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

FOR FURTHER INFORMATION CONTACT: Tim Dulin, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–2141; fax (425) 227–1149.

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 20, 2007 (72 FR 53699). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

After push back from the gate, an A320–200 aircraft was preparing to initiate taxi, when a NLG (nose landing gear) uncommanded retraction occurred, and then the aircraft abruptly hit the ground.

Investigations revealed that the retract condition is caused by a combination of a faulty MLG (main landing gear) proximity switch, a power interruption to LGCIUs (Landing Gear Control and Interface Units) and an internal hydraulic leak through the LG (landing gear) selector valve 40GA. The internal hydraulic leak through the LG selector valve 40GA was due to a broken seal in one of the end cap chambers for the valve spool. As a corrective action, a duplicate inspection (DI or DI–BE) for these valves has been introduced in production, and the Component Maintenance Manual (CMM) has been revised. Untimely unlocking and/or retraction of the NLG, while on the ground, could cause injury to ground personnel and significant structural damage to the aircraft.

This Airworthiness Directive (AD) mandates the inspections of the LG selector valve 40GA and the LG door selector valve 41GA, to identify a possible hydraulic leak.

The corrective action includes replacing the LG selector valve 40GA and/or the LG door selector valve 41GA if necessary. You may obtain further information by examining the MCAI in the AD docket.

Comments

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

Editorial Change

We have revised paragraphs (f)(1), (f)(2), and (f)(3) of this AD by removing the phrase ''if necessary'' and adding the phrase ''as applicable,'' in order to clarify that the replacement must be done if leaking is found.

Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting the AD with the changes described previously.

We determined that these changes will not increase the economic burden on any operator or increase the scope of the AD.

Differences Between This AD and the MCAI or Service Information

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

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

Costs of Compliance

We estimate that this AD will affect about 653 products of U.S. registry. We also estimate that it will take about 7 work-hours per product to comply with the 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 $365,680, or $560 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

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

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

Examining the AD Docket

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2007–25–12 Airbus: Amendment 39–15294. Docket No. FAA–2007–29249; Directorate Identifier 2007–NM–112–AD.

Effective Date

(a) This Airworthiness Directive (AD) becomes effective January 14, 2008.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Airbus Model A318, A319, A320, and A321 series airplanes, certificated in any category, except those identified in paragraphs (c)(1) and (c)(2) of this AD.

(1) Manufacturer serial numbers (MSNs) 2389, 2392, 2393, 2396, 2398, 2403, 2405, 2407, 2409, 2410, 2411, 2413 through 2439, 2441, and MSNs above 2441, on which no replacement of the landing gear (LG) selector valve 40GA or the LG door selector valve 41GA has been performed since aircraft delivery from Airbus.

(2) Aircraft on which LG selector valve 40GA and LG door selector valve 41GA have been stamped to indicate that a duplicate inspection has been done. If the duplicate inspection has been done, the amendment plates on the valves will be stamped with letters ''DI'' or ''DI–BE.''

Subject

(d) Air Transport Association (ATA) of America Code 32: Landing Gear.

Reason

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

''After push back from the gate, an A320–200 aircraft was preparing to initiate taxi, when an NLG (nose landing gear) uncommanded retraction occurred, and then the aircraft abruptly hit the ground.

Investigations revealed that the retract condition is caused by a combination of a faulty MLG (main landing gear) proximity switch, a power interruption to LGCIUs (Landing Gear Control and Interface Units) and an internal hydraulic leak through the LG (landing gear) selector valve 40GA. The internal hydraulic leak through the LG selector valve 40GA was due to a broken seal in one of the end cap chambers for the valve spool. As a corrective action, a duplicate inspection (DI or DI–BE) for these valves has been introduced in production, and the Component Maintenance Manual (CMM) has been revised. Untimely unlocking and/or retraction of the NLG, while on the ground, could cause injury to ground personnel and significant structural damage to the aircraft.

This Airworthiness Directive (AD) mandates the inspections of the LG selector valve 40GA and the LG door selector valve 41GA, to identify a possible hydraulic leak.''

The corrective action includes replacing the LG selector valve 40GA and/or the LG door selector valve 41GA if necessary.

Actions and Compliance

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

(1) For aircraft that have accumulated up to and including 20,000 total flight cycles as of the effective date of this AD: Within 4,500 flight cycles after the effective date of this AD, but not exceeding 20,800 total flight cycles, inspect for hydraulic leaking of the LG selector valve 40GA and the LG door selector valve 41GA and, as applicable, replace the LG selector valve 40GA and the LG door selector valve 41GA before further flight in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–32–1290, Revision 01, dated November 10, 2006.

(2) For aircraft that have accumulated over 20,000 total flight cycles as of the effective date of this AD: Within 800 flight cycles after the effective date of this AD, inspect for hydraulic leaking of the LG selector valve

40GA and the LG door selector valve 41GA and, as applicable, replace the LG selector valve 40GA and the LG door selector valve 41GA before further flight in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–32–1290, Revision 01, dated November 10, 2006.

(3) For all airplanes: Repeat the inspection specified in paragraph (f)(1) or (f)(2) of this AD, as applicable, thereafter at intervals not to exceed 20,000 flight cycles, or 89 months, whichever occurs first, and, as applicable, (*i.e.*, if any leakage is found) replace the LG selector valve 40GA and the LG door selector valve 41GA before further flight, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–32–1290, Revision 01, dated November 10, 2006.

(4) For all airplanes: From the effective date of this AD, the installation of LG selector valve 40GA or LG door selector valve 41GA, that do not have the duplicate inspection ''DI'' or ''DI-BE'' recorded on their amendment plates, is possible provided that it is inspected within 800 flight cycles after installation, in accordance with the instructions given in Airbus Service Bulletin A320–32–1290, Revision 01, dated November 10, 2006. Repeat the inspection thereafter as given in paragraph (f)(3) of this AD.

(5) Actions done before the effective date of this AD in accordance with Airbus Service Bulletin A320–32–1290, dated May 2, 2006, are acceptable for compliance with the corresponding actions of this AD.

FAA AD Differences

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

Other FAA AD Provisions

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

(1) Alternative Methods of Compliance (AMOCs): The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Tim Dulin, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–2141; fax (425) 227–1149. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

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

Related Information

(h) Refer to MCAI EASA Airworthiness Directive 2007–0065R1, dated June 12, 2007, and Airbus Service Bulletin A320–32–1290, Revision 01, dated November 10, 2006, for related information.

Material Incorporated by Reference

(i) You must use Airbus Service Bulletin A320–32–1290, Revision 01, excluding Appendix 01, dated November 10, 2006, to do the actions required by this AD, unless the AD specifies otherwise.

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

(2) For service information identified in this AD, contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France.

(3) You may review copies at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

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

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–23682 Filed 12–7–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–0285; Directorate Identifier 2007–SW–15–AD; Amendment 39–15296; AD 2007–25–14]

RIN 2120–AA64

Airworthiness Directives; Agusta S.p.A. Model AB139 and AW139 Helicopters

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

ACTION: Final rule; request for comments.

SUMMARY: We are superseding an existing airworthiness directive (AD) for Agusta S.p.A. (Agusta) Model AB139 helicopters. This AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority to identify and correct an unsafe condition on an aviation product. The aviation authority of Italy, with which we have a bilateral agreement, states in the MCAI:

Field reports have shown that the Agusta AB/AW139's Tailpipe Assembly is prone to cracks. To prevent any cracks from developing into failure of the exhaust tailpipe assembly * * *

This AD retains the requirements of the existing AD, but expands the applicability to include the Agusta Model AW139 helicopters and includes modification procedures to strengthen certain cracked areas that are outside the cowling and are within certain allowable limits. This AD requires actions that are intended to address the unsafe condition of cracks in the tailpipe assembly.

DATES: This AD becomes effective December 26, 2007.

The Director of the Federal Register approved the incorporation by reference of Agusta Bollettino Tecnico No. 139–069, Revision A, dated November 8, 2006, as of December 26, 2007.

We must receive comments on this AD by February 8, 2008.

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

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

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

FOR FURTHER INFORMATION CONTACT: Ed Cuevas, Aerospace Engineer, Safety Management Office, FAA, Rotorcraft Directorate, Fort Worth, Texas 76193–0111, telephone (817) 222–5355, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION:

Streamlined Issuance of AD

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

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

Discussion

On August 24, 2006, we issued AD 2006–17–51, Amendment 39–14747 (71 FR 51988, September 1, 2006). That AD required actions intended to address cracks in the exhaust tailpipes of Agusta Model AB139 helicopters.

Since we issued AD 2006–17–51, the applicability has been expanded to include the Agusta Model AW139 helicopters. In addition, modification procedures have been introduced to strengthen certain cracked areas that are outside the cowling and are within certain allowable limits.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued an MCAI in the form of EASA AD No: 2006–0360–E, dated November 29, 2006, to correct an unsafe condition for these Italian-certificated products. The MCAI states:

> Field reports have shown that the Agusta AB/AW139's Tailpipe Assembly is prone to cracks. To prevent any cracks from developing into failure of the exhaust tailpipe assembly * * *

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

Relevant Service Information

Agusta has issued Bollettino Tecnico No. 139–069, Revision A, dated November 8, 2006. The actions described in the MCAI are intended to correct the same unsafe condition as that identified in the service information.

FAA's Determination and Requirements of This AD

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

Differences Between the 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 the ''Differences Between the FAA AD and the MCAI'' section in the AD.

FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because the superseded AD was an Emergency AD, and because this AD continues the inspection requirements and adds the Model AW139 helicopters to the applicability as well as introduces repair procedures for certain cracks located outside the cowling that are within certain allowable limits established by Agusta Bollettino Tecnico No. 139–069, Rev. A, dated November 8, 2006. 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–2007–0285; Directorate Identifier 2007–SW–15–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.

Costs of Compliance

We estimate that this AD will affect about 21 helicopters of U.S. registry. We also estimate that it will take about 1 work-hour to inspect a helicopter and 3 work-hours per helicopter to either repair or replace an exhaust tailpipe assembly. The average labor rate is $80 per work-hour. A replacement exhaust tailpipe assembly costs about $20,649 per helicopter. The repair does not require purchasing any parts other than consumable materials. In addition, we have assumed that 5 of the affected helicopters will require replacement of an exhaust tailpipe assembly. Based on these assumptions and figures, we estimate the cost of this AD on U.S. operators to be $106,125, or $1,680 per helicopter for the inspection and $20,889 in additional costs for the 5 helicopters requiring replacement of the exhaust tailpipe assembly.

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 an economic 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 removing Amendment 39–14747 (71 FR 51988, September 1, 2006) and adding the following new AD:

2007–25–14 Agusta S.p.A: Amendment 39–15296. Docket No. FAA–2007–0285; Directorate Identifier 2007–SW–15–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective on December 26, 2007.

Other Affected ADs

(b) This AD supersedes AD 2006–17–51, Amendment 39–14747, Docket No. FAA–2006–25703, Directorate Identifier 2006–SW–20–AD.

Applicability

(c) This AD applies to Model AB139 and AW139 helicopters, all serial numbers, except 31002, 31003, 31004 and 31007, with tailpipe assemblies, part number (P/N) 3G7800L00131 (LH) or 3G7800L00231 (RH), certificated in any category.

Reason

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

Field reports have shown that the Agusta AB/AW139's Tailpipe Assembly is prone to cracks. To prevent any cracks from developing into failure of the exhaust tailpipe assembly * * *

Actions and Compliance

Continuing Requirements

(e) Before further flight, and thereafter at intervals not to exceed 25 hours time-in-service (TIS), access the rear areas of each tailpipe assembly by removing the rear cowlings.

(1) Visually inspect each tailpipe assembly *inside the cowling* for a crack. If you find a crack, before further flight, replace the cracked tailpipe assembly with an airworthy tailpipe assembly.

(2) Visually inspect the structure surrounding each tailpipe assembly for overheating. If you find areas of overheating in the structure surrounding each tailpipe assembly, inspect for overheating in the underlying structure including on the upper deck thermal protection. Repair any damaged areas before further flight.

(3) Visually inspect at the internal part of the tailpipe assembly exhaust *outside the cowling* as depicted by Area A, Figure 1, of Agusta Bollettino Tecnico No. 139–069, Revision A, dated November 8, 2006 (ABT).

(i) Clean the end of each tailpipe assembly with a cloth. While applying slight pressure on it, inspect for a crack using a flashlight.

(ii) Inspect each tailpipe assembly toward the centerline of the helicopter for a crack using a flashlight.

(iii) Inspect each tailpipe assembly toward the outboard side of the helicopter for a crack using a mirror and a flashlight.

New Requirements

(f) If you find a crack in the exhaust area *outside the cowling*, do the following:

(1) If any crack turns off abruptly (at an angle of greater than 45°) from the original direction, before further flight, replace that tailpipe assembly with an airworthy tailpipe assembly.

(2) If you find only one crack in a tailpipe assembly and the crack does not make an abrupt turn and is 50mm or less in length—

(i) Stop-drill the crack with a No. 30 drill bit, or

(ii) Repair that tailpipe assembly in accordance with the Compliance Instructions, paragraph 7) d), of the ABT.

(iii) If you choose to stop-drill the crack as indicated in paragraph (f)(2)(i) of this AD, thereafter, before the first flight of each day, inspect the stop-drill hole to determine whether another crack has started at the stop-drill hole. If you find during any inspection that another crack has started, before further flight, replace that tailpipe assembly with an airworthy tailpipe assembly.

(3) If you find more than one crack and no crack makes an abrupt turn as stated in paragraph (f)(1) of this AD and the cracks are within the allowable limits stated in the Compliance Instructions, paragraph 7) d), of the ABT, repair the tailpipe assembly in accordance with the Compliance Instructions, paragraph 7) d) of the ABT.

(g) Repairing or replacing the affected tailpipe assembly does not constitute terminating action for the repetitive inspection as required by paragraph (e) of this AD.

Differences Between the FAA AD and the MCAI

(h) None.

Subject

(i) Air Transport Association of America (ATA) Code 7810—Engine Collector/Tailpipe/Nozzle.

Other Information

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

(1) Alternative Methods of Compliance (AMOCs): The Manager, Safety and Management Group, 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: Ed Cuevas, Aerospace Engineer, Safety Management Group, FAA, Rotorcraft Directorate, Fort Worth, Texas 76193–0111, telephone (817) 222–5355, fax (817) 222–5961.

(2) Airworthy Product: Use only FAA-approved corrective actions. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent) if the State of Design has an appropriate bilateral agreement with the United States. You are required to assure the product is airworthy before it is returned to service.

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

Related Information

(k) Mandatory Continuing Airworthiness Information (MCAI) (EASA) Airworthiness Directive No. 2006–0360–E, dated November 29, 2006; Agusta Bollettino Tecnico No. 139–069, Rev. A, dated November 8, 2006; and Aircraft Maintenance Publication (AMP) AB139 and AW139 contain related information.

Material Incorporated by Reference

(l) The Director of the Federal Register approved the incorporation by reference of Agusta Bollettino Tecnico No. 139–069, Rev. A, dated November 8, 2006, under 5 U.S.C. 552(a) and 1 CFR part 51.

(m) For service information identified in this AD, contact Via Giovanni Agusta, 520, 21017 Cascina Costa diSamarate (VA), Italy, telephone +39 0331–229111, fax +39 0331–229605/222595.

(n) You may review copies of Agusta Bollettino Tecnico No. 139–069, Rev. A, dated November 8, 2006, at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 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 Fort Worth, Texas on November 27, 2007.

Mark R. Schilling,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. E7–23637 Filed 12–7–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–29117; Directorate Identifier 2007–NM–114–AD; Amendment 39–15291; AD 2007–25–09]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A310 Series Airplanes

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

ACTION: Final rule.

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

As a result of a Wide Spread Fatigue Damage (WFD) calculation on A310 aircraft it was found that a modification of the upper fuselage circumferential joint at FR (frame) 55/58 is necessary to enable the aircraft to reach the Extended Service Goal (ESG).

The unsafe condition is failure of the circumferential joint of the upper fuselage, which could result in reduced structural integrity of the airplane. We are issuing this AD to require actions to correct the unsafe condition on these products.

DATES: This AD becomes effective January 14, 2008.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of January 14, 2008.

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

FOR FURTHER INFORMATION CONTACT: Tom Stafford, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1622; fax (425) 227–1149.

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 7, 2007 (72 FR 51386). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

As a result of a Wide Spread Fatigue Damage (WFD) calculation on A310 aircraft it was found that a modification of the upper fuselage circumferential joint at FR (frame) 55/58 is necessary to enable the aircraft to reach the Extended Service Goal (ESG).

As a consequence, this Airworthiness Directive (AD) requires the reinforcement of the affected fuselage frame butt joint.

The unsafe condition is failure of the circumferential joint of the upper fuselage, which could result in reduced structural integrity of the airplane. You may obtain further information by examining the MCAI in the AD docket.

Comments

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

Conclusion

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

Differences Between This AD and the MCAI or Service Information

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

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

Costs of Compliance

We estimate that this AD will affect about 67 products of U.S. registry. We also estimate that it will take about 330 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $80 per work-hour. Required parts will cost about $3,016 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these parts. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of this AD to the U.S. operators to be $1,970,872, or $29,416 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

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

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

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov*; or in person at the

Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2007–25–09 Airbus: Amendment 39–15291. Docket No. FAA–2007–29117; Directorate Identifier 2007–NM–114–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective January 14, 2008.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Airbus Model A310 series airplanes, certificated in any category; all certified models; all serial numbers; except airplanes that have received in-service application of Airbus Service Bulletin A310–53–2125.

Subject

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

Reason

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

As a result of a Wide Spread Fatigue Damage (WFD) calculation on A310 aircraft it was found that a modification of the upper fuselage circumferential joint at FR (frame) 55/58 is necessary to enable the aircraft to reach the Extended Service Goal (ESG).

As a consequence, this Airworthiness Directive (AD) requires the reinforcement of the affected fuselage frame butt joint.

The unsafe condition is failure of the circumferential joint of the upper fuselage, which could result in reduced structural integrity of the airplane.

Actions and Compliance

(f) Unless already done, do the following actions: Reinforce the fuselage butt joint at FR 55/58 in accordance with the Accomplishment Instructions of Airbus Service Bulletin A310–53–2125, including Appendix 01, dated January 9, 2007, at the applicable compliance times listed in Table 1 (threshold) or Table 2 (grace period) of this AD, whichever occurs later.

TABLE 1.—COMPLIANCE THRESHOLDS

Airbus model	Whichever occurs first after the effective date of this AD	
	Accumulated time since first flight (in flight cycles)	Accumulated time since first flight (in flight hours)
A310–200 airplanes	41,500	83,500
A310–300 airplanes with an average flight time (AFT) ≤ to 4 hours	33,000	93,500
A310–300 airplanes with an AFT > 4 hours	20,500	102,000

TABLE 2.—GRACE PERIODS

Airbus model	Whichever occurs first after the effective date of this AD	
	Flight cycles	Flight hours
A310–200 airplanes	1,500	3,000
A310–300 airplanes with an AFT ≤ 4 hours	1,200	3,400
A310–300 airplanes with an AFT > 4 hours	740	3,600

FAA AD Differences

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

No differences.

Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Tom Stafford, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1622; fax (425) 227–1149. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

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

Related Information

(h) Refer to MCAI European Aviation Safety Agency Airworthiness Directive 2007–0111, dated April 25, 2007; and Airbus Service Bulletin A310–53–2125, including Appendix 01, dated January 9, 2007; for related information.

Material Incorporated by Reference

(i) You must use Airbus Service Bulletin A310–53–2125, including Appendix 01, dated January 9, 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 Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France.

(3) You may review copies at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

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

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–23457 Filed 12–7–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–29031; Directorate Identifier 2007–NM–130–AD; Amendment 39–15284; AD 2007–25–03]

RIN 2120–AA64

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

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Boeing Model 737–600, –700, –700C, –800, and –900 series airplanes. This AD requires repetitive inspections of either the aft side or forward side of the aft pressure bulkhead for oil can conditions or bulges, a one-time inspection of the aft pressure bulkhead to identify any previously installed web repair, and corrective actions if necessary. This AD results from web oil can conditions found on the aft pressure bulkhead of several airplanes. We are issuing this AD to detect and correct oil can conditions, bulges, or previous repairs in the aft pressure bulkhead, which could lead to web cracks and consequently result in rapid decompression of the airplane.

DATES: This AD becomes effective January 14, 2008.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of January 14, 2008.

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov*; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone 800–647–5527) is the 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: Howard Hall, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6430; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to certain Boeing Model 737–600, –700, –700C, –800, and –900 series airplanes. That NPRM was published in the **Federal Register** on August 24, 2007 (72 FR 48594). That NPRM proposed to require repetitive inspections of either the aft side or forward side of the aft pressure bulkhead for oil can conditions or bulges, a one-time inspection of the aft pressure bulkhead to identify any previously installed web repair, and corrective actions if necessary.

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the two comments received. Boeing and Continental Airlines support the NPRM.

Conclusion

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

Costs of Compliance

There are about 1,755 airplanes of the affected design in the worldwide fleet. This AD affects about 600 airplanes of U.S. registry. The required inspection takes about 6 work hours per airplane, at an average labor rate of $80 per work hour. Based on these figures, the estimated cost of the AD for U.S. operators is $288,000, or $480 per airplane, per inspection cycle.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2007–25–03 Boeing: Amendment 39–15284. Docket No. FAA–2007–29031; Directorate Identifier 2007–NM–130–AD.

Effective Date

(a) This AD becomes effective January 14, 2008.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Boeing Model 737–600, –700, –700C, –800, and –900 series airplanes, certificated in any category; as identified in Boeing Alert Service Bulletin 737–53A1253, dated May 18, 2007.

Unsafe Condition

(d) This AD results from web oil can conditions found on the aft pressure bulkhead of several airplanes. We are issuing this AD to detect and correct oil can conditions, bulges, or previous repairs in the aft pressure bulkhead, which could lead to web cracks and consequently result in rapid decompression of the airplane.

Compliance

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

Repetitive Inspections

(f) At the applicable times specified in paragraph 1.E. of Boeing Alert Service Bulletin 737–53A1253, dated May 18, 2007, except as provided by paragraph (g) of this AD: Do repetitive general visual inspections of either the aft side or forward side of the aft pressure bulkhead for oil can conditions or bulges and a one-time general visual inspection of the aft pressure bulkhead to identify any previously installed web repair, and do all applicable corrective actions, by accomplishing all of the applicable actions specified in the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1253, dated May 18, 2007, except as provided by paragraphs (h) and (i) of this AD.

Exceptions to Compliance Times

(g) Where Tables 1 and 2 of paragraph 1.E. of Boeing Alert Service Bulletin 737–53A1253, dated May 18, 2007, specify a compliance time of ''at or before 15,000 total flight cycles or within 1,200 flight cycles'' for the general visual inspections, this AD requires accomplishing the applicable inspection at the later of those compliance times. Where Tables 1 and 2 of paragraph 1.E. of the service bulletin specify counting the compliance time from the ''release date of this service bulletin'' or ''after the date on this service bulletin,'' this AD requires starting the compliance time from the effective date of this AD. Where Table 2 of paragraph 1.E. of the service bulletin specifies to determine the FAA-approved, follow-on inspection procedures, thresholds, and repeat intervals and to incorporate them into the airplane maintenance program within 12 months after accomplishing the inspection given in Section 53–80–08–2R of the Boeing 737–600/700/700C/800/900 Structural Repair Manuals (SRMs), this AD requires that those corrective actions, if applicable, be done within 12 months after accomplishing the one-time general visual inspection of the aft pressure bulkhead for any previously installed web repair as required by paragraph (f) of this AD.

Exceptions to Corrective Actions

(h) If any crack or bulge is found during any inspection required by paragraph (f) of this AD and Boeing Alert Service Bulletin 737–53A1253, dated May 18, 2007, specifies to contact Boeing for repair instructions, before further flight, repair according to a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, or according to data meeting the certification basis of the airplane approved by an Authorized Representative for the Boeing Delegation Option Authorization Organization who has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD. If a previously installed aft pressure bulkhead web repair is found during any inspection required by paragraph (f) of this AD, and the FAA-approved supplemental inspection program cannot be determined from either the Boeing 737–600/700/700C/800/900 SRMs or the service bulletin, and the service bulletin specifies to contact Boeing for further instructions, within 12 months after accomplishing the inspection contact the Manager, SACO, or an Authorized Representative for the Boeing Commercial Airplanes Delegation Option Authorization Organization to develop a supplemental inspection program.

No Reporting Requirement

(i) Although Boeing Alert Service Bulletin 737–53A1253, dated May 18, 2007, specifies to submit certain information to the manufacturer, this AD does not require that action.

Alternative Methods of Compliance (AMOCs)

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

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD, if it is approved by an Authorized Representative for the Boeing Commercial Airplanes Delegation Option Authorization Organization who has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane and 14 CFR 25.571, Amendment 45, and the approval must specifically refer to this AD.

Material Incorporated by Reference

(k) You must use Boeing Alert Service Bulletin 737–53A1253, dated May 18, 2007, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of this document in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207, for a copy of this service information. You may review copies at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

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

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–23458 Filed 12–7–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–27257; Directorate Identifier 2006–NM–131–AD; Amendment 39–15297; AD 2007–25–15]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300 Series Airplanes and Model A300–600 Series Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus Model A300 series airplanes; and all Airbus Model A300–600 series airplanes. This AD requires inspecting to determine the part number of the sliding rods of the main landing gear (MLG) retraction actuators. For MLG retraction actuators equipped with

sliding rods having certain part numbers, the AD also requires inspecting for discrepancies, including but not limited to cracking, of the sliding rod; and performing corrective actions if necessary. This AD also requires returning affected sliding rods to the manufacturer. This AD results from a report of a failure of a sliding rod of the MLG retraction actuator before the actuator reached the life limit established by the manufacturer. We are issuing this AD to prevent failure of the sliding rod of the MLG retraction actuator, which could result in reduced structural integrity of the MLG.

DATES: This AD becomes effective January 14, 2008.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of January 14, 2008.

ADDRESSES: For service information identified in this AD, contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov*; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone 800–647–5527) is the 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: Thomas Stafford, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1622; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a supplemental notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to all Airbus Model A300–600 series airplanes. That supplemental NPRM was published in the **Federal Register** on September 19, 2007 (72 FR 53489). That supplemental NPRM proposed to require inspecting to determine the part number of the sliding rods of the main landing gear (MLG) retraction actuators. For MLG retraction actuators equipped with sliding rods having certain part numbers, the supplemental NPRM also proposed to require inspecting for discrepancies, including but not limited to cracking, of the sliding rod; and performing corrective actions if necessary. The supplemental NPRM also proposed to require returning affected sliding rods to the manufacturer.

Comments

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

Conclusion

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

Costs of Compliance

The following table provides the estimated costs for U.S. operators to comply with this AD, at an average labor rate of $80 per work hour, per inspection cycle.

ESTIMATED COSTS

Action	Work hours	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Inspection to determine part number	1	None	$80	168	$13,440
Inspections for discrepancies	11	None	880	168	147,840

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2007–25–15 Airbus: Amendment 39–15297. Docket No. FAA–2007–27257; Directorate Identifier 2006–NM–131–AD.

Effective Date

(a) This AD becomes effective January 14, 2008.

Affected ADs

(b) None.

Applicability

(c) This AD applies to all Airbus Model A300 series airplanes; and all Airbus Model A300–600 series airplanes; certificated in any category.

Unsafe Condition

(d) This AD results from a report of a failure of a sliding rod of the main landing gear (MLG) retraction actuator before the actuator reached the life limit established by the manufacturer. We are issuing this AD to prevent failure of the sliding rod of the MLG retraction actuator, which could result in reduced structural integrity of the MLG.

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.

Service Bulletin Reference

(f) The term ''service bulletin,'' as used in this AD, means the Accomplishment Instructions of the service bulletins identified in paragraphs (f)(1) and (f)(2) of this AD, as applicable.

(1) For Model A300 series airplanes: Airbus Service Bulletin A300–32–0450, Revision 01, excluding Appendix 01, dated May 10, 2006.

(2) For Model A300–600 series airplanes: Airbus Service Bulletin A300–32–6097, Revision 01, excluding Appendix 01, dated May 10, 2006.

Note 1: The Airbus service bulletins refer to Messier-Dowty Special Inspection Service Bulletin 470–32–806, dated October 27, 2005, as an additional source of service information for performing detailed and high-frequency eddy current (HFEC) inspections to detect discrepancies of the sliding rod.

Inspection To Determine Part Number (P/N) of Sliding Rod

(g) At the applicable time specified in paragraph (g)(1) or (g)(2) of this AD, do a one-time inspection to determine the part number of the sliding rod of the MLG retraction actuator, in accordance with the applicable service bulletin. If no sliding rod having P/N C69029–2 or C69029–3 is installed, no further action is required by this paragraph. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number of the sliding rod of the MLG retraction actuator can be conclusively determined from that review.

(1) For airplanes that have accumulated less than 27,000 total flight cycles on the MLG retraction actuator as of the effective date of this AD: After accumulating total 27,000 flight cycles on the MLG retraction actuator, do the inspection within the next 1,000 flight cycles or 12 months, whichever occurs first.

(2) For airplanes that have accumulated 27,000 or more total flight cycles on the MLG retraction actuator as of the effective date of this AD: Do the inspection within 1,000 flight cycles or 12 months, whichever occurs first, after the effective date of this AD.

Inspection for Discrepancies of Sliding Rod and Corrective Actions

(h) For MLG retraction actuators equipped with sliding rods having P/N C69029–2 or C69029–3: At the applicable time specified in paragraph (h)(1) or (h)(2) of this AD, perform detailed and HFEC inspections of the sliding rod of the MLG retraction actuators on the left-hand and right-hand MLGs, in accordance with the applicable service bulletin. Then, before further flight, perform all applicable corrective actions, in accordance with the applicable service bulletin.

(1) For airplanes that have accumulated less than 27,000 total flight cycles on the MLG retraction actuator as of the effective date of this AD: After accumulating 27,000 total flight cycles on the MLG retraction actuator, do the inspections within the next 1,000 flight cycles or 12 months, whichever occurs first.

(2) For airplanes that have accumulated 27,000 or more total flight cycles on the MLG retraction actuator as of the effective date of this AD: Do the inspections within 1,000 flight cycles or 12 months, whichever occurs first, after the effective date of this AD.

Note 2: For the purposes of this AD, a detailed inspection is: ''An intensive examination of a specific item, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at an intensity deemed appropriate. Inspection aids such as mirror, magnifying lenses, etc., may be necessary. Surface cleaning and elaborate procedures may be required.''

Note 3: Operators should note that the MLG retraction actuator rod must be replaced with a new or serviceable actuator rod before the 32,000-flight-cycle life limit specified in the applicable airworthiness limitations document, regardless of the inspection findings.

Return of MLG Retraction Actuator Sliding Rod

(i) For airplanes having any retraction actuator sliding rods specified in paragraphs (i)(1) and (i)(2) of this AD: After the effective date of this AD, for the first replacement of the retraction actuator sliding rod, return the retraction actuator sliding rod to Messier-Dowty, SA Product Support Engineering, BP10—78142 Velizy Cedex, France, within 30 days after the retraction actuator sliding rod is removed from the airplane.

(1) Any retraction actuator sliding rod that is found to have cracking during the actions specified in paragraph (h) of this AD.

(2) Any retraction actuator sliding rod, P/N C69029–2 or C69029–3, removed that has accumulated between 27,000 total flight cycles and 32,000 total flight cycles.

Parts Installation for MLG Retraction Actuator Rod

(j) As of the effective date of this AD, no person may install, on any airplane, an MLG retraction actuator that is equipped with a sliding rod having P/N C69029–2 or C69029–3, and on which the retraction actuator rod has accumulated 27,000 total flight cycles or more, unless paragraph (h) of this AD is accomplished.

(k) As of the effective date of this AD, any MLG retraction actuator that is equipped with a sliding rod having P/N C69029–2 or C69029–3, and on which the retraction actuator rod has accumulated less than 27,000 total flight cycles, may be installed, on any airplane, provided that the inspections specified in paragraph (h) of this AD are accomplished at the time specified in paragraph (h)(1) of this AD.

Actions Accomplished According to a Previous Issue of the Service Bulletins

(l) Inspections and corrective actions done before the effective date of this AD in accordance with the following service bulletins are acceptable for compliance with the corresponding requirements of this AD:

(1) For Model A300 series airplanes: Airbus Service Bulletin A300–32–0450, excluding Appendix 01, dated December 1, 2005.

(2) For Model A300–600 series airplanes: Airbus Service Bulletin A300–32–6097, excluding Appendix 01, dated December 1, 2005.

Alternative Methods of Compliance (AMOCs)

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

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

Related Information

(n) European Aviation Safety Agency airworthiness directive 2006–0075R2, dated January 4, 2007, also addresses the subject of this AD.

Material Incorporated by Reference

(o) You must use Airbus Service Bulletin A300–32–0450, Revision 01, excluding Appendix 01, dated May 10, 2006; or Airbus Service Bulletin A300–32–6097, Revision 01, excluding Appendix 01, dated May 10, 2006; as applicable, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of these documents in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France, for a copy of this service information. You may review copies at the FAA, Transport Airplane

Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on November 29, 2007.

Stephen P. Boyd,

Assistant Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–23673 Filed 12–7–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–28448; Directorate Identifier 2006–SW–24–AD; Amendment 39–15290; AD 2007–25–08]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France Model SA–365 N1, AS–365 N2, AS–365 N3, SA–366G1, EC 155B, and EC155B1 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD) for the specified Eurocopter France (ECF) model helicopters. That AD currently requires a onetime inspection for end play in the pitch control rod assembly double bearing (bearing) using the tail rotor (T/R) hub control plate, and before further flight, replacing the bearing if end play is present. This amendment requires checking the T/R gearbox (TGB) oil level before the first flight of the day and maintaining the oil at the maximum level for certain helicopters. Also, this action requires, during each required inspection or at certain specified intervals, ensuring the oil is at the maximum level for certain other model helicopters. This action also requires inspecting the magnetic plug for chips at specified intervals. Depending on the quantity of chips found, this action requires either replacing the TGB before further flight or further inspecting for axial play in the T/R hub pitch change control spider (spider). If axial play is found in the spider, before further flight, this AD requires replacing the bearing. This amendment is prompted by the finding that metal chips were not detected on the magnetic plug due to insufficient oil flow because the oil in the TGB was being maintained at the minimum level. The actions specified by this AD are intended to detect metal chips on the magnetic plug, to prevent damage to the bearing resulting in end play, loss of T/R pitch control, and subsequent loss of control of the helicopter.

DATES: Effective January 14, 2008.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 14, 2008.

ADDRESSES: You may get the service information identified in this AD from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005, telephone (972) 641–3460, fax (972) 641–3527.

Examining the Docket: You may examine the docket that contains this AD, any comments, and other information on the Internet at *http://www.regulations.gov,* or at the Docket Operations office, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Uday Garadi, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations and Guidance Group, Fort Worth, Texas 76193–0110, telephone (817) 222–5123, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION: A proposal to amend 14 CFR part 39 by superseding AD 2006–09–10, Amendment 39–14581 (71 FR 25930), for the specified ECF model helicopters was published in the **Federal Register** on June 13, 2007 (72 FR 32565). The action proposed to require checking the T/R gearbox (TGB) oil level before the first flight of the day and maintaining the oil at the maximum level for certain helicopters. Also, the action proposed during each required inspection or at certain specified intervals, ensuring the oil is at the maximum level for certain other model helicopters. Also, proposed was inspecting the magnetic plug for chips at specified intervals. Depending on the quantity of chips found, either replacing the TGB before further flight or further inspecting for axial play in the T/R hub pitch change control spider (spider) was proposed. If axial play is found in the spider, before further flight, the action proposed replacing the bearing.

The European Aviation Safety Agency (EASA) notified the FAA that an unsafe condition may exist on the specified ECF helicopters. EASA advises of a loss of tail rotor pitch control on a helicopter during a landing phase due to significant damage to the bearing of the control rod in the tail gear box. EASA advises that the loss of tail rotor pitch control can lead to the loss of yaw control of the helicopter.

Since issuing AD 2006–09–10, ECF has issued Alert Service Bulletin (ASB) 05.00.54, dated August 25, 2006, for Model SA–365 N1, AS–365 N2, AS 365 N3, to replace ASB 05.00.52, dated February 15, 2006. ECF has also issued ASB 05.37 for Model SA 366G1, dated August 25, 2006, to replace ASB 05.36, dated February 15, 2006. Also, ECF has issued ASB 05A015 for Model EC155B and EC155B1, dated August 25, 2006, to replace ASB 05A013, dated February 15, 2005. ASBs 05.00.52, 05.36, and 05A013 introduced a periodic check for absence of end play in the bearing. These ASBs were revised following the loss of yaw control on an AS365 MB helicopter due to progressive deterioration of the bearing. The metal chips resulting from this deterioration remained trapped in the area around the bearing and were not detected by the magnetic plug of the TGB. Further investigation and analyses revealed that the nondetection of the chips resulting from this deterioration was due to insufficient oil flow. This occurs when the oil level in the TGB is continuously maintained at the ''min'' level. Therefore, the ASBs specify keeping the TGB oil level at maximum level to ensure that any chips resulting from possible deterioration of the bearing are detected by the magnetic plug. Also, the ASBs specify checking for absence of play in the bearing should chips be detected at the magnetic plug of the TGB.

EASA classified these ASBs as mandatory and issued Emergency AD (EAD) No. 2006–0258 R1–E on August 29, 2006. This EAD replaced EAD No. 2006–0051–E, dated February 20, 2006, to ensure the continued airworthiness of these helicopters in France.

These helicopter models are manufactured in France and are type certificated for operation in the United States under the provisions of 14 CFR 21.29 and the applicable bilateral agreement. Under this agreement, EASA has kept the FAA informed of the situation described above. We have examined EASA's findings, evaluated all pertinent information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require adopting the rule

as proposed except we are correcting various typographical errors. The **Federal Register** citation for the superseded AD was referred to in two places as 85 FR 25930, and it should have been referred to as 71 FR 25930. Additionally, the paragraph designations of the incorporated ASB paragraphs contained 3 small errors. These have been corrected in this final rule. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

The FAA estimates that this AD will affect 133 helicopters of U.S. registry, and the actions will require about:

- ½ hour to check the oil level, fill the oil to maximum level, and inspect the magnetic plug for metal chips;
- ½ hour to inspect for end play in the bearing;
- 8 hours to remove and replace the bearing (if necessary) at an average labor rate of $80 per work hour; and
- $2,026 for required parts per helicopter.

Based on these figures, we estimate the total cost impact of the AD on U.S. operators to be $365,218, assuming the bearing is replaced on the entire fleet after 1 oil level check, 1 magnetic plug inspection, and 1 end play inspection.

Regulatory Findings

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

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

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

We prepared an economic evaluation of the estimated costs to comply with this AD. See the AD docket to examine the economic evaluation.

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.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

■ Accordingly, pursuant to 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. Section 39.13 is amended by removing Amendment 39–14581 (71 FR 25930, May 3, 2006), and by adding a new airworthiness directive (AD), Amendment 39–15290, to read as follows:

2007–25–08 Eurocopter France: Amendment 39–15290. Docket No. FAA–2007–28448; Directorate Identifier 2006–SW–24–AD. Supersedes AD 2006–09–10, Amendment 39–14581, Docket No. FAA–2006–24588, Directorate Identifier 2006–SW–07–AD.

Applicability

Model SA–365N1, AS–365N2, AS 365 N3, SA–366G1, EC 155B, and EC155B1 helicopters, with a tail rotor (T/R) pitch control rod assembly double bearing (bearing) installed, certificated in any category.

Compliance

Required as indicated.

To detect metal chips on the magnetic plug to prevent damage to the bearing resulting in end play, loss of T/R pitch control, and subsequent loss of control of the helicopter, do the following:

(a) Before the first flight of each day for Model SA–365N1, AS–365N2, AS 365 N3, and SA–366G1 helicopters, check the T/R gearbox (TGB) oil level. An owner/operator (pilot) holding at least a private pilot certificate may perform the visual check of the oil level but must enter compliance into the aircraft maintenance records in accordance with 14 CFR 43.11 and 91.417(a)(2)(v).

(b) If the oil level is not at maximum during the check in paragraph (a) of this AD, before further flight, a qualified mechanic must fill it to the maximum level.

(c) During each required inspection not to exceed 15 hours time-in-service (TIS) or 7 days, whichever occurs first, if the oil level is not at the maximum level, fill it to the maximum level for Model EC 155B and EC155B1 helicopters.

(d) Inspect the magnetic plug of the TGB for any chips as follows:

(1) At intervals not to exceed 25 hours TIS for helicopters with a magnetic plug without a chip electrical indication in the cockpit, or

(2) At intervals not to exceed 100 hours TIS and after any illumination of the TGB ''CHIP'' warning light for helicopters with a chip electrical indication in the cockpit.

(e) If you find any chips during the inspection in paragraph (d) of this AD, before further flight, follow the Accomplishment Instructions, paragraph 2.B.2.b), of Eurocopter Alert Service Bulletin No. 05.00.54 for Model SA–365N1, AS–365N2, AS 365 N3; No. 05A015 for Model EC 155B and EC155B1; or No. 05.37 for Model SA–366G1, all dated August 25, 2006 (ASBs), as appropriate for your model helicopter.

(1) If the quantity of chips on the magnetic plug, as referenced in the Operational Procedures, paragraph 2.B.2.b)1) of the ASBs is at or above the removal criteria, before further flight, replace the TGB with an airworthy TGB.

(2) If the quantity of chips on the magnetic plug is below the removal criteria, as referenced in the Operational Procedure, paragraph 2.B.2.b)2) of the ASBs.

(i) Inspect for axial play in the T/R hub pitch control change spider (spider) by following the additional steps in the Operational Procedure, paragraph 2.B.2.b)2) of the ASBs.

(ii) If there is axial play in the spider, before further flight, replace the bearing with an airworthy bearing.

(f) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Manager, Safety Management Group, ATTN: Uday Garadi, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations and Guidance Group, Fort Worth, Texas 76193–0110, telephone (817) 222–5123, fax (817) 222–5961.

(g) Special flight permits will not be issued.

(h) Do the inspections by following the specified portions of Eurocopter Alert Service Bulletin No. 05.00.54 for Model SA–365N1, AS–365N2, AS 365 N3; No. 05A015 for Model EC 155B and EC155B1; or No. 05.37 for Model SA–366G1 helicopters, all dated August 25, 2006, as applicable. The Director of the Federal Register approved this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005, telephone (972) 641–3460, fax (972) 641–3527. Copies

may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 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.*

(i) This amendment becomes effective on January 14, 2008.

Note: The subject of this AD is addressed in European Aviation Safety Agency Revised Emergency AD No. 2006–0258 R1–E on August 29, 2006, which replaced AD No. 2006–0051–E, dated February 20, 2006.

Issued in Fort Worth, Texas, on November 27, 2007.

Mark R. Schilling,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. E7–23605 Filed 12–7–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–29256; Directorate Identifier 2007–NM–137–AD; Amendment 39–15293; AD 2007–25–11]

RIN 2120–AA64

Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Airplanes

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

ACTION: Final rule.

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

Two events have been reported of Fokker 100 (F.28 Mk.0100) aircraft, where the Nose Landing Gear (NLG) failed to extend in the normal mode and problems were experienced to open the NLG doors, almost preventing extension of the NLG in the emergency (alternate) mode. Subsequent investigation and tests have shown that the friction of the bearing in the roller of the NLG Door Uplock Bracket Assembly is high, causing increased resistance in the mechanical system that unlocks the NLG doors. This condition, if not corrected, may result in a NLG up landing, which is considered a hazardous event. * * *

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

DATES: This AD becomes effective January 14, 2008.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of January 14, 2008.

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

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1137; fax (425) 227–1149.

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 20, 2007 (72 FR 53709). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

Two events have been reported of Fokker 100 (F.28 Mk.0100) aircraft, where the Nose Landing Gear (NLG) failed to extend in the normal mode and problems were experienced to open the NLG doors, almost preventing extension of the NLG in the emergency (alternate) mode. Subsequent investigation and tests have shown that the friction of the bearing in the roller of the NLG Door Uplock Bracket Assembly is high, causing increased resistance in the mechanical system that unlocks the NLG doors. This condition, if not corrected, may result in a NLG up landing, which is considered a hazardous event. Since a potentially unsafe condition has been identified that may exist or develop on aircraft of the same type design, this Airworthiness Directive requires the introduction of an improved roller in the NLG Door Uplock Bracket Assembly.

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

Comments

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

Conclusion

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

Differences Between This AD and the MCAI or Service Information

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

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

Costs of Compliance

We estimate that this AD will affect about 13 products of U.S. registry. We also estimate that it will take about 5 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $80 per work-hour. Required parts will cost about $135 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these parts. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of this AD to the U.S. operators to be $6,955, or $535 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

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

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

Examining the AD Docket

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2007–25–11 Fokker Services B.V.: Amendment 39–15293. Docket No. FAA–2007–29256; Directorate Identifier 2007–NM–137–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective January 14, 2008.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Fokker Model F.28 Mark 0070 and 0100 airplanes, certificated in any category, all serial numbers.

Subject

(d) Air Transport Association (ATA) of America Code 32: Landing gear.

Reason

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

Two events have been reported of Fokker 100 (F.28 Mk.0100) aircraft, where the Nose Landing Gear (NLG) failed to extend in the normal mode and problems were experienced to open the NLG doors, almost preventing extension of the NLG in the emergency (alternate) mode. Subsequent investigation and tests have shown that the friction of the bearing in the roller of the NLG Door Uplock Bracket Assembly is high, causing increased resistance in the mechanical system that unlocks the NLG doors. This condition, if not corrected, may result in a NLG up landing, which is considered a hazardous event. Since a potentially unsafe condition has been identified that may exist or develop on aircraft of the same type design, this Airworthiness Directive requires the introduction of an improved roller in the NLG Door Uplock Bracket Assembly.

Actions and Compliance

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

(1) Within 4,000 flight hours after the effective date of this AD, modify the NLG door uplock bracket assembly, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–32–143, dated February 15, 2006.

(2) As of 18 months after the effective date of this AD, no spare NLG door uplock bracket assembly may be installed as a replacement part unless it has been modified in accordance with the Accomplishment Instructions of Fokker Component Service Bulletin D76501–32–17, dated February 15, 2006.

FAA AD Differences

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

Other FAA AD Provisions

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

(1) Alternative Methods of Compliance (AMOCs): The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1137; fax (425) 227–1149. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

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

Related Information

(h) Refer to MCAI Dutch Airworthiness Directive NL–2006–004, dated February 28, 2006; Fokker Service Bulletin SBF100–32–143, dated February 15, 2006; and Fokker Component Service Bulletin D76501–32–17, dated February 15, 2006, for related information.

Material Incorporated by Reference

(i) You must use Fokker Service Bulletin SBF100–32–143, dated February 15, 2006; and Fokker Component Service Bulletin D76501–32–17, dated February 15, 2006; as applicable, 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 Fokker Services B.V., Technical Services Dept., P.O. Box 231, 2150 AE Nieuw-Vennep, the Netherlands.

(3) You may review copies at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

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

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–23636 Filed 12–7–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–29175; Directorate Identifier 2007–NM–134–AD; Amendment 39–15292; AD 2007–25–10]

RIN 2120–AA64

Airworthiness Directives; Dassault Model Mystere-Falcon 50, Mystere-Falcon 900, Falcon 900EX, Falcon 2000, and Falcon 2000EX Airplanes

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

ACTION: Final rule.

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

> A rotating rod in the trailing edge flap control linkage broke in flight. Investigations revealed that the rotating rod had been installed in the wrong side during a maintenance operation. This incorrect installation caused a contact between the rotating rod and its retaining bracket leading, after some time in operation, to the rod breakage and flap asymmetry situation.
>
> The consequence on the airplane of the flap asymmetry combined with a latent failure of the asymmetry detection system is classified as a catastrophic failure condition.

The unsafe condition is failure of the rotating rod in the control linkage of the trailing edge flap and consequent flap asymmetry during the approach to landing, which could result in reduced controllability of the airplane. We are issuing this AD to require actions to correct the unsafe condition on these products.

DATES: This AD becomes effective January 14, 2008.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of January 14, 2008.

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

FOR FURTHER INFORMATION CONTACT: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1137; fax (425) 227–1149.

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 13, 2007 (72 FR 52311). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

> A rotating rod in the trailing edge flap control linkage broke in flight. Investigations revealed that the rotating rod had been installed in the wrong side during a maintenance operation. This incorrect installation caused a contact between the rotating rod and its retaining bracket leading, after some time in operation, to the rod breakage and flap asymmetry situation.
>
> The consequence on the airplane of the flap asymmetry combined with a latent failure of the asymmetry detection system is classified as a catastrophic failure condition.

The unsafe condition is failure of the rotating rod in the control linkage of the trailing edge flap and consequent flap asymmetry during the approach to landing, which could result in reduced controllability of the airplane. The corrective actions include the following: Verifying the correct assembly of the flap rotating rods and associated brackets and installing the rod and bracket with correct orientation/positioning if necessary; and inspecting the rod for damage and replacing the rod if any damage is found. You may obtain further information by examining the MCAI in the AD docket.

Comments

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

Conclusion

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

Differences Between This AD and the MCAI or Service Information

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

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

Costs of Compliance

We estimate that this AD will affect about 739 products of U.S. registry. We also estimate that it will take about 2 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $80 per work-hour. Based on these figures, we estimate the cost of this AD to the U.S. operators to be $118,240, or $160 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

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

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

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

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

Examining the AD Docket

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2007–25–10 Dassault Aviation: Amendment 39–15292.

Docket No. FAA–2007–29175; Directorate Identifier 2007–NM–134–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective January 14, 2008.

Affected ADs

(b) None.

Applicability

(c) This AD applies to the airplanes identified in paragraphs (c)(1), (c)(2), (c)(3), and (c)(4) of this AD; certificated in any category.

(1) Dassault Model Mystere-Falcon 50 airplanes on which Dassault Modification M2996 has not been implemented.

(2) Dassault Model Mystere-Falcon 900 airplanes on which Dassault Modification M5007 has not been implemented.

(3) Dassault Model Falcon 900EX airplanes on which Dassault Modification M5007 has not been implemented (including serial number 601 and subsequent, also known as ''DX'' airplanes).

(4) Dassault Model Falcon 2000 and Falcon 2000EX airplanes on which Dassault Modification M2465 has not been implemented.

Subject

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

Reason

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

A rotating rod in the trailing edge flap control linkage broke in flight. Investigations revealed that the rotating rod had been installed in the wrong side during a maintenance operation. This incorrect installation caused a contact between the rotating rod and its retaining bracket leading, after some time in operation, to the rod breakage and flap asymmetry situation.

The consequence on the airplane of the flap asymmetry combined with a latent failure of the asymmetry detection system is classified as a catastrophic failure condition.

The unsafe condition is failure of the rotating rod in the control linkage of the trailing edge flap and consequent flap asymmetry during the approach to landing, which could result in reduced controllability of the airplane. The corrective actions include the following: Verifying the correct assembly of the flap rotating rods and associated brackets and installing the rod and bracket with correct orientation/positioning if necessary; and inspecting the rod for damage and replacing the rod if any damage is found.

Actions and Compliance

(f) Unless already done, within 330 flight hours or 7 months after the effective date of this AD, whichever occurs first, do the following actions.

(1) Verify the correct assembly of the flap rotating rods and associated retaining brackets installed in the LH (left-hand)/RH (right-hand) wing root compartment and in the LH and RH main landing gear compartment and inspect the rod for damage, in accordance with the applicable Dassault service bulletin given in Table 1 of this AD.

(2) If a rod is found damaged, replace this rod prior to next flight in accordance with the applicable Dassault service bulletin given in Table 1 of this AD. If the rod orientation or bracket positioning is not correct, correct the orientation or positioning, as applicable, prior to next flight in accordance with the applicable Dassault service bulletin given in Table 1 of this AD.

(3) Label the rods and associated retaining brackets in accordance with the applicable Dassault service bulletin given in Table 1 of this AD.

TABLE 1.—DASSAULT SERVICE BULLETINS

Airplane model	Service Bulletin	Date
Mystere-Falcon 50	F50–468	March 29, 2006.
Mystere-Falcon 900	F900–367	March 29, 2006.
Falcon 900EX	F900EX–269	March 29, 2006.
Falcon 2000	F2000–326	March 29, 2006.
Falcon 2000EX	F2000EX–83	March 29, 2006.

FAA AD Differences

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

Other FAA AD Provisions

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

(1) Alternative Methods of Compliance (AMOCs): The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Tom Rodriguez, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1137; fax (425) 227–1149. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

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

Related Information

(h) Refer to MCAI European Aviation Safety Agency Airworthiness Directive 2006–0115, dated May 10, 2006; and the Dassault service bulletins listed in Table 1 of this AD, for related information.

Material Incorporated by Reference

(i) You must use the service information specified in Table 2 of this AD to do the

actions required by this AD, unless the AD specifies otherwise.

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

(2) For service information identified in this AD, contact Dassault Falcon Jet, P.O. Box 2000, South Hackensack, New Jersey 07606.

(3) You may review copies at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

TABLE 2.—MATERIAL INCORPORATED BY REFERENCE

Dassault Service Bulletin	Date
F50–468	March 29, 2006.
F900–367	March 29, 2006.
F900EX–269	March 29, 2006.
F2000–326	March 29, 2006.
F2000EX–83	March 29, 2006.

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

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–23638 Filed 12–7–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–27982; Directorate Identifier 2007–NM–009–AD; Amendment 39–15288; AD 2007–25–06]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300 Series Airplanes, Model A300–600 Series Airplanes, and Model A310 Series Airplanes

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

ACTION: Final rule.

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

* * * accidents which occurred to in-service aircraft caused by the violent opening of a passenger door, related to excessive residual pressurization in the cabin on ground.

* * * * *

This unsafe condition could result in injury to crew members opening the passenger door. We are issuing this AD to require actions to correct the unsafe condition on these products.

DATES: This AD becomes effective January 14, 2008.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of January 14, 2008.

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

FOR FURTHER INFORMATION CONTACT: Tom Stafford, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1622; fax (425) 227–1149.

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 April 24, 2007 (72 FR 20289). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

The modification rendered mandatory by this Airworthiness Directive (AD) falls within the scope of a set of corrective measures undertaken by AIRBUS subsequent to accidents which occurred to in-service aircraft caused by the violent opening of a passenger door, related to excessive residual pressurization in the cabin on ground.

In order to prevent the flight crews operating in manual mode when discrete spoilers signals are true and ensures OFV (outflow valve) or depress valve are driven open after landing, this modification consists of introducing an automatic opening logic either for the forward and aft OFV or for the single depress valve, when the aircraft is on ground, immediately after landing.

The MCAI requires the modification described previously. This unsafe condition could result in injury to crew members opening the passenger door. You may obtain further information by examining the MCAI in the AD docket.

Comments

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

Request To Include Revised Service Information

Airbus asks that Airbus Service Bulletin A300–21–6049, Revision 02, dated April 16, 2007, be incorporated into the NPRM. (We referred to Revision 01, dated September 15, 2006, as the appropriate source of service information for accomplishing certain actions specified in the NPRM.)

We agree with Airbus and have changed paragraph (f)(1) of this AD to refer to Revision 02 of Service Bulletin A300–21–6049 for accomplishing certain actions, as no additional work is required by this revision. We have also changed paragraph (f)(2) of this AD to give credit to operators who have accomplished the actions in accordance with Airbus Service Bulletin A300–21–6049, Revision 01, dated September 15, 2006.

Request To Withdraw the NPRM

The Air Transport Association (ATA), on behalf of its member American Airlines, asks that the NPRM be withdrawn. American Airlines states that the NPRM is unnecessary in light of the associated mitigating actions and crew training. The commenters also cite actions in previous service bulletins and rulemaking that already address the requirements in the NPRM.

We acknowledge that previous service bulletins and rulemaking have been issued to address certain aspects of the subject unsafe condition. However, we do not agree with the requests to withdraw the NPRM. The modification required by this AD alleviates some of the demands on the crews' time and attention during an emergency situation. It was determined that this modification addresses the unsafe condition because previous actions implemented changes that still required the attention and action of the crew. During an emergency situation and if the cabin pressure control system is in manual mode, the crew could be distracted enough that the necessary steps to prevent opening of a door with the fuselage still under some level of pressurization may be inadvertently missed. This would be avoided with the ''OFV Automatic Opening Logic'' installed. The purpose of the OFV opening logic is to offset a crew missing the required action (OFV full opening before landing is required by the procedure). Following an evaluation of the OFV opening logic, we have determined that the modification must be mandated. This modification, in combination with previous accomplishment of related modifications, will ensure that the unresolved safety issue is addressed. We

have made no change to the AD in this regard.

Conclusion

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

Differences Between This AD and the MCAI or Service Information

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

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

Costs of Compliance

We estimate that this AD will affect about 191 products of U.S. registry. We also estimate that it will take up to 34 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $80 per work-hour. Required parts will cost up to $5,470 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these costs. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of the AD on U.S. operators to be up to $1,564,290, or $8,190 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

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

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

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

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

Examining the AD Docket

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2007–25–06 Airbus: Amendment 39–15288. Docket No. FAA–2007–27982; Directorate Identifier 2007–NM–009–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective January 14, 2008.

Affected ADs

(b) None.

Applicability

(c) This AD applies to the following airplanes, certificated in any category:

(1) Model A300 series airplanes, manufacturer serial numbers 0202, 0205, 0225, 0299, and 0302, in forward facing crew cockpit configuration, except airplanes which have received in service application of Airbus Service Bulletin A300–21–0132.

(2) Model A310 series airplanes, all certified models, all serial numbers, except airplanes which have received in service application of Airbus Service Bulletin A310–21–2062.

(3) Model A300–600 series airplanes, all certified models, all serial numbers, on which Airbus Modification 03881 is embodied, except airplanes which have received either incorporation of Airbus Modification 12942 during production, or application of Airbus Service Bulletin A300–21–6049 in service.

Subject

(d) Air Transport Association (ATA) of America Code 21: Air conditioning.

Reason

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

The modification rendered mandatory by this Airworthiness Directive (AD) falls within the scope of a set of corrective measures undertaken by AIRBUS subsequent to accidents which occurred to in-service aircraft caused by the violent opening of a passenger door, related to excessive residual pressurization in the cabin on ground.

In order to prevent the flight crews operating in manual mode when discrete spoilers signals are true and ensures OFV (outflow valve) or depress valve are driven open after landing, this modification consists of introducing an automatic opening logic either for the forward and aft OFV or for the single depress valve, when the aircraft is on ground, immediately after landing.

This unsafe condition could result in injury to crew members opening the passenger door.

Actions and Compliance

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

(1) Within 18 months after the effective date of this AD: Install an automatic opening logic either for the forward and aft OFV (outflow valve) or for the single depress valve, as applicable, by introducing the use of discrete spoiler signals, driving one (Model A300 airplanes) or two (Model A310 airplanes and Model A300–600 series airplanes) time delay relays, in accordance

with the instructions of Airbus Service Bulletin A300–21–0132, dated July 28, 2006; A310–21–2062, dated July 20, 2006; or A300–21–6049, Revision 02, dated April 16, 2007; as applicable.

(2) Actions done before the effective date of this AD in accordance with Airbus Service Bulletin A300–21–6049, dated August 31, 2005; or Revision 01, dated September 15, 2006, are acceptable for compliance with the corresponding requirements of this AD.

FAA AD Differences

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

Other FAA AD Provisions

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

(1) Alternative Methods of Compliance (AMOCs): The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Tom Stafford, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington, 98057–3356; telephone (425) 227–1622; fax (425) 227–1149. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

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

Related Information

(h) Refer to MCAI European Aviation Safety Agency Airworthiness Directive 2007–0005, dated January 8, 2007; and Airbus Service Bulletins A300–21–0132, dated July 28, 2006; A300–21–6049, Revision 02, dated April 16, 2007; and A310–21–2062, dated July 20, 2006; for related information.

Material Incorporated by Reference

(i) You must use the applicable Airbus service information specified in Table 1 of this AD to do the actions required by this AD, unless the AD specifies otherwise.

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

(2) For service information identified in this AD, contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France.

(3) You may review copies at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

TABLE 1.—MATERIAL INCORPORATED BY REFERENCE

Airbus Service Bulletin	Revision	Date
A300–21–0132	Original	July 28, 2006.
A300–21–6049	02	April 16, 2007.
A310–21–2062	Original	July 20, 2006.

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

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–23462 Filed 12–7–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–28996; Directorate Identifier 2006–NM–217–AD; Amendment 39–15283; AD 2007–25–02]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A310 Series Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus Model A310 series airplanes. This AD requires revising the Airworthiness Limitations section of the Instructions for Continued Airworthiness to incorporate new and revised structural inspections and inspection intervals. This AD results from issuance of new and revised structural inspections and inspection intervals. We are issuing this AD to detect and correct fatigue cracking, which could result in reduced structural integrity of the airplane.

DATES: This AD becomes effective January 14, 2008.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of January 14, 2008.

ADDRESSES: For service information identified in this AD, contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone 800–647–5527) is the 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: Tom Stafford, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1622; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to all Airbus Model A310 series airplanes. That NPRM was published in the **Federal Register** on August 16, 2007 (72 FR 45952). That NPRM proposed to require revising the Airworthiness Limitations section of the Instructions for Continued Airworthiness to incorporate new and revised structural inspections and inspection intervals.

Comments

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

Support for the NPRM

Airbus supports issuance of this AD without further delay.

Request To Revise Address for Reporting Requirement

Airbus requests that we revise the address for the reporting requirement specified in the NPRM. We agree and have revised paragraph (i) of this AD to refer to the address provided in Airbus's comment.

Conclusion

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

Costs of Compliance

This AD affects about 69 airplanes of U.S. registry. The required actions take about 2 work hours per airplane, at an average labor rate of $80 per work hour. Based on these figures, the estimated cost of the AD for U.S. operators is $11,040, or $160 per airplane.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2007–25–02 Airbus: Amendment 39–15283. Docket No. FAA–2007–28996; Directorate Identifier 2006–NM–217–AD.

Effective Date

(a) This AD becomes effective January 14, 2008.

Affected ADs

(b) None.

Applicability

(c) This AD applies to all Airbus Model A310 series airplanes, certificated in any category.

Note 1: This AD requires revisions to certain operator maintenance documents to include new inspections. Compliance with these inspections is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by these inspections, the operator may not be able to accomplish the inspections described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (j) of this AD. The request should include a description of changes to the required inspections that will ensure the continued damage tolerance of the affected structure. The FAA has provided guidance for this determination in Advisory Circular (AC) 25.1529–1.

Unsafe Condition

(d) This AD results from issuance of new and revised structural inspections and inspection intervals. We are issuing this AD to detect and correct fatigue cracking, which could result in reduced structural integrity of the airplane.

Compliance

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

Revision of Airworthiness Limitations Section (ALS) of the Instructions for Continued Airworthiness (ICA)

(f) Within 3 months after the effective date of this AD, do the actions specified in paragraphs (f)(1) and (f)(2) of this AD.

(1) Revise the ALS of the ICA to incorporate the structural inspections and inspection intervals defined in Airbus A310 Airworthiness Limitations Items (ALI) Document, AI/SE–M2/95A.0263/06, Issue 6, dated April 2006 (approved by the European Aviation Safety Agency (EASA) on May 31, 2006) (hereafter referred to as ''Issue 6 of the ALI''). Accomplish the actions specified in Issue 6 of the ALI at the times specified in that ALI, except as provided by paragraph (g) of this AD. Thereafter, except as provided by paragraphs (f)(2) and (j) of this AD, no alternative structural inspection intervals may be approved. The actions specified in Issue 6 of the ALI must be accomplished in accordance with Issue 6 of the ALI.

(2) Revise the ALS of the ICA to incorporate the new and revised structural inspections and inspection intervals defined in Airbus Temporary Revision (TR) 6.1, dated November 2006 (approved by the EASA on December 12, 2006), to Issue 6 of the ALI. Thereafter, except as provided by paragraph (j) of this AD, no alternative structural inspection intervals may be approved.

Exception to Issue 6 of the ALI

(g) The tolerance (grace period) for compliance with Issue 6 of the ALI is within 1,500 flight cycles after the effective date of this AD provided that none of the following is exceeded:

(1) Thresholds or intervals in the operator's current approved maintenance schedule that are taken from a previous ALI issue, if existing, and are higher than or equal to those given in Issue 6 of the ALI.

(2) 18 months after the effective date of this AD.

(3) 50 percent of the intervals given in Issue 6 of the ALI.

(4) Any application tolerance specified in Section D of Issue 6 of the ALI.

Corrective Actions

(h) Damaged, cracked, or corroded structure detected during any inspection done in accordance with Issue 6 of the ALI must be repaired, before further flight, in accordance with Issue 6 of the ALI; or in accordance with other data meeting the certification basis of the airplane that has

been approved by either the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, or the EASA (or its delegated agent). Where Issue 6 of the ALI specifies to contact Airbus for appropriate action:

Before further flight, repair the damaged, cracked, or corroded structure using a method approved by either the Manager, International Branch, ANM–116, or the EASA (or its delegated agent).

Reporting Requirement

(i) If any damage that exceeds the allowable limits specified in Issue 6 of the ALI is detected during any inspection required by this AD: At the applicable time specified in paragraph (i)(1) or (i)(2) of this AD, submit a report of the finding to Airbus, Customer Service Directorate, Attn: Department Manager Maintenance Engineering, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; e-mail: *sched.maint@airbus.com.* The report must include the ALI task reference, airplane serial number, the number of flight cycles and flight hours on the airplane, identification of the affected structure, location and description of the finding including its size and orientation, and the circumstance of detection and inspection method used. 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 contained in this AD and has assigned OMB Control Number 2120–0056.

(1) If the inspection was done after the effective date of this AD: Submit the report within 30 days after the inspection.

(2) If the inspection was accomplished prior to the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

Alternative Methods of Compliance (AMOCs)

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

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

Related Information

(k) EASA airworthiness directive 2006–0260, dated August 25, 2006, also addresses the subject of this AD.

Material Incorporated by Reference

(l) You must use Airbus A310 Airworthiness Limitations Items Document, AI/SE–M2/95A.0263/06, Issue 6, dated April 2006; and Airbus Temporary Revision 6.1, including pages 1 and 2 of Section D and page 1 of Section E, dated November 2006, to Airbus A310 Airworthiness Limitations Items Document, AI/SE–M2/95A.0263/06, Issue 6, dated April 2006; to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of these documents in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France, for a copy of this service information. You may review copies at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

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

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–23544 Filed 12–7–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–28690; Directorate Identifier 2006–SW–21–AD; Amendment 39–15289; AD 2007–25–07]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron Canada Limited Model 206A and 206B Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) for Bell Helicopter Textron Canada Limited (BHTC) Model 206A and 206B helicopters, serial numbers (S/N) 0004 through 3906, with two-piece vertical stabilizer (fin) supports (fin supports) installed, that requires inserting a revision into the applicable maintenance manual, verifying the torque on the fin support attachment hardware, inspecting the fin support bracket and fins for paint or gaps, and inspecting the fin support bracket for cracking, and if a crack is found, replacing the two-piece vertical fin support with a one-piece casting support. This amendment is prompted by an accident in which the fin supports failed. The actions specified by this AD are intended to detect improper torque of the fin supports' attachment hardware, gaps between the fin support bracket and the doubler, painted mating surfaces of the fin supports, vertical fin, and vertical fin inserts (fin inserts), and cracking in the fin supports, to prevent the vertical fin from rotating into the tail rotor, separation of the tail rotor, and subsequent loss of control of the helicopter.

DATES: Effective January 14, 2008.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 14, 2008.

ADDRESSES: You may get the service information identified in this AD from Bell Helicopter Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4, telephone (450) 437–2862 or (800) 363–8023, fax (450) 433–0272.

Examining the Docket: You may examine the docket that contains this AD, any comments, and other information on the Internet at *http://www.regulations.gov* or at the Docket Operations office, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Sharon Miles, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations and Policy Group, Fort Worth, Texas 76193–0111, telephone (817) 222–5122, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION: A proposal to amend 14 CFR part 39 to include an AD for the specified model helicopters was published in the **Federal Register** on July 13, 2007 (72 FR 38527). That action proposed to require inserting a revision into the Inspection and Component Overhaul Schedule of the applicable maintenance manual, implementing a recurring inspection at intervals not to exceed 100 hour time-in-service (TIS) or at each annual inspection, whichever occurs first, of the torque on the fin support attachment hardware, and inspecting the fin support for damage. Inspecting for paint on the mating surfaces of the fin support bracket and vertical fin, and inspecting the fin attaching hardware for proper torque and the amount of gap between the fin support bracket and the fin doubler, and inspecting the support bracket for cracking using a 10x or higher power magnifying glass was also proposed. Finally, if a crack is found, replacing the two-piece vertical fin support with a one-piece casting support, P/N 206–033–426–003, was proposed.

Transport Canada, the airworthiness authority for Canada, notified the FAA that an unsafe condition may exist on BHTC Model 206A and 206B helicopters, S/N 004 through 3906, with fin supports, P/N 206–031–417–003 or

–007, or 206–031–418–001 or –005, installed. Transport Canada advises that a one-time inspection of the vertical fin mating surfaces is required to ensure an appropriate surface finish is present. In addition, they advise that a recurring torque check of the vertical fin attaching hardware is required to maintain the structural integrity of the joint. They also advise that the initial inspection be performed at the next scheduled 100 hour TIS or annual inspection, but within three (3) months in accordance with BHTC Alert Service Bulletin No. 206–06–107, dated April 26, 2006, or later revisions approved by Transport Canada.

BHTC has issued Alert Service Bulletin No. 206–06–107, dated April 26, 2006, and subsequently issued Revision A of this ASB, dated June 15, 2006, which specifies a series of inspections of the two-piece fin supports, and also introduces a revision to Chapters 5 and 53 of the BHT–206A/B Series Maintenance Manual. The revision to Chapter 5 introduces a recurring vertical fin attaching hardware torque check, and inspecting the fin supports for damage, to be accomplished at the next scheduled 100 hour TIS or annual inspection. The revision to Chapter 53 updates the removal, installation, and inspection of the vertical fin. Transport Canada classified this alert service bulletin as mandatory and issued AD No. CF–2006–12, dated June 5, 2006, to ensure the continued airworthiness of these helicopters in Canada.

These helicopter models are manufactured in Canada and are type certificated for operation in the United States under the provisions of 14 CFR 21.29 and the applicable bilateral agreement. Pursuant to the applicable bilateral agreement, Transport Canada has kept the FAA informed of the situation described above. The FAA has examined the findings of Transport Canada, reviewed all available information, and determined that AD action is necessary for products of these type designs that are certificated for operation in the United States.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that this AD will affect 1,466 helicopters of U.S. registry, and the required actions will take approximately 4 work hours per helicopter to accomplish at an average labor rate of $80 per work hour. If needed, replacing a fin support will take approximately 30 work hours. Required parts will cost approximately $3,260 for each fin support. Based on these figures, we estimate the total cost impact of the AD on U.S. operators to be $3,300,820 for the fleet during the first year, assuming 7 inspections per helicopter are conducted, and assuming that replacing the fin support is required on 3 helicopters.

Regulatory Findings

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

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

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

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

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

We prepared an economic evaluation of the estimated costs to comply with this AD. See the AD docket to examine the economic evaluation.

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.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

■ Accordingly, pursuant to 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. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

2007–25–07 Bell Helicopter Textron Canada Limited: Amendment 39–15289. Docket No. FAA–2007–28690; Directorate Identifier 2006–SW–21–AD.

Applicability: Model 206A and 206B helicopters, serial numbers 0004 through 3906, with two-piece vertical stabilizer (fin) supports (fin supports), part number (P/N) 206–031–417–003 or –007, or P/N 206–031–418–001 or –005, installed, certificated in any category.

Compliance: Required at the next scheduled 100 hour time-in-service (TIS) inspection or annual inspection, but no later than 90 days after the effective date of this AD, unless accomplished previously, and thereafter at intervals not to exceed 100 hours TIS or at each annual inspection, whichever occurs first.

To detect improper torque of the fin supports' attachment hardware, gaps between the fin support bracket and the doubler, painted mating surfaces of the fin support bracket, vertical fin, and vertical fin inserts (fin inserts), and cracks in the fin supports, to prevent the vertical fin from rotating into the tail rotor, separation of the tail rotor, and subsequent loss of control of the helicopter, accomplish the following:

(a) Insert Revision 4 of BHT–206A/B–SERIES–MM into the appropriate section of the maintenance manual.

(b) Determine the type and part number of the installed vertical fin by referring to the listing in step 2., Table 1, of the Accomplishment Instructions of Bell Helicopter Textron Alert Service Bulletin No. 206–06–107, Revision A, dated June 15, 2006 (ASB).

(c) For Type 1 and Type 3 vertical fins, inspect the vertical fin and fin support bracket for paint, and the vertical fin attaching hardware for proper torque, in accordance with steps 5. and 6. of the Accomplishment Instructions of the ASB.

(d) For Type 2 vertical fins, inspect the vertical fin and fin support bracket for paint, the vertical fin attaching hardware for proper torque, and the amount of gap between the vertical fin support bracket and the vertical fin doubler in accordance with steps 5., 6., and 7. of the Accomplishment Instructions of the ASB.

(e) If the inspections required by paragraphs (c) and (d) of this AD indicate

that the torque and gap are within limits, and there is no paint present, visually inspect the vertical fin support bracket in the area of the vertical fin attaching hardware for a crack using a 10x or higher power magnifying glass.

(1) If no crack is found, re-torque the vertical fin attaching hardware to between 75 and 95 in. lbs. (8.47 to 10.75 Nm).

(2) If a crack is found, replace the two-piece vertical fin support bracket with a one-piece vertical fin casting support, P/N 206–033–426–003.

(f) Based on your finding in paragraphs (c) and (d) of this AD, if either the torque or gap is out of limits, or paint is present:

(1) Remove the vertical fin.

(2) Remove all the primer and paint coatings in the areas indicated in Figure I of the ASB.

(3) Florescent penetrant inspect (FPI) the vertical fin support.

(4) If a crack is found, replace the two-piece vertical fin support with a one-piece vertical fin casting support, P/N 206–033–426–003.

(5) If no crack is found, apply two coats of Polyamide Epoxy Primer on bare metal surfaces.

(g) For Type 2 vertical fins only:

(1) If incorrect washers (spacers) or no washers are installed, visually inspect the 4 vertical fin potted inserts as depicted in the vertical fin detail in Figure I of the ASB for any damage using a 10x or higher power magnifying glass.

(2) If any of the 4 vertical fin potted inserts is damaged with no other damage to the surrounding areas, remove and replace the damaged potted insert with an airworthy potted insert.

(3) After assuring that all 4 installed vertical fin potted inserts are undamaged, install the correct washers in accordance with step 9.d. of the Accomplishment Instructions of the ASB.

(h) This AD revises the helicopter maintenance manual by adding an inspection of the torque on the vertical fin attaching hardware, and inspections of the vertical fin and vertical fin support, to the 100-hour TIS and annual scheduled inspections.

(i) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Manager, Regulations and Policy Group, FAA, ATTN: Sharon Miles, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations and Policy Group, Fort Worth, Texas 76193–0111, telephone (817) 222–5122, fax (817) 222–5961, for information about previously approved alternative methods of compliance.

(j) The determination of the type and part number of the vertical fin, the inspections, and installing the correct washers, if necessary, shall be done in accordance with the specified portions of Bell Helicopter Textron Alert Service Bulletin No. 206–06–107, Revision A, dated June 15, 2006. The Director of the Federal Register approved this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Bell Helicopter Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4, telephone (450) 437–2862 or (800) 363–8023, fax (450) 433–0272. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 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.*

(k) This amendment becomes effective on January 14, 2008.

Note: The subject of this AD is addressed in Transport Canada (Canada) AD No. CF–2006–12, dated June 5, 2006.

Issued in Fort Worth, Texas, on November 27, 2007.

Mark R. Schilling,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. E7–23601 Filed 12–7–07; 8:45 am]

BILLING CODE 4910–13–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Parts 401 and 402

[Docket No. SSA–2007–0067]

RIN 0960–AG14

Privacy and Disclosure of Official Records and Information

AGENCY: Social Security Administration (SSA).

ACTION: Final rules with request for comment.

SUMMARY: We are revising our rules to allow us to better preserve the anonymity of, and to better protect the physical well-being of, our employees who reasonably believe that they are at risk of injury or other harm if certain employment information about them is disclosed. These changes in the rules are intended to ensure uniform application of the policy for at-risk employees. We are again requesting comments on these final rules because we revised the language of the proposed rules to clarify our intent.

DATES: *Effective Date:* January 9, 2008.

Comment Date: To be sure your comments are considered, we must receive them by February 8, 2008.

ADDRESSES: You may submit comments by any of the following methods. Regardless of which method you choose, to ensure that we can associate your comments with the correct regulation for consideration, you must state that your comments refer to Docket No. SSA–2007–0067:

- Federal eRulemaking Portal at *http://www.regulations.gov.* (This is the preferred method for submitting your comments.) In the Search Documents section, select ''Social Security Administration'' from the agency drop-down menu, then click ''submit''. In the Docket ID Column, locate SSA–2007–0067 and then click ''Add Comments'' in the ''Comments Add/Due By'' column.
- Telefax to (410) 966–2830.
- Letter to the Commissioner of Social Security, P.O. Box 17703, Baltimore, MD 21235–7703.
- Deliver your comments to the Office of Regulations, Social Security Administration, 922 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235–6401, between 8 a.m. and 4:30 p.m. on regular business days.

Comments are posted on the Federal eRulemaking Portal. You may also inspect them on regular business days by making arrangements with the contact person named in this preamble.

FOR FURTHER INFORMATION CONTACT: Edie McCracken, Social Insurance Specialist, Office of Public Disclosure, 3–A–6 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410) 965–6117. For information on eligibility or filing for benefits, call our national toll-free number, 1–800–772–1213 or TTY 1–800–325–0778, or visit our Internet Web site, Social Security Online, at *http://www.socialsecurity.gov.*

SUPPLEMENTARY INFORMATION:

Electronic Version

The electronic file of this document is available on the date of publication in the **Federal Register** at *http://www.gpoaccess.gov/fr/index.html.*

Background

We approved a recommendation from a national committee on security to implement a nationwide program to enhance the safety and security of our employees who are victims, or potential victims, of domestic violence. It was intended to safeguard the anonymity of at-risk employees when requests for their work location and/or phone number were received from individuals posing a threat to their personal safety, by delaying the disclosure of the information when certain conditions were met. This process would have entailed a change in our policy that now permits such information requests to be honored. While no action was ever taken on the recommendation, we are amending our rules to reflect a similar approach that will strengthen our privacy and disclosure rules to better safeguard at-risk employees.

Notice of Proposed Rulemaking

We proposed a modified version of the recommendation to implement a nationwide program to enhance the safety and security of our employees who are at risk or victims, or potential victims, of domestic violence and called it the Identity Protection Program (IPP). We published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** on June 6, 2006 (71 FR 32494).

The NPRM proposed to:

- Amend 20 CFR part 401, Appendix A (b)(3)(c)(4) by removing the sentence, ''Location of duty station, including room number and telephone number,'' and
- Revise 20 CFR 402.45 by adding a new paragraph (e). New paragraph § 402.45(e) will describe the rules governing the release of personally identifiable information (employees' telephone numbers and duty stations, including room numbers, bay designations, or other identifying information regarding buildings or places of employment).

We have made some revisions to the rules published in the NPRM due to the comments we received. We describe these revisions and our reasons for making them below.

Comments on the NPRM

When we published the NPRM, we provided the public with a 60-day comment period. Four individual members of the public and one advocacy organization submitted comments. Because some of the comments submitted were detailed, we have summarized the views presented in the comments and are responding to the issues raised in the comments that were within the scope of the proposed rules.

Comment: Two members of the public expressed support and agreed with the proposal to strengthen our privacy and disclosure rules to better safeguard at-risk employees. One commenter urged us to promptly move forward with the proposal.

Response: We appreciate the commenters' support of our proposal.

Comment: Two members of the public and the advocacy organization disagreed with the proposal to strengthen our privacy and disclosure rules to better safeguard at-risk employees. They were concerned that the public would not have access to our employees when conducting claims-related business with us. These three commenters asserted that the proposed rules would not improve our service delivery because the public would not be able to directly contact the employee who handled a specific claim related issue or action.

Response: These final rules are not intended to impede the prompt and courteous service that the public is entitled to receive. We do not believe that these changes will negatively affect the service that we provide to the public. Telephone calls from the public are received in each local field office through one general telephone number. For the purpose of conducting ongoing SSA business, however, it may be necessary for employees to provide a direct telephone number by which they can be reached when assisting members of the public. Under these rules, employees will still continue to receive telephone calls directly from those members of the public whom they are assisting. Our rules would provide an additional level of protection for employees who have reason to believe that disclosure of their work location and telephone number could add to their risk of injury or other harm. These final rules will allow us to use our discretion to withhold the work location and/or telephone number of employees who are victims (or potential victims) of domestic violence.

We realize from these comments that the description of our intent was misinterpreted. Therefore, we have rewritten § 402.45(e) to clarify our intent. Although we are issuing these rules as final rules, we are also requesting comments on the text of § 402.45(e), as it differs from what we proposed.

Other Changes

In our NPRM (71 FR 32494) published on June 6, 2006, we incorrectly identified the text in Appendix A to part 401 we proposed to remove. The correct identification is paragraph (c)(4) of Appendix A to part 401. We have corrected it in these final rules.

Regulatory Procedures

Executive Order 12866, as Amended

We have consulted with the Office of Management and Budget (OMB) and determined that these final rules meet the criteria for a significant regulatory action under Executive Order 12866, as amended. Thus, they were subject to OMB review.

Regulatory Flexibility Act

We certify that these final rules do not have a significant economic impact on a substantial number of small entities because they affect only individuals. Thus, a regulatory flexibility analysis as provided in the Regulatory Flexibility Act, as amended, is not required.

Paperwork Reduction Act

These final rules impose no reporting or recordkeeping requirements subject to OMB clearance.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security—Disability Insurance; 96.002, Social Security—Retirement Insurance; 96.004, Social Security—Survivors Insurance; 96.006, Supplemental Security Income)

List of Subjects in 20 CFR Parts 401 and 402

Administrative practice and procedure, Freedom of information, Privacy.

Dated: August 29, 2007.

Michael J. Astrue,

Commissioner of Social Security.

Editorial Note: This document was received at the Office of the Federal Register on Monday, December 3, 2007.

■ For the reasons set out in the preamble, we are amending Appendix A of part 401 and part 402 of chapter III of title 20 of the Code of Federal Regulations as set forth below:

PART 401—PRIVACY AND DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

■ 1. The authority citation for part 401 continues to read as follows:

Authority: Secs. 205, 702(a)(5), 1106, and 1141 of the Social Security Act (42 U.S.C. 405, 902(a)(5), 1306, and 1320b–11); 5 U.S.C. 552 and 552a; 8 U.S.C. 1360; 26 U.S.C. 6103; 30 U.S.C. 923.

Appendix A—[Amended]

■ 2. Appendix A is amended by removing paragraph (b)(3)(c)(4).

PART 402—AVAILABILITY OF INFORMATION AND RECORDS TO THE PUBLIC

■ 1. The authority citation for part 402 continues to read as follows:

Authority: Secs. 205, 702(a)(5), and 1106 of the Social Security Act; (42 U.S.C. 405, 902(a)(5), and 1306); 5 U.S.C. 552 and 552a; 8 U.S.C. 1360; 18 U.S.C. 1905; 26 U.S.C. 6103; 30 U.S.C. 923b; 31 U.S.C. 9701; E.O. 12600, 52 FR 23781, 3 CFR, 1987 Comp., p. 235.

■ 2. Section 402.45 is amended by adding paragraph (e) to read as follows:

§ 402.45 Availability of records.

* * * * *

(e) *Federal employees.* We will not disclose information when the information sought is lists of telephone numbers and/or duty stations of one or more Federal employees if the disclosure, as determined at the

discretion of the official responsible for custody of the information, would place employee(s) at risk of injury or other harm. Also, we will not disclose the requested information if the information is protected from mandatory disclosure under an exemption of the Freedom of Information Act.

[FR Doc. E7–23786 Filed 12–7–07; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA–309F]

Designation of Oripavine as a Basic Class of Controlled Substance; Correction

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Final rule; correcting amendments.

SUMMARY: On September 24, 2007, the Drug Enforcement Administration (DEA) published in the **Federal Register** a final rule (72 FR 54208) designating oripavine (3-O-demethylthebaine or 6,7,8,14-tetradehydro-4,5-*alpha*-epoxy-6-methoxy-17-methylmorphinan-3-ol) as a basic class in schedule II of the Controlled Substances Act (CSA). The drug code for oripavine was inadvertently designated as 9335, a drug code which is already used to identify a schedule I controlled substance. This correction corrects that error and assigns a different drug code to oripavine.

DATES: Effective December 10, 2007.

FOR FURTHER INFORMATION CONTACT: Christine A. Sannerud, PhD, Chief, Drug and Chemical Evaluation Section, Drug Enforcement Administration, Washington, DC 20537, by e-mail, *ode@dea.usdoj.gov* or by fax, (202) 353–1263.

SUPPLEMENTARY INFORMATION: On September 24, 2007, the Drug Enforcement Administration (DEA) published a Final Rule in the **Federal Register** (72 FR 54208) designating oripavine (3– O-demethylthebaine or 6,7,8,14-tetradehydro-4,5-*alpha*-epoxy-6-methoxy-17-methylmorphinan-3-ol) as a basic class in schedule II of the Controlled Substances Act (CSA). In the final rule, the drug code for oripavine was inadvertently listed as 9335. This is the drug code for the schedule I controlled substance, drotebanol. Upon publication of this rule, the drug code for oripavine will be amended to 9330.

■ Accordingly, 21 CFR part 1308 is corrected by making the following correcting amendments:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ 1. The authority citation for part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b), unless otherwise noted.

■ 2. Section 1308.12(b)(1) is amended by revising the entry (xii) to read as follows:

§ 1308.12 Schedule II.

* * * * *

(b) * * *

(1) * * *

* * * * *

(xii) Oripavine 9330

* * * * *

Dated: November 26, 2007.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control.

[FR Doc. E7–23759 Filed 12–7–07; 8:45 am]

BILLING CODE 4410–09–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 49

[EPA–R02–OAR–2004–TR–0001; FRL–8488–9]

Approval and Promulgation of Saint Regis Mohawk's Tribal Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is approving the St. Regis Mohawk Tribe (SRMT) Tribal Implementation Plan (TIP). The SRMT TIP contains programs to address ambient air quality standards, emissions inventory, permitting, synthetic minor facilities, source surveillance, open burning, enforcement, review of state permits, and regional haze planning. EPA's action makes the approvable portions of the SRMT TIP, as discussed in this action, federally enforceable. The approvable portions of the TIP are equivalent to current EPA regulations, procedures, or ambient air quality standards. The intended effect of the approved TIP is to protect air quality and population within the exterior boundaries of the SRMT Reservation.

DATES: Effective Date: This rule is effective on *January 9, 2008*.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R02–OAR–2004–TR–0001. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Region II Office, Air Programs Branch, 290 Broadway, 25th Floor, New York, New York 10007–1866. This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is 212–637–4249.

FOR FURTHER INFORMATION CONTACT: Gavin Lau, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007, (212) 637–3708.

SUPPLEMENTARY INFORMATION: On August 14, 2007 (72 FR 45397), EPA published a proposal for the approval of portions of the SRMT TIP. The final action makes federally enforceable the portions of the SRMT TIP that contain programs to address: Ambient air quality standards for sulfur dioxide (SO_2), particulate matter (PM_{10} and $PM_{2.5}$), nitrogen dioxide (NO_2), and ozone (O_3); emissions inventory; permitting; synthetic minor facilities; source surveillance; open burning; enforcement; review of state permits; and regional haze planning. EPA is not approving ambient air quality standards in the SRMT TIP for fluoride and metals since they are not equivalent to EPA ambient air quality standards.

The SRMT is a federally recognized Indian tribe recognized by the U.S. Secretary of the Interior. Beginning in 2001, with assistance from EPA, the Tribe began developing a TIP with the goal of protecting the population within the Reservation from air pollution by controlling or abating existing and new sources. Under the provisions of the Clean Air Act (CAA or Act) and EPA's regulations, Indian tribes must meet eligibility criteria spelled out in the Act and the Tribal Authority Rule (TAR), in order to be treated in the same manner as a state for the purpose of developing an implementation plan. These criteria are: (1) The Tribe is federally recognized; (2) the Tribe has a governing body that carries out substantial duties and powers; (3) the functions the Tribe applied for carrying out pertain to the management and protection of air

resources within the exterior boundaries of the reservation (or other areas within the Tribe's jurisdiction); and, (4) the Tribe is reasonably expected to be capable of performing the functions the Tribe applied to carry out in a manner consistent with the terms and purposes of the Act and all applicable regulations. On March 5, 2003, EPA determined that the SRMT met the criteria in the Act and TAR, for treatment in the same manner as a state for the purpose of developing and implementing a TIP. The SRMT did not request an eligibility determination for the area known as the Hogansburg Triangle and EPA made no determination with respect to that area.

To support the approval of the TIP, in a Tribal Council Resolution dated December 3, 1999, the SRMT Tribal Council gave the SRMT Environmental Division authority to administer CAA programs on behalf of the tribe. The SRMT adopted the rules comprising the TIP into Tribal Law and entered into a Memorandum of Agreement with EPA Region 2 and EPA's Criminal Investigation Division concerning the criminal enforcement of air pollution rules and regulations. The SRMT Police and Conservation Officers will assume enforcement activities for the purpose of compliance with air regulations. The Peacemakers Court-Civil Disobedience Division will be the arbitrator of all summons and complaints filed under the TIP. The SRMT will refer to the appropriate EPA or U.S. Department of Justice Office alleged criminal violations when alleged violators are non-Indian as well as all alleged criminal activity where the fine is greater than $5,000 or the penalty would require imprisonment for more than one year.

Other specific details concerning the TIP and rationale for EPA's action are explained in the proposed rule and will not be restated here.

Comments: No adverse comments were received; one supportive comment was received.

Conclusion: EPA is approving portions of the SRMT TIP and making them federally enforceable. The approved sections of the TIP contain programs to address: Ambient air quality standards for SO_2, PM, NO_2, and O_3; emissions inventory; permitting; synthetic minor facilities; source surveillance; open burning; enforcement; review of state permits; and regional haze planning. The approved portions of the TIP will help protect air quality within the exterior boundaries of the SRMT Reservation in accordance with Federal requirements.

Statutory and Executive Order Reviews

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

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' EPA has concluded that this rule will have tribal implications in that it will have substantial direct effects on the SRMT. However, it will neither impose substantial direct compliance costs on tribal governments, nor preempt tribal law. EPA is approving the SRMT's TIP at the request of the Tribe. Tribal law will not be preempted as the SRMT has already incorporated the TIP into Tribal Law on October 3, 2002. The Tribe has applied for, and fully supports, the approval of the TIP. This approval makes the TIP federally enforceable.

EPA worked and consulted with officials of the SRMT early in the process of developing this regulation to permit them to have meaningful and timely input into its development. In order to administer an approved TIP, tribes must be determined eligible (40 CFR part 49) for TAS for the purpose of administering a TIP. During the TAS eligibility process, the Tribe and EPA worked together to ensure that the appropriate information was submitted to EPA. SRMT and EPA also worked together throughout the process of development and Tribal adoption of the TIP. The Tribe and EPA also entered into an enforcement MOA. This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255 (August 10, 1999)). This action approves a Tribal rule implementing a TIP over areas within the exterior boundaries of the St. Regis Mohawk Reservation, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This proposed rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885 (April 23, 1997)), because it is approves a tribal plan implementing Federally equivalent standards.

In reviewing SIP submissions, EPA(s role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a TIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a TIP submission, to use VCS in place of a TIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by *February 8, 2008*. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 49

Environmental protection, Administrative practice and procedure, Air pollution control, Incorporation by reference, Indians, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: October 22, 2007.

Alan J. Steinberg,

Regional Administrator, Region 2.

■ Part 49 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 49—[AMENDED]

■ 1. The authority citation for part 49 continues to read as follows:

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

■ 2. Subpart E of Part 49 is amended by adding an undesignated center heading and § 49.471 as follows:

Subpart E—Implementation Plans for Tribes—Region II

Implementation Plan for the Saint Regis Mohawk Tribe

§ 49.471 Identification of plan.

(a) *Purpose and scope.* This section contains the approved implementation plan for the St. Regis Mohawk Tribe dated February 2004. The plan consists of programs and procedures that cover public participation, plan revisions, ambient air quality standards, emissions inventory, permitting, synthetic minor facilities, source surveillance, open burning, enforcement, review of state permits, regional haze planning, and reporting.

(b) *Incorporation by reference.* (1) Material listed in paragraph (c) of this section was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the **Federal Register**.

(2) EPA Region II certifies that the rules/regulations provided by EPA in the TIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated tribal rules/regulations which have been approved as part of the Tribal Implementation Plan as of December 10, 2007.

(3) Copies of the materials incorporated by reference may be inspected at the Region II Office of EPA at 290 Broadway, 25th Floor, New York, NY 10007–1866; the U.S. Environmental Protection Agency, EPA Docket Center (EPA/DC), Air and Radiation Docket and Information Center, MC 2822T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460 and the National Archives and Records Administration. 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.*

(c) EPA—approved regulations.

EPA-APPROVED ST. REGIS MOHAWK TRIBE REGULATIONS

Tribal citation	Title/subject	Tribal effective date	EPA approval date	Explanations
St. Regis Mohawk Tribe, Tribal Implementation Plan, version 3, Section 5.	Definitions	February 2004	December 10, 2007 [Insert FEDERAL REGISTER page number where the document begins].	
St. Regis Mohawk Tribe, Tribal Implementation Plan, version 3, Section 9.	Air Quality Standards	February 2004	December 10, 2007 [Insert FEDERAL REGISTER page number where the document begins].	Subsections 9.6 and 9.7 are not part of the Federally approved TIP.
St. Regis Mohawk Tribe, Tribal Implementation Plan, version 3, Section 11.	General Permit Requirements.	February 2004	December 10, 2007 [Insert FEDERAL REGISTER page number where the document begins].	
St. Regis Mohawk Tribe, Tribal Implementation Plan, version 3, Section 12.	Permits for Minor Facilities	February 2004	December 10, 2007 [Insert FEDERAL REGISTER page number where the document begins].	
St. Regis Mohawk Tribe, Tribal Implementation Plan, version 3, Section 13.	Synthetic Minor Facilities	February 2004	December 10, 2007 [Insert FEDERAL REGISTER page number where the document begins].	
St. Regis Mohawk Tribe, Tribal Implementation Plan, version 3, Section 14.	Source Surveillance	February 2004	December 10, 2007 [Insert FEDERAL REGISTER page number where the document begins].	
TCR–2002–59	Tribal Burn Regulation	February 2004	December 10, 2007 [Insert FEDERAL REGISTER page number where the document begins].	

EPA-APPROVED ST. REGIS MOHAWK TRIBE REGULATIONS—Continued

Tribal citation	Title/subject	Tribal effective date	EPA approval date	Explanations
Memorandum of Agreement.	Memorandum of Agreement dated November 20, 2003, between the St. Regis Mohawk Tribe and the U.S. Environmental Protection Agency Region II.	11/20/2003	December 10, 2007 [Insert FEDERAL REGISTER page number where the document begins].	

[FR Doc. E7–23718 Filed 12–7–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2007–0794; FRL–8500–6]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Amendments to the Control of VOC Emissions From Consumer Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Maryland. This SIP revision pertains to the control of volatile organic compound (VOC) emissions from consumer products based on the 2006 Ozone Transport Commission (OTC) model rule for consumer products. Maryland's amendments to the consumer products rule include fourteen categories that are new, including subcategories with new product category definitions and VOC limits; one previously regulated category with a more restrictive VOC limit; and two previously regulated categories with additional requirements. EPA is approving this SIP revision in accordance with the Clean Air Act (CAA).

DATES: *Effective Date:* This final rule is effective on January 9, 2008.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2007–0794. All documents in the docket are listed in the *www.regulations.gov* website. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Maryland Department of the Environment, 1800 Washington Boulevard, Suite 705, Baltimore, Maryland.

FOR FURTHER INFORMATION CONTACT: Rose Quinto, (215) 814–2182, or by e-mail at *quinto.rose@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On October 4, 2007 (72 FR 56707), EPA published a notice of proposed rulemaking (NPR) for the State of Maryland. The NPR proposed approval of amendments to the control of VOC emissions from consumer products. The formal SIP revision (#07–08) was submitted by the Maryland Department of the Environment (MDE) on June 18, 2007. Maryland's consumer products rule incorporates the changes made by the California Air Resources Board (CARB) in 2005 that the OTC developed as a model rule for consumer products in 2006. These amendments affect 18 categories of consumer products. Fourteen categories are new, including subcategories with new product category definitions and VOC limits; one previously regulated category with a more restrictive VOC limit; and two previously regulated categories with additional requirements. The compliance date for these categories is January 1, 2009.

The new categories are: (1) Adhesive remover with four subcategories: floor or wall covering, gasket or thread locking, general purpose and specialty; (2) anti-static product; (3) electrical cleaner; (4) electronic cleaner; (6) fabric refresher; (7) footwear or leather care product; (8) hair styling product that will incorporate hair styling gel and include additional forms of hair styling products (i.e.; liquid, semi-solid, and pump spray) but does not include hair spray product or hair mousse; (9) graffiti remover; (10) shaving gel; (11) toilet/urinal care product; and (12) wood cleaner. The previously regulated category with a more restrictive limit is contact adhesive that has been separated into two subcategories: General purpose and special purpose. The previously regulated categories with additional requirements are air fresheners and general purpose degreasers.

The rationale for EPA's proposed action are explained in the NPR and will not be restated here. No public comments were received on the NPR.

II. Final Action

EPA is approving the amendments to the control of VOC emissions from consumer products as a revision to the Maryland SIP. This SIP revision was submitted by MDE on June 18, 2007.

III. Statutory and Executive Order Reviews

A. General Requirements

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

not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal requirement, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it approves a state rule implementing a Federal standard.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by *February 8, 2008.* Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action pertaining to the amendments of Maryland's consumer products rule, may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: November 20, 2007.

Donald S. Welsh,

Regional Administrator, Region III.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart V—Maryland

■ 2. In § 52.1070, the table in paragraph (c) is amended by revising entries 26.11.32.01 through 26.11.32.23 and adding entries 26.11.32.24 through 26.11.32.26 to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED REGULATIONS IN THE MARYLAND SIP

Code of Maryland administrative regulations (COMAR) citation	Title/subject	State effective date	EPA approval date	Additional explanation/ citation at 40 CFR 52.1100
*	*	*	*	*
26.11.32 Control of Emissions of Volatile Organic Compound Emissions from Consumer Products				
26.11.32.01	Applicability and Exemptions	06/18/07	12/10/07 [Insert page number where the document begins].	
26.11.32.02	Incorporation by Reference	06/18/07	12/10/07 [Insert page number where the document begins].	
26.11.32.03	Definitions	06/18/07	12/10/07 [Insert page number where the document begins].	
26.11.32.04	Standards—General	06/18/07	12/10/07 [Insert page number where the document begins].	
26.11.32.05	Standards—Requirements for Charcoal Lighter Materials.	08/18/03	12/09/03 68 FR 68523	(c)(185).
26.11.32.06	Standards—Requirements for Aerosol Adhesives	06/18/07	12/10/07 [Insert page number where the document begins].	
26.11.32.07	Standards—Requirements for Floor Wax Strippers.	08/18/03	12/09/03 68 FR 68523	(c)(185).

EPA-APPROVED REGULATIONS IN THE MARYLAND SIP—Continued

Code of Maryland administrative regulations (COMAR) citation	Title/subject	State effective date	EPA approval date	Additional explanation/ citation at 40 CFR 52.1100
26.11.32.08	Requirements for Contact Adhesives, Electronic Cleaners, Footwear, or Leather Care Products, and General Purpose Cleaners.	06/18/07	12/10/07 [Insert page number where the document begins].	New Regulation.
26.11.32.09	Requirements for Adhesive Removers, Electrical Cleaners, and Graffiti Removers.	06/18/07	12/10/07 [Insert page number where the document begins].	New Regulation.
26.11.32.10	Requirements for Solid Air Fresheners and Toilet and Urinal Care Products.	06/18/07	12/10/07 [Insert page number where the document begins].	New Regulation.
26.11.32.11	Innovative Products—CARB Exemption	06/18/07	12/10/07 [Insert page number where the document begins].	Recodification of existing Regulation .08.
26.11.32.12	Innovative Products—Department Exemption	06/18/07	12/10/07 [Insert page number where the document begins].	Recodification of existing Regulation .09.
26.11.32.13	Administrative Requirements	06/18/07	12/10/07 [Insert page number where the document begins].	Recodification of existing.
26.11.32.14	Reporting Requirements	06/18/07	12/10/07 [Insert page number where the document begins].	Recodification of existing Regulation .11; Amended.
26.11.32.15	Variances	06/18/07	12/10/07 [Insert page number where the document begins].	Recodification of existing Regulation .12; Amended.
26.11.32.16	Test Methods	06/18/07	12/10/07 [Insert page number where the document begins].	Recodification of existing Regulation .13; Amended.
26.11.32.17	Alternative Control Plan (ACP)	06/18/07	12/10/07 [Insert page number where the document begins].	Recodification of existing Regulation .14; Amended.
26.11.32.18	Approval of an ACP Application	06/18/07	12/10/07 [Insert page number where the document begins].	Recodification of existing Regulation .15; Amended.
26.11.32.19	Record Keeping and Availability of Requested Information.	06/18/07	12/10/07 [Insert page number where the document begins].	Recodification of existing Regulation .16.
26.11.32.20	Violations	06/18/07	12/10/07 [Insert page number where the document begins].	Recodification of existing Regulation .17.
26.11.32.21	Surplus Reduction and Surplus Trading	06/18/07	12/10/07 [Insert page number where the document begins].	Recodification of existing Regulation .18; Amended.
26.11.32.22	Limited-use surplus reduction credits for early formulations of ACP Products.	06/18/07	12/10/07 [Insert page number where the document begins].	Recodification of existing Regulation .19; Amended.
26.11.32.23	Reconciliation of Shortfalls	06/18/07	12/10/07 [Insert page number where the document begins].	Recodification of existing Regulation .20; Amended.
26.11.32.24	Modifications to an ACP	06/18/07	12/10/07 [Insert page number where the document begins].	Recodification of existing Regulation .21; Amended.
26.11.32.25	Cancellation of an ACP	06/18/07	12/10/07 [Insert page number where the document begins].	Recodification of existing Regulation .22; Amended.
26.11.32.26	Transfer of an ACP	06/18/07	12/10/07 [Insert page number where the document begins].	Recodification of existing Regulation .23.
*	*	*	*	*	*	*

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[FR Doc. E7–23385 Filed 12–7–07; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 72, No. 236
Monday, December 10, 2007

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 915 and 944

[Docket No. AMS–FV–07–0054; FV07–915–2 PR]

Avocados Grown in South Florida and Imported Avocados; Revision of the Maturity Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule would revise the maturity requirements currently prescribed for avocados grown in South Florida and for avocados imported into the United States that are shipped to the fresh market. The Avocado Administrative Committee (Committee) which locally administers the marketing order for avocados grown in South Florida recommended the change for Florida avocados. A corresponding change in the import regulation would also be required under section 8e of the Agricultural Marketing Agreement Act of 1937 if this rule was implemented. This rule would require that avocados which fail the maturity requirements and are reworked and presented for reinspection must meet the maturity requirements which correspond to the date of the original inspection. This rule would help ensure only mature avocados are shipped to the fresh market.

DATES: Comments must be received by February 8, 2008.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments should be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250–0237; *Fax:* (202) 720–8938; or *Internet: http://www.regulations.gov.* All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: William G. Pimental, Marketing Specialist, or Christian D. Nissen, Regional Manager, Southeast Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA; *Telephone:* (863) 324–3375, *Fax:* (863) 325–8793, or *E-mail: William.Pimental@usda.gov* or *Christian.Nissen@usda.gov,* respectively.

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

SUPPLEMENTARY INFORMATION: This proposed rule is issued under Marketing Agreement No. 121 and Marketing Order No. 915, both as amended (7 CFR part 915), regulating the handling of avocados grown in South Florida, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

This proposed rule is also issued under section 8e of the Act, which provides that whenever certain specified commodities, including avocados, are regulated under a Federal marketing order, imports of these commodities into the United States are prohibited unless they meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodities.

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

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

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

There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of import regulations issued under section 8e of the Act.

This proposal invites comments on a revision to the maturity requirements currently prescribed under the order for avocados grown in South Florida. This rule would require that avocados which fail the maturity requirements and are reworked and presented for reinspection must meet the maturity requirements which correspond to the date of the original inspection. This action, unanimously recommended by the Committee, would help ensure that only mature avocados are shipped to the fresh market.

Section 915.51 of the order provides the authority to issue regulations establishing specific maturity requirements for avocados grown in South Florida. Section 915.332 of the order's rules and regulations establishes the requisite maturity requirements for avocados. The maturity requirements specify minimum weights, diameters, and shipping dates for approximately 60 different varieties of avocados. These dates and requirements are reflected in the avocado maturity schedule as it appears in Table I of § 915.332(a)(2).

Under the terms of the marketing order, fresh market shipments of Florida avocados are required to be inspected and are subject to grade, pack, container, and maturity requirements. The maturity requirements are intended to prevent the shipment of immature

avocados to the fresh market. This helps to improve buyer confidence in the marketplace, and fosters increased consumption.

This rule would change the way the maturity requirements are currently applied. Specifically, this rule would require avocados which fail maturity requirements and are reworked and presented for reinspection to meet the maturity requirements which correspond to the date of the original inspection.

The maturity requirements for avocados are expressed in terms of minimum weights and diameters in conjunction with specific dates during the shipping season. Each regulated variety has its own set of dates and requirements on the maturity schedule. The maturity requirements for the various varieties are different because each variety has its own growing season and stages when the fruit is mature and ready to be harvested.

With avocados, the level of maturity is determined by when the avocado is harvested. Because the maturity process ceases once the fruit is severed from the tree, an avocado needs to remain on the tree until it is mature. According to Paul Harding, a plant physiologist for the Agricultural Marketing Service, USDA, the stage of maturity of the fruit when harvested is directly related to its palatability and is the most important factor that influences eating quality.[1] Avocados which are not mature at the time of harvest will not ripen properly. Avocados that do not ripen properly can have an unpleasant taste and consistency which negatively affects customer satisfaction. Consequently, the dates on the maturity schedule have been carefully established based on years of testing to ensure avocados shipped using the schedule are mature enough to complete the ripening process.

The maturity schedule is divided into A, B, C, and D dates which reflect the different stages of maturity associated with an individual variety. Larger sized fruit within a variety matures earlier, while smaller fruit needs to remain on the tree longer to reach maturity. Consequently, A dates are associated with larger sizes and are established early in the variety's shipping season. For a majority of varieties, the schedule also includes B and C dates that fall somewhere in between the A and D dates for the particular variety. These dates proceed in stages as the season advances, allowing for the shipment of progressively smaller sizes and weights as a variety matures. The D date marks the end of a variety's marketing season and releases all remaining sizes for shipment to the fresh market. This gradual shift in the maturity standards from the beginning of the season to its end helps ensure that all sizes remain on the tree long enough to reach maturity.

As an example, consider the Simmons variety. The A date for the Simmons is the Monday nearest June 20, and requires a minimum weight of 16 ounces or a minimum diameter of 3 9/16 inches for fruit shipped to the fresh market. The corresponding B date is the Monday nearest July 4, and reduces the minimum weight to 14 ounces or a minimum diameter of 3 7/16 inches. The C date is the Monday nearest to July 18, and further reduces the minimum weight and size requirements to 12 ounces or 3 1/16 inches, and the requirements end with a scheduled D date of the Monday nearest to August 1 when all remaining fruit of this variety can be shipped.

Over the years, the maturity schedule has been determined to be the best indicator of maturity for the different varieties of avocados grown in Florida, and growers and handlers rely on the schedule in making harvesting, packing, and shipping decisions. The maturity schedule facilitates the shipment of the different varieties of avocados as they mature, and helps ensure that only mature fruit is shipped to the fresh market. This in turn helps promote consumer satisfaction which is essential for the successful marketing of the crop.

Florida avocados are inspected for compliance with the rules and regulations established under the order, including the maturity requirements, by the Federal or Federal State Inspection Service. When a lot of avocados fails inspection, the handler has the opportunity to rework the lot to remove the fruit that caused the lot to fail. This usually entails removing any damaged or undersized fruit from the lot. Once the lot has been reworked, the lot is presented for reinspection.

However, the Committee has discovered that in some cases where lots fail for maturity, handlers are only holding the avocados until the next date under the maturity schedule and then presenting them for reinspection to benefit from the reduced size and weight requirements rather than reworking the lots to remove undersized fruit. The Committee agreed this practice undermines the purpose of the maturity requirements and results in immature fruit being shipped to the fresh market.

Committee members stated the maturity requirements were established to ensure that only mature avocados reach the fresh market. By allowing a handler to just hold the fruit until the next date on the maturity schedule, the overall maturity of the lot is not improved. Because the maturity process ends once the fruit is picked, fruit that fails to meet the maturity standards at the time of inspection will not develop in maturity while being held in the box. The only way to increase the overall maturity of the lot is to remove the fruit which caused the lot to fail at the time of inspection.

The Committee believes allowing fruit that failed maturity requirements to be held until the next date on the maturity schedule without being reworked to remove undersized fruit permits immature fruit to be shipped to the fresh market. A lot that fails inspection for maturity can contain a significant amount of avocados which are undersized or underweight. Based on the schedule, this fruit was picked too soon, and most likely did not spend enough time on the tree to reach the proper level of maturity. Because this fruit is immature, it will frequently not ripen properly, and it would have a negative impact on the market and would likely result in the loss of future avocado sales.

The requirements associated with the initial inspection correlate more closely with the time of picking and as such remain the best measure of the maturity of the lot. Consequently, the Committee agreed the maturity requirements specified on the schedule at the time of the original inspection should be the requirements applied when the avocados are presented for reinspection.

With this change, when avocados fail inspection for maturity, the handler would continue to be allowed to immediately rework the lot to remove undersized and/or underweight fruit and present the lot for reinspection or hold the lot to rework it later. However, the reinspection would be conducted using the maturity requirements for the date the lot was originally presented for inspection regardless of when it is presented for reinspection. Even if a lot is held until the next date on the schedule, the requirements specified for the original inspection would still apply, and the avocados that caused the lot to fail would have to be removed before the lot would pass under a reinspection. This change would make sure undersized and underweight fruit would have to be removed before a lot could meet the necessary requirements

[1] Harding, Paul L. ''The Relation of Maturity to Quality in Florida Avocados.'' *Proceedings of the Florida State Horticultural Society* 67 (1954):276–280.

which in turn should help further ensure that only mature fruit is being shipped to the fresh market.

This change would also make the reinspection procedures for maturity requirements more consistent with those applied for grade requirements. The current grade requirement for avocados is a U.S. No. 2 and is constant throughout the year. The only way for a lot that fails for grade to meet the grade requirement is to have the fruit which caused the lot to fail removed. The Committee believes the process for handling avocados which fail the maturity requirements should be the same. Because the maturity level does not improve by just holding the avocados, the maturity requirements applied to that lot should remain constant as it does with grade. This change would ensure that undersized and underweight fruit are removed prior to reinspection, maintaining the benefits of the maturity schedule.

Currently, when a lot of avocados fails inspection, the handler has the option to rework the lot, hold the fruit to be reworked at a later date, dump or destroy the fruit, send the fruit for processing, or donate it to charity. With this change, the handler would have the same options. However, fruit to be reworked for maturity would be segregated and placed under the supervision of the Federal or Federal-State Inspection Service using their Positive Lot Identification (PLI) program to ensure the lot is reworked to meet the minimum maturity requirements specified at the time of the initial inspection. Once the lot, or any portion thereof, is reworked, the Federal or Federal-State Inspection Service would reinspect the avocados applying the maturity requirements for the date of the original inspection. Also, all fruit in the lot would need to be accounted for under this process. Therefore, only fruit meeting the initial maturity requirements would be allowed to be shipped to the fresh market.

Section 8e of the Act provides that when certain domestically produced commodities, including avocados, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, and maturity requirements. Since this rule would modify maturity requirements under the domestic handling regulations, a corresponding change to the avocado import maturity regulations must also be considered.

Minimum grade, quality, and maturity requirements for avocados imported into the United States are currently in effect under § 944.31 (7 CFR 944.31). The maturity requirements are specified in § 944.31(a)(2). The Hass, Fuerte, Zutano, and Edranol varieties of avocados are exempt from the maturity schedule, and would continue to be exempt under this rule. However, these varieties must meet the minimum grade requirement of a U.S. No. 2 for imported avocados, which would not be changed by this action.

This proposal would require that imported avocados which fail the maturity requirements and are reworked and presented for reinspection must meet the maturity requirements which correspond to the date of the original inspection. With this change, fruit to be reworked for maturity would be segregated and placed under the supervision of the Federal or Federal-State Inspection Service using their PLI program to ensure the lot is reworked to meet the minimum maturity requirements specified at the time of the initial inspection.

Once the lot of avocados, or any portion thereof, is reworked, the Federal or Federal-State Inspection Service would reinspect the lot applying the maturity requirements for the date of the original inspection. In addition, all fruit in the lot would need to be accounted for under this process. This would help ensure only mature fruit that will ripen properly is shipped to the fresh market. Consumers prefer fruit that ripens properly. Thus, importers would also benefit from this change in maturity requirements.

Import data for calendar years 2002 through 2006 reveals the major exporters of green-skin avocados to the United States are Mexico, Chile, and the Dominican Republic. Imports of green-skin avocados totaled approximately 10,163 metric tons in 2002, 13,770 metric tons in 2003, 8,729 metric tons in 2004, 12,411 metric tons in 2005, and 10,389 metric tons in 2006. The Dominican Republic is the largest supplier of green-skin avocados, accounting for approximately 98 percent of imports.

Initial Regulatory Flexibility Analysis

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

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Import regulations issued under the Act are based on those established under Federal marketing orders.

There are approximately 300 producers of avocados in the production area and approximately 35 handlers subject to regulation under the order. There are approximately 65 importers of the type of avocados that are regulated under the order. Small agricultural producers are defined by the Small Business Administration (SBA) as those having annual receipts of less than $750,000, and small agricultural service firms, which include avocado handlers and importers, are defined as those whose annual receipts are less than $6,500,000 (13 CFR 121.201).

According to the National Agricultural Statistics Service and Committee data, the average price for Florida avocados during the 2005–06 season was around $46.75 per 55-pound bushel container, and total shipments were near 470,000 55-pound bushel equivalents. Using the average price and shipment information provided by the Committee, the majority of avocado handlers have annual receipts of less than $6,500,000. In addition, based on avocado production, grower prices, and the total number of Florida avocado growers, the average annual grower revenue is less than $750,000. Based on information from the Foreign Agricultural Service, USDA, the dollar value of imported avocados ranged from around $156.7 million in 2003 to $337.5 million in 2005. Using these numbers, the majority of avocado importers have annual receipts of less than $6,500,000. Consequently, the majority of avocado producers, handlers, and importers may be classified as small entities.

This proposed rule, recommended by the Committee, would revise the maturity requirements currently prescribed for avocados grown in South Florida and for avocados imported into the United States that are shipped to the fresh market. This proposal would require that avocados which fail the maturity requirements and are reworked and presented for reinspection must meet the maturity requirements which correspond to the date of the original inspection. This rule would help ensure that only mature avocados are shipped to the fresh market. This rule would revise § 915.332, which specifies the requisite maturity requirements. Authority for this action is provided in § 915.51 of the order. This rule would also revise § 944.31, which specifies the maturity requirements for imported avocados. The change in the import

regulation is required under section 8e of the Act.

This rule could result in some additional costs for handlers and importers. These costs would be associated primarily with the cost to rework the lot and the added inspection costs associated with having Federal or Federal-State Inspection Service supervision of lots that fail for maturity. However, these costs are expected to be minimal and should apply to no more than a few shipments each year as only a very small percentage of lots fail for maturity.

The vast majority of handlers and importers are already reworking lots that fail for maturity to remove the undersized and underweight avocados that caused the lot to fail. Consequently, reworking lots which fail for maturity is already a standard practice for most of the industry, and as such would not represent an additional cost for most handlers and importers.

In addition, this rule could encourage more careful spot picking to ensure that the avocados are of the proper size or weight to meet the requirements of the maturity schedule. However, spot picking is a standard industry practice, so this should not result in any additional cost.

Therefore, in most cases, any additional costs resulting from this change would be from the added inspection costs associated with the Federal or Federal-State Inspection Service supervision of failing lots. Based on information provided by the Federal or Federal-State Inspection Service, the added cost would be based on the time it takes to apply the PLI program. For most handlers and importers, this should be accomplished in an hour or less. Consequently, the added cost would be based on the standard hourly rate charged by the Federal or Federal-State Inspection Service. These costs could range from as low as $22.00 per hour to $64.00 per hour for a lot of avocados. In situations where a lot is reworked immediately, the handler or importer may not even accrue any additional charges.

With average lot sizes ranging from approximately 100 55-pound cartons of avocados for a small lot to large lots containing approximately 800 55-pound cartons, and with avocados selling for a season average of around $46.75 per 55-pound container, the cost of inspection would be a small percentage of the total value of the lot. Consequently, considering the possible added costs associated with this change, and the small number of lots affected, the overall costs associated with this rule are expected to be minimal.

Florida avocado producers and handlers have found that the maturity requirements have been beneficial in the successful marketing of their avocado crop. Experience has shown when immature avocados are found in market channels, they tend to have a price depressing effect on the market and negatively affect repeat purchases. Preventing the shipment of immature avocados improves buyer confidence in the marketplace, and fosters increased consumption. This change is expected to provide added assurance that the avocados marketed are of satisfactory maturity and will ripen properly which is expected to further promote customer satisfaction.

This proposal is expected to similarly impact importers of avocados. Non-exempt varieties of imported avocados have met the minimum weight or diameter maturity requirements in past seasons, and this is expected to continue. Thus, USDA believes this proposed change would not limit the quantity of imported avocados or place an undue burden on exporters, or importers of avocados. The marketplace price and quality benefits expected for Florida growers and handlers as a result of this proposal would also benefit exporters and importers of avocados.

As most handlers and importers are already reworking lots which fail for maturity to remove undersized and underweight fruit, this change is not expected to impact the total number of avocado shipments. It is, however, expected to have a positive effect in the marketplace by helping to ensure only mature avocados are reaching the market which in turn should provide a strong price base for the industry.

This proposed rule may impose some additional costs on producers, handlers, and importers. However, the costs are expected to be minimal, and would be offset by the benefits of the proposal. This proposed action would benefit consumers, producers, handlers, and importers by providing consumers with a better, more mature piece of fruit. The costs and benefits of this rule are not expected to be disproportionately greater or less significant for small entities than for large entities.

One alternative to this action considered was to make no change. However, the Committee believes this was not an acceptable alternative as it could result in immature avocados reaching the fresh market. The Committee agreed that allowing immature avocados to reach the fresh market would be detrimental to the industry as a whole. Therefore, this alternative was rejected.

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

This rule would not impose any additional reporting or recordkeeping requirements on either small or large avocado handlers or importers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. In addition, USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this proposed rule.

Further, the Committee's meeting was widely publicized throughout the avocado industry and all interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the meeting where this action was recommended was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

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

In accordance with section 8e of the Act, the United States Trade Representative has concurred with the issuance of this proposed rule.

A 60-day comment period is provided to allow interested persons to respond to this proposal. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects

7 CFR Part 915

Avocados, Marketing agreements, Reporting and recordkeeping requirements.

7 CFR Part 944

Avocados, Food grades and standards, Grapefruit, Grapes, Imports, Kiwifruit, Limes, Olives, Oranges.

For the reasons set forth above, 7 CFR parts 915 and 944 are proposed to be amended as follows:

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

1. The authority citation for 7 CFR parts 915 and 944 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. A new paragraph (a)(3) is added to § 915.332 to read as follows:

§ 915.332 Florida avocado maturity regulation.

(a) * * *

(3) Avocados which fail to meet the maturity requirements specified in this section must be maintained under the supervision of the Federal or Federal-State Inspection Service using the Positive Lot Identification program, and when presented for reinspection, must meet the maturity requirements which correspond to the date of the original inspection.

* * * * *

PART 944—FRUITS; IMPORT REGULATIONS

3. A new paragraph (a)(3) is added to § 944.31 to read as follows:

§ 944.31 Avocado import maturity regulation.

(a) * * *

(3) Avocados which fail to meet the maturity requirements specified in this section must be maintained under the supervision of the Federal or Federal-State Inspection Service using the Positive Lot Identification program, and when presented for reinspection, must meet the maturity requirements which correspond to the date of the original inspection.

* * * * *

Dated: December 4, 2007.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. E7–23827 Filed 12–7–07; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–0299; Directorate Identifier 2007–NM–239–AD]

RIN 2120–AA64

Airworthiness Directives; Saab Model SAAB 2000 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

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

> Subsequent to accidents involving Fuel Tank System explosions in flight * * * and on ground, the FAA has published Special Federal Aviation Regulation 88 (SFAR88) * * * [which] required * * * [conducting] a design review against explosion risks.

The unsafe condition is the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane. The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

DATES: We must receive comments on this proposed AD by January 9, 2008.

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

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

Examining the AD Docket

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2007–0299; Directorate Identifier 2007–NM–239–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2007–0167, dated June 15, 2007 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> Subsequent to accidents involving Fuel Tank System explosions in flight * * * and on ground, the FAA has published Special Federal Aviation Regulation 88 (SFAR88) in June 2001.
>
> In their Letters referenced 04/00/02/07/01–L296 dated March 4th, 2002 and 04/00/02/07/03–L024, dated February 3rd, 2003, the JAA (Joint Aviation Authorities) recommended the application of a similar regulation to the National Aviation Authorities (NAA).
>
> Under this regulation, all holders of type certificates for passenger transport aircraft with either a passenger capacity of 30 or more, or a payload capacity of 7,500 pounds (3402 kg) or more, which have received their certification since January 1st, 1958, are required to conduct a design review against explosion risks.
>
> This Airworthiness Directive (AD), which renders mandatory the modification [6089] of improving the sealing of Fuel Access Doors, is a consequence of the design review.

The unsafe condition is the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane. Saab Modification 6089 includes removing the fuel tank access doors and the old type of clamp rings and gaskets; installing new, improved

clamp rings; re-installing the fuel tank access doors; and doing related investigative actions and applicable corrective actions. Related investigative actions and applicable corrective actions include inspecting for corrosion of the wing skin panel and access door areas, and, as applicable, replacing wear protection; contacting Saab and doing repairs if doubler flange is less than specified thickness; replacing any corroded or damaged foil panel; replacing any damaged sealing ring; removing corrosion from the wing skin panel; inspecting the access doors for damage and correct installation of the aluminum panel on the access door; and, as applicable, replacing the aluminum panel or the entire access door. You may obtain further information by examining the MCAI in the AD docket.

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

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

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

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

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

Relevant Service Information

Saab has issued Service Bulletins 2000–57–033, dated March 2, 2000, and Revision 01, dated March 31, 2000. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

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

Differences Between This AD and the MCAI or Service Information

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

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

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 6 products of U.S. registry. We also estimate that it would take about 130 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $80 per work-hour. Required parts would cost about $6,400 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these costs. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $100,800, or $16,800 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Saab Aircraft AB: Docket No. FAA–2007–0299; Directorate Identifier 2007–NM–239–AD.

Comments Due Date

(a) We must receive comments by January 9, 2008.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Saab Model SAAB 2000 airplanes, all serial numbers, certificated in any category.

Subject

(d) Air Transport Association (ATA) of America Code 57: Wings.

Reason

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

Subsequent to accidents involving Fuel Tank System explosions in flight * * * and on ground, the FAA has published Special Federal Aviation Regulation 88 (SFAR88) in June 2001.

In their Letters referenced 04/00/02/07/01–L296 dated March 4th, 2002 and 04/00/02/07/03–L024, dated February 3rd, 2003, the JAA (Joint Aviation Authorities) recommended the application of a similar regulation to the National Aviation Authorities (NAA).

Under this regulation, all holders of type certificates for passenger transport aircraft with either a passenger capacity of 30 or more, or a payload capacity of 7,500 pounds (3402 kg) or more, which have received their certification since January 1st, 1958, are required to conduct a design review against explosion risks.

This Airworthiness Directive (AD), which renders mandatory the modification [6089] of improving the sealing of Fuel Access Doors, is a consequence of the design review.

The unsafe condition is the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

Actions and Compliance

(f) Within 48 months after the effective date of this AD, unless already done, do Modification 6089 and all related investigative actions and applicable corrective actions, in accordance with the Accomplishment Instructions of Saab Service Bulletin 2000–57–033, dated March 2, 2000; or Revision 01, dated March 31, 2000. Do all applicable related investigative and corrective actions before further flight.

FAA AD Differences

Note 1: This AD differs from the MCAI and/or service information as follows: No differences.

Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Shahram Daneshmandi, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1112; fax (425) 227–1149. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

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

Related Information

(h) Refer to MCAI EASA Airworthiness Directive 2007–0167, dated June 15, 2007; Saab Service Bulletin 2000–57–033, dated March 2, 2000; and Saab Service Bulletin 2000–57–033, Revision 01, dated March 31, 2000; for related information.

Issued in Renton, Washington, on November 30, 2007.

Stephen P. Boyd,

Assistant Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–23869 Filed 12–7–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–0286; Directorate Identifier 2007–CE–086–AD]

RIN 2120–AA64

Airworthiness Directives; Taylorcraft Aviation, LLC A, B, and F Series Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) AD 2007–16–14, which applies to all Taylorcraft Aviation, LLC (Taylorcraft) A, B, and F series airplanes. AD 2007–16–14 currently requires you to do an initial visual inspection of the left and right wing front and aft lift struts for cracks and corrosion and replace any cracked strut or strut with corrosion that exceeds certain limits. If the strut is replaced with an original design vented strut, AD 2007–16–14 requires you to repetitively inspect those struts thereafter. Since we issued AD 2007–16–14, we determined that the eddy current inspection method does not address the unsafe condition for the long term. We also determined that Models FA–III and TG–6 airplanes are not equipped with the affected struts. Consequently, this proposed AD would retain the actions required in AD 2007–16–14, except it removes the eddy current inspection method (provides 24-month credit if already done using this method), adds the radiograph method as an inspection method, changes the Applicability section, and changes the compliance time between the repetitive inspections. We are issuing this proposed AD to detect and correct cracks and corrosion in the right and left wing front and aft lift struts. This condition, if not corrected, could result in failure of the lift strut and lead to in-flight separation of the wing.

DATES: We must receive comments on this proposed AD by January 9, 2008.

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

For service information identified in this proposed AD, contact Taylorcraft Aviation, LLC, 2124 North Central Avenue, Brownsville, Texas 78521; telephone: 956–986–0700.

FOR FURTHER INFORMATION CONTACT: Andrew McAnaul, Aerospace Engineer, ASW–150 (c/o MIDO–43), 10100 Reunion Place, Suite 650, San Antonio, Texas 78216; telephone: (210) 308–3365; fax: (210) 308–3370.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments regarding this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number, ''FAA–2007–0286; Directorate Identifier 2007–CE–086–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed 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 proposed AD.

Discussion

Reports of several corroded vented wing lift struts from different Taylorcraft series airplanes caused us to issue AD 2007–16–14, Amendment 39–15153 (72 FR 45153, August 13, 2007). AD 2007–16–14 currently requires the following on all Taylorcraft A, B, and F series airplanes:

- Initial visual inspection of the left and right wing front and aft lift struts for cracks and corrosion;
- Replacement of any cracked strut or strut with corrosion that exceeds certain limits with either sealed or vented struts; and
- Repetitive eddy current or ultrasound inspection of any vented lift struts.

Since issuing AD 2007–16–14, we received several comments concerning the AD. We reviewed all comments submitted to the docket. The following are significant comments that influenced our decision to propose superseding AD 2007–16–14 with a new AD:

Comment	FAA discussion
We received several requests to use the radiograph inspection method as an alternative method of compliance (AMOC) for doing the repetitive strut inspection.	We approved the radiograph inspection procedure as an AMOC for the repetitive inspections required in AD 2007–16–14, and the manufacturer has added the procedures for the radiograph inspection to their revised service bulletin.
We received several requests to increase the compliance time between repetitive inspections because the Taylorcraft service information requires the application of corrosion inhibitor to the interior of the strut at each inspection. The commenters also requested a longer compliance time between repetitive inspections for land planes compared to float equipped planes.	Based on the inspection methods used and the requirement to apply corrosion inhibitor to the strut interior at each inspection, we believe there is not an increased safety risk to the public by increasing the compliance time between the repetitive inspections from 24 months to 48 months for all airplanes. We do not have sufficient information to determine if a different inspection interval for land and float equipped airplanes is valid.
We received a request to use Univair part numbers (P/N) UA–A815 and UA–854 as a terminating action for the repetitive inspection requirement on Taylorcraft Models BC12–D/D1 and BCS12–D/D1 airplanes.	We have approved using these parts as an AMOC to AD 2007–16–14.
We received several requests to install used vented lift struts that have been inspected using the criteria specified in paragraph (e)(2) of AD 2007–16–14.	We did not intend to preclude owners from installing these parts. Vented lift struts that are inspected using the ultrasound or radiograph inspection method, that meet the Acceptance/Rejection Criteria specified in Taylorcraft Aviation, LLC Service Bulletin No. 2007–001, Revision B, dated October 15, 2007, and that are treated with internal corrosion protection are considered new struts.

In addition to the comments above, we also received several reports of the following:

- The eddy current inspection method currently required in AD 2007–16–14 may not adequately address the unsafe condition for the long term; and
- Models FA–III (Airphibian) and TG–6 Conversion airplanes do not have the affected struts installed.

The following is a significant comment that did not influence our decision to propose superseding AD 2007–16–14 with a new AD:

Comment	FAA discussion
We received several requests to use the Maule Fabric Tester as an AMOC for doing the repetitive strut inspection.	Testing of Taylorcraft strut samples with the Maule Fabric Tester shows that both 1025 steel material, and to a greater degree 4130 steel material, resist showing a positive dent indication until a major portion of the wall thickness is consumed. Taylorcraft used 4130 steel in a majority of their wing struts during production. We have not received any data substantiating that Taylorcraft wing struts can still carry required certification loads at the reduced strut wall material thickness indicated in the testing.

Cracks and corrosion in the right and left wing front and aft lift struts, if not detected and corrected, could result in failure of the wing lift strut and lead to in-flight separation of the wing.

Relevant Service Information

We reviewed Taylorcraft Aviation, LLC Service Bulletin (SB) No. 2007–001, Revision B, dated October 15, 2007.

The service information describes procedures for wing lift strut assembly corrosion inspection and/or replacement.

FAA's Determination and Requirements of the Proposed AD

We are proposing this AD because we evaluated all information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design. This proposed AD would supersede AD 2007–16–14 with a new AD that would do the following:

- Retain the actions of AD 2007–16–14;
- Remove the eddy current inspection method, but allow a 24-month credit for those who already inspected once using the eddy current method;
- Remove Models FA–III (Airphibian) and TG–6 Conversion airplanes from the Applicability section;
- Add the radiograph inspection method;
- Increase the time interval between the repetitive inspections;
- Allow the installation of Univair P/Ns UA–A815 and UA–854 on Taylorcraft Models BC12–D/D1 and BCS12–D/D1 airplanes as a terminating action for the repetitive inspection requirement; and
- Allow the installation of used vented lift struts that have been inspected using ultrasound or radiograph inspection methods, meet the Acceptance/Rejection Criteria specified in Taylorcraft Aviation, LLC Service Bulletin No. 2007–001, Revision B, dated October 15, 2007, and have corrosion inhibitor applied to the interior of the strut. These lift struts are then subject to the repetitive 48-month inspection thereafter.

We have determined that the Maule Fabric Tester is not a viable AMOC to this AD.

This proposed AD would require you to use the service information described previously to perform these actions.

Costs of Compliance

We estimate that this proposed AD would affect 3,119 airplanes in the U.S. registry.

We estimate the following costs to do the proposed visual inspection:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
1 work-hour × $80 per hour = $80	Not applicable	$80	$249,520

We estimate the following costs to do the proposed repetitive ultrasound or radiograph inspection:

Labor cost	Parts cost	Total cost per airplane
4 work-hours × $80 per hour = $320	Not applicable	$320

We estimate the following costs to do any necessary replacements that would be required based on the results of the proposed inspections. We have no way of determining the number of airplanes that may need this replacement:

Labor cost	Parts cost	Total cost per airplane to replace all 4 wing lift struts
4 work-hours to replace all 4 struts × $80 per hour = $320.	Sealed front lift strut: $835 per strut. 2 per airplane = $1,670. Sealed aft lift strut: $638 per strut. 2 per airplane = $1,276.	$1,670 + $1,276 + $320 = $3,266.

Original design vented lift struts are no longer manufactured. We have no way of determining the cost associated with obtaining a useable vented strut.

The estimated total cost on U.S. operators includes the cumulative costs associated with AD 2007–16–14 and any actions being added in this proposed 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 have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

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

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

Examining the AD Docket

You may examine the AD docket that contains the proposed 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, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2007–16–14, Amendment 39–15153 (72 FR 45153, August 13, 2007), and by adding a new AD to read as follows:

Taylorcraft Aviation, LLC: Docket No. FAA–2007–0286; Directorate Identifier 2007–CE–086–AD.

Comments Due Date

(a) We must receive comments on this airworthiness directive (AD) action by January 9, 2008.

Affected ADs

(b) This AD supersedes AD 2007–16–14, Amendment 39–15153.

Applicability

(c) This AD applies to all serial numbers of Taylorcraft Models A, BC, BCS, BC–65, BCS–65, BC12–65 (Army L–2H), BCS12–65, BC12–D, BCS12–D, BC12–D1, BCS12–D1, BC12D–85, BCS12D–85, BC12D–4–85, BCS12D–4–85, (Army L–2G) BF, BFS, BF–60, BFS–60, BF–65, (Army L–2K) BF 12–65, BFS–65, BL, BLS, (Army L–2F) BL–65, BLS–65, (Army L–2J) BL12–65, BLS12–65, 19, F19, F21, F21A, F21B, F22, F22A, F22B, and F22C airplanes that:

(1) Are certificated in any category; and

(2) Do not incorporate sealed wing front lift struts, part number (P/N) MA–A815, Univair P/N UA–A815 (for Models BC12–D/D1 and BCS12–D/D1 only), or FAA-approved equivalent P/N, and sealed aft lift struts, P/N MA–A854, Univair P/N UA–854 (for Models BC12–D/D1 and BCS12–D/D1 only), or FAA-approved equivalent P/N, for all struts.

Note 1: This AD applies to all Taylorcraft models listed above, including those models not listed in Taylorcraft Aviation, LLC Service Bulletin No. 2007–001, Revision B, dated October 15, 2007. If there are any other differences between this AD and the above service bulletin, this AD takes precedence.

Note 2: For the purposes of this AD, a used strut that has been inspected using the ultrasound or radiograph inspection method, meets the Acceptance/Rejection Criteria specified in Taylorcraft Aviation, LLC Service Bulletin No. 2007–001, Revision B, dated October 15, 2007, and is treated with internal corrosion protection, is considered a new strut.

Unsafe Condition

(d) This AD results from our determination that the radiograph inspection method should be used in place of the eddy current inspection method currently required in AD 2007–16–14. We are issuing this AD to detect and correct corrosion or cracks in the right and left wing front and aft lift struts, which could result in failure of the lift strut and lead to in-flight separation of the wing with consequent loss of control.

Compliance

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

Actions	Compliance	Procedures
(1) Visually inspect the right and left wing front and aft lift struts, (P/N A–A815 and P/N A–A854, or FAA-approved equivalent P/Ns), along the entire bottom 12 inches of each strut for cracks and corrosion.	Within the next 5 hours TIS after August 20, 2007 (the effective date of AD 2007–16–14), unless one of the following conditions is met: (i) The struts have been replaced with parts specified in paragraph (e)(2)(i) of this AD. No further action is required on those struts. (ii) The struts have been replaced with parts specified in paragraph (e)(2)(ii) of this AD and have been installed for less than 48 months. No visual inspection is required. These parts are now subject to the repetitive inspection requirement specified in paragraph (e)(4) of this AD.	Follow Part 1 of the Instructions in Taylorcraft Aviation, LLC Service Bulletin No. 2007–001, Revision A, dated August 1, 2007; or Taylorcraft Aviation, LLC Service Bulletin No. 2007–001, Revision B, dated October 15, 2007.
(2) If any cracks are found during the visual inspection required in paragraph (e)(1) of this AD, replace the cracked strut with the following applicable strut: (i) A sealed front lift strut, P/N MA–A815, Univair P/N UA–A815 (for Models BC12–D/D1 and BCS12–D/D1 only), or FAA-approved equivalent P/N, a sealed aft lift strut, P/N MA–A854, Univair P/N UA–854 (for Models BC12–D/D1 and BCS12–D/D1 only), or FAA-approved equivalent P/N. Installing these lift struts terminates the repetitive inspections required by this AD for that strut and no further action is required.	Before further flight after the visual inspection required in paragraph (e)(1) of this AD.	Following the Instructions in Taylorcraft Aviation, LLC Service Bulletin No. 2007–001, Revision B, dated October 15, 2007.

Actions	Compliance	Procedures
(ii) A new vented front lift strut, P/N A–A815, a new vented aft lift strut, P/N A–A854, or FAA-approved equivalent P/Ns, that is treated with internal corrosion protection specified in Taylorcraft Aviation, LLC Service Bulletin No. 2007–001, Revision B, dated October 15, 2007. Installing one of these lift struts is subject to the repetitive inspections required in paragraph (e)(4) of this AD.		
(3) If corrosion is found during the inspection required in paragraph (e)(1) of this AD, do an ultrasound or radiograph inspection to determine if the corrosion exceeds the Acceptance/Rejection Criteria specified in Taylorcraft Aviation, LLC Service Bulletin No. 2007–001, Revision B, dated October 15, 2007.	Before further flight after the visual inspection required in paragraph (e)(1) of this AD.	Follow Part 2 of the Instructions in Taylorcraft Aviation, LLC Service Bulletin No. 2007–001, Revision B, dated October 15, 2007. All ultrasound or radiograph inspections required by this AD must be done by one of the following: (i) A Level II or III inspector certified in the applicable ultrasound or radiograph inspection method using the guidelines established by the American Society of Nondestructive Testing or NAS 410 (formerly MIL–STD–410); (ii) An inspector certified to specific FAA or other acceptable government or industry standards, such as Air Transport Association (ATA) Specifications 105–Guidelines for Training and Qualifying Personnel in Nondestructive Testing Methods; or (iii) An FAA Repair Station or a Testing/Inspection Laboratory qualified to do ultrasound or radiograph inspections.
(4) If no corrosion or cracks are found during the visual inspection required in paragraph (e)(1) of this AD, or if the inspection required in paragraph (e)(3) reveals that the corrosion does not exceed the Acceptance/Rejection Criteria specified in Taylorcraft Aviation, LLC Service Bulletin No. 2007–001, Revision B, dated October 15, 2007, repetitively inspect thereafter using the ultrasound or radiograph inspection method and treat with internal corrosion protection until all struts are replaced with the sealed struts specified in paragraph (e)(2)(i) of this AD. If any cracks are found or corrosion is found that exceeds the Acceptance/Rejection Criteria specified in Taylorcraft Aviation, LLC Service Bulletin No. 2007–001, Revision B, dated October 15, 2007, during any of the repetitive inspections required by this AD, take the necessary corrective actions as applicable in paragraph (e)(5) of this AD.	(i) Initially inspect within the next 3 months after August 20, 2007 (the effective date of AD 2007–16–14) or within 48 months after installing a lift strut specified in paragraph (e)(2)(ii) of this AD, whichever occurs later. (ii) Repetitively inspect thereafter at intervals not to exceed 48 months, except as required by paragraph (e)(4)(iii) of this AD. (iii) If the initial inspection was done using the eddy current method as specified in AD 2007–16–14, the first ultrasound or radiograph repetitive inspection must be done within the next 24 months after doing the eddy current inspection. Repetitively inspect thereafter at intervals not to exceed 48 months using the ultrasound or radiograph inspection method.	Follow Part 2 of the Instructions in Taylorcraft Aviation, LLC Service Bulletin No. 2007–001, Revision B, dated October 15, 2007, using the ultrasound or radiograph inspection method.
(5) If, during any inspection required in paragraphs (e)(3) or (e)(4) of this AD, any cracks are found or it is determined that the corrosion exceeds the Acceptance/Rejection Criteria specified in Taylorcraft Aviation, LLC Service Bulletin No. 2007–001, Revision B, dated October 15, 2007, replace the lift strut with the applicable lift strut specified in paragraph (e)(2)(i) or (e)(2)(ii) of this AD.	Before further flight after the inspection required in paragraph (e)(3) or (e)(4) of this AD.	Following the Instructions in Taylorcraft Aviation, LLC Service Bulletin No. 2007–001, Revision B, dated October 15, 2007.
(6) Do not install P/N A–A815, P/N A–A854, or FAA-approved equivalent P/N, unless: (i) within the last 48 months it has been inspected using the ultrasound or radiograph method; (ii) meets the Acceptance/Rejection Criteria; and (iii) is treated with internal corrosion protection as specified in Taylorcraft Aviation, LLC Service Bulletin No. 2007–001, Revision B, dated October 15, 2007.	As of 5 hours TIS after the effective date of this AD.	Not applicable.

Actions	Compliance	Procedures
(7) As a terminating action for the repetitive inspections required by this AD, all vented lift struts (P/Ns A–A815, A–A854, and FAA-approved equivalent P/Ns) may be replaced with sealed lift struts (P/Ns MA–A815, UA–A815 (for Models BC12–D/D1 and BCS12–D/D1 only), MA–A854, UA–854 (for Models BC12–D/D1 and BCS12–D/D1 only), or FAA-approved equivalent P/Ns).	At any time after the effective date of this AD	Not applicable.

Alternative Methods of Compliance (AMOCs)

(f) The Manager, Fort Worth Airplane Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Andrew McAnaul, Aerospace Engineer, ASW–150 (c/o MIDO–43), 10100 Reunion Place, Suite 650, San Antonio, Texas 78216; telephone: (210) 308–3365; fax: (210) 308–3370. 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.

(g) AMOCs approved for AD 2007–16–14 are approved for this AD.

Related Information

(h) To get copies of the service information referenced in this AD, contact Taylorcraft Aviation, LLC, 2124 North Central Avenue, Brownsville, Texas 78521; telephone: 956–986–0700. To view the AD docket, go to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, or on the Internet at *http://www.regulations.gov*.

Issued in Kansas City, Missouri, on December 3, 2007.

John R. Colomy,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–23860 Filed 12–7–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–0298; Directorate Identifier 2007–NM–238–AD]

RIN 2120–AA64

Airworthiness Directives; Saab Model SAAB SF340A and Model SAAB 340B Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

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

> Subsequent to accidents involving Fuel Tank System explosions in flight * * * and on ground, the FAA has published Special Federal Aviation Regulation 88 (SFAR88) * * * [which] required * * * [conducting] a design review against explosion risks.

The unsafe condition is the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane. The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

DATES: We must receive comments on this proposed AD by January 9, 2008.

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

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

Examining the AD Docket

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2007–0298; Directorate Identifier 2007–NM–238–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2007–0168, dated June 15, 2007 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> Subsequent to accidents involving Fuel Tank System explosions in flight * * * and on ground, the FAA has published Special Federal Aviation Regulation 88 (SFAR88) in June 2001.
>
> In their Letters referenced 04/00/02/07/01–L296 dated March 4, 2002 and 04/00/02/07/03–L024, dated February 3, 2003, the JAA recommended the application of a similar regulation to the National Aviation Authorities (NAA).

Under this regulation, all holders of type certificates for passenger transport aircraft with either a passenger capacity of 30 or more, or a payload capacity of 7,500 pounds (3402 kg) or more, which have received their certification since January 1, 1958, are required to conduct a design review against explosion risks.

This Airworthiness Directive (AD), which renders mandatory the modification [2762] of improving the sealing of Fuel Access Doors, is a consequence of the design review.

The unsafe condition is the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane. Modification 2762 includes removing the fuel tank access doors and the old type of clamp rings and gaskets, installing new, improved clamp rings and re-installing the fuel tank access doors, and doing related investigative and applicable corrective actions. Related investigative and applicable corrective actions include inspecting for corrosion of the wing skin panel, access door areas, and access doors; removing any corrosion found during the inspection; and replacing the access door protection plate with a new protection plate. Corrosion removal also includes inspecting the doubler flange and contacting Saab and doing repairs if the doubler flange thickness does not meet minimum specifications. Additional corrective actions include replacing conductive foil on the access door with an aluminum panel. You may obtain further information by examining the MCAI in the AD docket.

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

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

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

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

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

Relevant Service Information

Saab has issued Service Bulletin 340–57–031, Revision 02, dated September 28, 2005; and Service Bulletin 340–57–010, dated March 28, 1989. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

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

Differences Between This AD and the MCAI or Service Information

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

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

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 168 products of U.S. registry. We also estimate that it would take about 20 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $80 per work-hour. Required parts would cost about $417 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these costs. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be about $338,856, or about $2,017 per product.

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations

for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Saab Aircraft AB: Docket No. FAA–2007–0298; Directorate Identifier 2007–NM–238–AD.

Comments Due Date

(a) We must receive comments by January 9, 2008.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Saab Model SAAB SF340A and Model SAAB 340B airplanes, certificated in any category, serial numbers 004 through 401.

Subject

(d) Air Transport Association (ATA) of America Code 57: Wings.

Reason

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

Subsequent to accidents involving Fuel Tank System explosions in flight * * * and on ground, the FAA has published Special Federal Aviation Regulation 88 (SFAR88) in June 2001.

In their Letters referenced 04/00/02/07/01–L296 dated March 4, 2002 and 04/00/02/07/03–L024, dated February 3, 2003, the JAA recommended the application of a similar regulation to the National Aviation Authorities (NAA).

Under this regulation, all holders of type certificates for passenger transport aircraft with either a passenger capacity of 30 or more, or a payload capacity of 7,500 pounds (3402 kg) or more, which have received their certification since January 1, 1958, are required to conduct a design review against explosion risks.

This Airworthiness Directive (AD), which renders mandatory the modification [2762] of improving the sealing of Fuel Access Doors, is a consequence of the design review.

The unsafe condition is the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane. Modification 2762 includes removing the fuel tank access doors and the old type of clamp rings and gaskets, installing new, improved clamp rings and re-installing the fuel tank access doors, and doing related investigative and applicable corrective actions. Related investigative and applicable corrective actions include inspecting for corrosion of the wing skin panel, access door areas, and access doors; removing any corrosion found during the inspection; and replacing the access door protection plate with a new protection plate. Corrosion removal also includes inspecting the doubler flange and contacting Saab and doing repairs if the doubler flange thickness does not meet minimum specifications. Additional corrective actions include replacing conductive foil on the access door with an aluminum panel.

Actions and Compliance

(f) Within 72 months after the effective date of this AD, unless already done, do the actions described in paragraphs (f)(1) and (f)(2) of this AD.

(1) Do modification 2762 and all related investigative actions and applicable corrective actions, in accordance with the Accomplishment Instructions of Saab Service Bulletin 340–57–031, Revision 02, dated September 28, 2005. Do all applicable related investigative and corrective actions before further flight. Actions done before the effective date of this AD in accordance with the Accomplishment Instructions of Service Bulletin 340–57–031, dated September 4, 1996; or Revision 01, dated June 28, 1999; are considered acceptable for compliance with the requirements of this paragraph.

(2) For airplanes identified in Saab Service Bulletin 340–57–010, dated March 28, 1989, do the additional corrective actions described in and in accordance with the Accomplishment Instructions of that service bulletin.

FAA AD Differences

Note 1: This AD differs from the MCAI and/or service information as follows: The MCAI does not require doing the actions of Saab Service Bulletin 340–57–010, which is specified in Saab Service Bulletin 340–57–031, Revision 02, as the appropriate source of service information for doing additional corrective actions for certain airplanes to completely address the unsafe condition. This AD requires accomplishing the additional corrective actions described in Service Bulletin 340–57–010 for certain airplanes.

Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Shahram Daneshmandi, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1112; fax (425) 227–1149. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

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

Related Information

(h) Refer to MCAI EASA Airworthiness Directive 2007–0168, dated June 15, 2007; Saab Service Bulletin 340–57–031, Revision 02, dated September 28, 2005; and Saab Service Bulletin 340–57–010, dated March 28, 1989; for related information.

Issued in Renton, Washington, on November 30, 2007.

Stephen P. Boyd,

Assistant Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–23870 Filed 12–7–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2007–29058; Airspace Docket 07–ASO–21]

Proposed Amendment of Class D Airspace; Jacksonville Whitehouse NOLF, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Class D airspace at Jacksonville Whitehouse Naval Out Lying Field (NOLF), FL. As a result of an evaluation, it has been determined the Class D airspace should be reduced at Jacksonville NOLF.

DATES: Comments must be received on or before January 24, 2008.

ADDRESSES: Send comments on this proposal to the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, 1200 New Jersey Ave., SE., West Building, Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1–800–647–5527. You must identify the docket number FAA–2007–29058/ Airspace Docket No. 07–ASO–21, at the beginning of your comments. You may also submit comments on the Internet at *http://www.regulations.gov.* 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 Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Avenue, College Park, Georgia 30337.

FOR FURTHER INFORMATION CONTACT: Melinda Giddens, System Support, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5610.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2007–29058/Airspace Docket No. 07–ASO–21.'' The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. 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*. Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to amend Class D airspace at Jacksonville Whitehouse NOLF, FL. The current Class D airspace supports the Airport Surveillance Radar (ASR) Standard Instrument Approach Procedure (SIAP) at Jacksonville Whitehouse NOLF. This proposed action would reduce the Class D airspace area and contain the SIAP. Class D airspace designations are published in Paragraph 5000 of FAA Order 7400.9R, dated August 15, 2007, and effective September 15, 2007, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designations listed in this document would be published subsequently in the Order.

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

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States code. Subtitle 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 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 has been determined the Class D airspace should be reduced at Jacksonville NOLF.

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 Federal Aviation Administration Order 7400–9R, Airspace Designations and Reporting Points, dated August 15, 2007, and

effective September 15, 2007, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ASO FL D Jacksonville Whitehouse NOLF, FL [Revised]

Jacksonville Whitehouse NOLF, FL
(Lat. 30°21′01″ N, long. 81°52′59″ W)
Herlong Airport
(Lat. 30°16′40″ N, long. 81°48′21″ W)

That airspace extending upward from the surface, to and including 2,600 feet MSL, within a 4.3-mile radius of Whitehouse NOLF; excluding that airspace within the Jacksonville Cecil Field Class D airspace area and that airspace within a 1.8-mile radius of Herlong Airport. This Class D airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in College Park, Georgia, on November 9, 2007.

Barry A. Knight,

Acting Manager, System Support Group, Eastern Service Center.

[FR Doc. 07–5983 Filed 12–7–07; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2007–29057; Airspace Docket 07–ASO–20]

Proposed Amendment of Class D Airspace; Jacksonville NAS, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Class D airspace at Jacksonville Naval Air Station (NAS), FL. As a result of an evaluation, it has been determined the Class D airspace should be extended to join the Jacksonville Cecil Field Class D airspace area. Additional controlled airspace is necessary for the safety and management of Instrument Flight Rules (IFR) operations at Jacksonville NAS.

DATES: Comments must be received on or before January 24, 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; telephone: 1–800–647–5527. You must identify the docket number FAA–2007–29057/Airspace Docket No. 07–ASO–20, at the beginning of your comments. You may also submit comments on the Internet at *http://www.regulations.gov.* 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 Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Avenue, College Park, Georgia 30337.

FOR FURTHER INFORMATION CONTACT: Melinda Giddens, System Support, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5610.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2007–29057/Airspace Docket No. 07–ASO–20.'' The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. 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.* Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking, (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to amend Class D airspace at Jacksonville NAS, FL. The current Class D airspace supporting IFR operations must be extended to contain operations at Jacksonville NAS. This proposed action would provide the additional controlled airspace, extending upward from the surface to support IFR operations between Jacksonville NAS and Jacksonville Cecil Field. Class D airspace designations are published in Paragraph 5000 of FAA Order 7400.9R, dated August 15, 2007, and effective September 15, 2007, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designation listed in this document would be published subsequently in the Order.

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

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle 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 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 has been determined the Class D airspace at Jacksonville Naval Air Station (NAS), FL should be extended to join the Jacksonville Cecil Field Class D airspace area.

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 Federal Aviation Administration Order 7400.9R, Airspace Designations and Reporting Points, dated August 15, 2007, and effective September 15, 2007, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ASO FL D Jacksonville NAS, FL [Revised]

Jacksonville NAS, FL
(Lat. 30°14′09″ N, long. 81°40′50″ W)
Jacksonville TACAN
(Lat. 30°14′05″ N, long. 81°40′30″ W)

That airspace extending upward from the surface, to and including 2,600 feet MSL, within a 5.3-mile radius of Jacksonville NAS and within 1 mile north and 2.5 miles south of the Jacksonville TACAN 270° radial, extending from the 5.3-mile radius to 6.5 miles west of the TACAN; excluding that airspace within the Jacksonville Cecil Field Class D airspace area. This Class D airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in College Park, Georgia, on November 9, 2007.

Barry A. Knight,

Acting Manager, System Support Group, Eastern Service Center.

[FR Doc. 07–5985 Filed 12–7–07; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2207–29055; Airspace Docket 07–ASO–19]

Proposed Amendment of Class D and E Airspace; Jacksonville Cecil Field, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Class D airspace and establish E4 airspace at Jacksonville Cecil Field, FL. As a result of an evaluation, it has been determined the Class D airspace should be reduced and Class E4 airspace should be established for Jacksonville Cecil Field F Airport. Additional controlled airspace is necessary for the safety and management of Instrument Flight rules (IFR) operations at Jacksonville Cecil Field Airport.

DATES: Comments must be received on or before January 24, 2008.

ADDRESSES: Send comments on this proposal to the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, 1200 New Jersey Ave., SE., West Building, Ground Floor, Room W12–140, Washington, DC 20590; telephone 1–800–647–5527. You must identify the docket number FAA–2007–29055/Airspace Docket No. 07–ASO–19, at the beginning of your comments. You may also submit comments on the Internet at *http://www.regulations.gov*. 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 Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Avenue, College Park, Georgia 30337.

FOR FURTHER INFORMATION CONTACT: Melinda Giddens, System Support, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5610.

SUPPLEMENTARY INFORMATION:

Comment Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenter wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2007–29055/Airspace Docket No. 07–ASO–19.'' The postcard will be date/time stamped and returned to the commenters. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. 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*. Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to amend Class D and establish Class E airspace at Jacksonville Cecil Field, FL. The current Class D airspace supporting IFR

operations can be reduced and E4 airspace established to contain operations at Jacksonville Cecil Field Airport. This proposed action would provide the additional controlled airspace, extending upward from the surface to support the VHF Omnidirectional Range (VOR) Runway (RWY) 9 Standard Instrument Approach Procedure (SIAP) at Jacksonville Cecil Field. Class D and E4 airspace designations for airspace areas extending upward from the surface of the earth are published in Paragraphs 5000 and 6000 of FAA Order 7400.9R, dated August 15, 2007, and effective September 15, 2007, which is incorporated by reference in 14 CFR 71.1. The Class D and E4 airspace designations listed in this document would be published subsequently in the Order.

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

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle 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 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 Class E4 airspace at Cecil Field in Jacksonville, FL.

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 Federal Aviation Administration Order 7400.9R, Airspace Designations and Reporting Points, dated August 15, 2007, and effective September 15, 2007, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ASO FL D Jacksonville Cecil Field, FL [Revised]

Cecil Field, FL

(Lat. 30°13′07″ N, long. 81°52′36″ W)

Herlong Airport

(Lat. 30°16′40″ N, long. 81°48′21″ W)

That airspace extending upward from the surface, to and including 2,600 feet MSL, within a 4.3-mile radius of Cecil Field; excluding that airspace within the Jacksonville NAS Class D airspace area and that airspace within the Jacksonville Whitehouse Class D airspace area and that airspace within a 1.8-mile radius of Herlong Airport. This Class D airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

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

* * * * *

ASO FL E4 Jacksonville Cecil Field, FL [NEW]

Cecil Field, FL

(Lat. 30°13′07″ N, long. 81°52′36″ W)

Cecil VOR

(Lat. 30°12′47″ N, long. 81°53′27″ W)

That airspace extending upward from the surface, to and including 1,900 feet MSL, within 2.4 miles each side of the Cecil VOR 286° radial extending from the 4.3-mile radius to 7 miles west of the VOR. This Class E airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in College Park, Georgia, on November 9, 2007.

Barry A. Knight,

Acting Manager, System Support Group, Eastern Service Center.

[FR Doc. 07–5984 Filed 12–7–07; 8:45 am]

BILLING CODE 4910–13–M

Notices

Federal Register

Vol. 72, No. 236

Monday, December 10, 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

Animal and Plant Health Inspection Service

[Docket No. APHIS–2007–0137]

Notice of Request for Approval of an Information Collection; Phytophthora Ramorum Surveys and Data Collection Form

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request approval of new information collection activities associated with a program to prevent the spread of *Phytophthora ramorum* to noninfested areas of the United States.

DATES: We will consider all comments that we receive on or before February 8, 2008.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov,* select ''Animal and Plant Health Inspection Service'' from the agency drop-down menu, then click ''Submit.'' In the Docket ID column, select APHIS–2007–0137 to submit or view public comments and to view supporting and related materials available electronically. Information on using Regulations.gov, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's ''User Tips'' link.
- *Postal Mail/Commercial Delivery:* Please send four copies of your comment (an original and three copies) to Docket No. APHIS–2007–0137, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS–2007–0137.

Reading Room: You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

Other Information: Additional information about APHIS and its programs is available on the Internet at *http://www.aphis.usda.gov.*

FOR FURTHER INFORMATION CONTACT: For information on the *Phytophthora ramorum* program, contact Mr. Jonathan Jones, National *Phytophthora ramorum* Program Manager, Pest Detection and Management Programs, PPQ, APHIS, 4700 River Road Unit 160, Riverdale, MD 20737; (301) 734–8247. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734–7477.

SUPPLEMENTARY INFORMATION:

Title: Phytophthora ramorum Surveys and Data Collection Form.

OMB Number: 0579–xxxx.

Type of Request: Approval of an information collection.

Abstract: As authorized by the Plant Protection Act (PPA) (7 U.S.C. 7701 *et seq.*), the Secretary of Agriculture may prohibit or restrict the importation, entry, exportation, or movement in interstate commerce of any plant, plant product, biological control organism, noxious weed, means of conveyance, or other article if the Secretary determines that the prohibition or restriction is necessary to prevent a plant pest or noxious weed from being introduced into or disseminated within the United States. This authority has been delegated to the Animal and Plant Health Inspection Service (APHIS), which conducts various regulatory programs under the PPA.

One such program concerns a plant disease known as sudden oak death (SOD), ramorum leaf blight or ramorum dieback, which is caused by the pathogen *Phytophthora ramorum.* Beginning in 1995, oak and tanoak plants in coastal counties of California were found to be dying from this disease. Since then, other types of plants also have been found to be infected or associated with this disease, and the pathogen has been confirmed in additional areas.

APHIS continues to define the extent of the pathogen's distribution in the United States and to limit its artificial spread beyond infected areas through quarantine and regulations and a public education program. As part of these efforts, APHIS has developed questionnaires for property owners or managers at sites where infected plants are found and where we are surveying for the presence of possible infected plants. The questionnaires are intended to gather information that will help determine the possible sources of infection. APHIS has also developed a data collection form that will be used to record information about locations found to have infected plants. This data will assist the Agency in determining how the pathogen is spreading.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning this information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the information collection, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the information collection on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies, e.g., permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.25 hours per response.

Respondents: Property owners or managers at sites where infected plants are found.

Estimated annual number of respondents: 166.

Estimated annual number of responses per respondent: 18.

Estimated annual number of responses: 2,922.

Estimated total annual burden on respondents: 733 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 4th day of December 2007.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E7–23881 Filed 12–7–07; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Locatable Minerals

AGENCY: Forest Service, USDA.

ACTION: Notice; Request for Comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on the extension of a currently approved information collection, Locatable Minerals.

DATES: Comments must be received in writing on or before February 8, 2008 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Comments concerning this notice should be addressed to Forest Service, U.S. Department of Agriculture, Director, Minerals and Geology Management Staff, Mail Stop 1126, 1601 N. Kent Street, 5th Floor, Arlington, VA 22209.

Comments also may be submitted via facsimile to 703–605–1575 or by e-mail to: *36cfr228a@fs.fed.us*.

The public may inspect comments received at the Office of the Director, Forest Service Minerals and Geology Management Staff, 1601 N. Kent Street, 5th Floor, Arlington, VA during normal business hours. Visitors are encouraged to call ahead to 703–605–4794 to facilitate entry to the building.

FOR FURTHER INFORMATION CONTACT: Tony Ferguson, Director, Minerals and Geology Management, at 703–605–4785. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339, 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

Title: Locatable Minerals.

OMB Number: 0596–0022.

Expiration Date of Approval: June 30, 2008.

Type of Request: Extension of a currently approved collection.

Abstract: This collection of information is necessary to ensure minimal environmental impacts associated with locatable mineral operations on National Forest System (NFS) lands to the extent practicable. Forest Service regulations at 36 CFR 228.5 require mining operators, with some exceptions, to notify the authorized Forest Service officer of the intent to conduct a locatable mineral operation on NFS lands by filing a Notice of Intent or Plan of Operations. Title 36 CFR 228.10 requires mining operators to submit a Cessation of Operation when mining operations temporarily cease for other than seasonal closure.

There is not a required format for the information collection, but all information identified in 36 CFR part 228 must be included. Form FS–2800–5, Plan of Operations for Mining Activities on National Forest System Lands, is available for use by mining operators to simplify this process.

The information required in a Plan of Operations, detailed in 36 CFR 228.4(c), (d), and (e), includes:

1. The name and legal mailing address of operators (and claimants if they are not the same) and their lessees, assigns, or designees;

2. A map or sketch showing information sufficient to locate:

a. The proposed area of operations on the ground,

b. Existing and/or proposed roads or access routes to be used in connection with the operation as set forth in 36 CFR 228.12 on access, and

c. The approximate location and size of areas where surface resources will be disturbed;

3. Information sufficient to describe:

a. The type of operations proposed and how they would be conducted,

b. The type and standard of existing and proposed roads or access routes,

c. The means of transportation used or to be used as set forth in 36 CFR 228.12,

d. The period during which the proposed activity will take place, and

e. Measures to be taken to meet the requirements for environmental protection in 36 CFR 228.8.

A Notice of Intent is required, as detailed in 36 CFR 228.4(a)(2), to include information sufficient to identify the area involved, the nature of the proposed operation, the route of access to the area of operations, and the method of transport.

A Cessation of Operations is required, as detailed in 36 CFR 228.10, to include verification of intent to maintain structures, equipment, and other facilities, expected reopening date, and an estimate of extended durations of operations.

These collections of information are crucial to protecting surface resources, including plants, animals, and their habitat, as well as public safety on NFS lands. The authorized Forest Service official will use the collected information to ensure that the exploration, development, and production of mineral resources are conducted in an environmentally sensitive manner; that these mineral operations are integrated with the planning and management of other resources using the principles of ecosystem management; and that lands disturbed by mineral operations are reclaimed using the best scientific knowledge and returned to other productive uses. Without this information, the Forest Service would not comply with Federal Regulations and locatable mineral operations could result in undue damage to surface resources.

Estimate of Annual Burden: 12 hours (10 hours—Plans of Operation; 1 hour—Notice of Intent; 1 hour—Cessation of Operations).

Type of Respondents: Mining operators.

Estimated Annual Number of Respondents: 3,255 (750—Plans of Operations; 2,500—Notices of Intent; 5—Cessation of Operations).

Estimated Annual Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 10,005 hours (10 hours × 750 Plans of Operations = 7,500; 1 hour × 2,500 Notices of Intent = 2,500; 1 hour × 5 Cessation of Operations = 5; 7,500 + 2,500 + 5 = 10,005).

Comment is invited on: (1) Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the Agency, including whether the information will have practical or scientific utility; (2) the accuracy of the Agency's estimate of the burden of the collection of information, including the validity of the methodology and

assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the request for Office of Management and Budget approval.

Dated: November 26, 2007.

Gloria Manning,

Associate Deputy Chief, National Forest System.

[FR Doc. E7–23834 Filed 12–7–07; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Small Business Timber Sale Set-Aside Program; Appeal Procedures on Recomputation of Shares

AGENCY: Forest Service, USDA.

ACTION: Notice; Request for Comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on the extension of a currently approved information collection, Small Business Timber Sale Set-Aside Program: Appeal Procedures on Recomputation of Shares.

DATES: Comments must be received in writing on or before February 8, 2008 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Comments concerning this notice should be addressed to Sharon Nygaard-Scott, Forest Management Staff, Forest Service, USDA, Mail Stop 1103, 1400 Independence Avenue, SW., Washington, DC 20250.

Comments also may be submitted via facsimile to 202–205–1045 or by e-mail to: *wosbaprocess@fs.fed.us.* In addition, comments may be submitted via the World Wide Web/Internet at: *http://www.regulations.gov.*

The public may inspect comments received at the Forest Service, Forest Management Staff Office, Third Floor SW, 201 14th Street, SW., Washington, DC, during normal business hours. Visitors are encouraged to call ahead to 202–205–1766 to facilitate entrance into the building.

FOR FURTHER INFORMATION CONTACT: Sharon Nygaard Scott, Forest Management Staff, at 202–205–1766. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339, 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

Title: Small Business Timber Sale Set-Aside Program; Appeal Procedures on Recomputation of Shares

OMB Number: 0596–0141

Expiration Date of Approval: July 31, 2008

Type of Request: Extension of a currently approved collection

Abstract: The Forest Service adopted the Small Business Timber Sale Set-Aside Program on July 26, 1990 (55 FR 30485). The Agency administers the program in cooperation with the Small Business Administration (SBA) under the authorities of the Small Business Act of 1998, the National Forest Management Act of 1976, and SBA regulations in 13 CFR part 121. The program is designed to ensure that small business timber purchasers have the opportunity to purchase a fair proportion of National Forest System timber offered for sale.

Under the program, the Forest Service must recompute the shares of timber sales to be set aside for qualifying small businesses every 5 years based on the actual volume of saw timber that has been purchased by small businesses. Shares must be recomputed if there is a change in manufacturing capability, if the purchaser size class changes, or if certain purchasers discontinue operations.

In 1992, the Agency adopted new administrative appeal procedures (36 CFR part 215), which excluded the Small Business Timber Sale Set-Aside Program. Prior to adoption of 36 CFR part 215, the Agency had accepted appeals of recomputations decisions under 36 CFR part 217; and therefore decided to establish procedures for providing notice to affected purchasers offering an opportunity to comment on the recomputation of shares (61 FR 7468). The Conference Report accompanying the 1997 Omnibus Appropriation Act directed the Forest Service to reinstate an appeals process for decisions concerning recomputation of Small Business Set-Aside shares, structural recomputations of SBA shares, or changes in policies impacting the Small Business Timber Set-Aside Program prior to December 31, 1996. The Small Business Timber Sale Set-Aside Program; Appeal Procedures on Recomputation of Shares (36 CFR part 223) outlines the types of decisions that are subject to appeal, who may appeal decisions, the procedures for appeal decisions, the timelines for appeal, and the contents of the notice of appeal.

The Forest Service provides qualifying timber sale purchasers 30 days for predecisional review and comment on draft decisions to reallocate shares, including the data used in making the proposed recomputation decision. Within 15 days after the close of the 30-day predecisional review period, an Agency official makes a decision on the shares to be set aside for small businesses and gives written notice of the decision to all parties on the national forest timber sale bidders list for the affected area. The written notice provides the date by which the appeal may be filed and how to obtain information on appeal procedures.

Only those timber sale purchasers, or their representatives, affected by small business share timber sale set-aside recomputation decisions who have submitted predecisional comments may appeal recomputation decisions. The appellant must file a notice of appeal with the appropriate Forest Service official within 20 days of the date of the notice of decision. The notice of appeal must include:

1. The appellant's name, mailing address, and day-time telephone number;
2. The title and date of the decision;
3. The name of the responsible Forest Service official;
4. A brief description and date of the decision being appealed;
5. A statement of how the appellant is adversely affected by the decision being appealed;
6. A statement of facts in dispute regarding the issue(s) raised by the appeal;
7. Specific references to law, regulation, or policy that the appellant believes have been violated (if any) and the basis for such an allegation;
8. A statement as to whether and how the appellant has tried to resolve the appeal issues with the appropriate Forest Service official, including evidence of submission of written comments at the predecisional stage; and
9. A statement of the relief the appellant seeks.

The data gathered in this information collection is not available from other sources.

Estimate of Annual Burden: 4 hours.

Type of Respondents: Timber sale purchasers, or their representatives,

who are affected by recomputations of the small business share of timber sales.

Estimated Annual Number of Respondents: 40.

Estimated Annual Number of Responses per Respondent: 2.

Estimated Total Annual Burden on Respondents: 320.

Comment is invited on: (1) Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the Agency, including whether the information will have practical or scientific utility; (2) the accuracy of the Agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the request for Office of Management and Budget approval.

Dated: November 27, 2007.

Gloria Manning,

Associate Deputy Chief, National Forest System.

[FR Doc. E7–23836 Filed 12–7–07; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Bridger-Teton National Forest, Wyoming, Supplemental Analysis To Consider Potential Field Development (Master Development Plan) Subsequent to Proposed Exploratory Drilling by Plains Exploration and Production Company (PXP) Within the South Rim Unit on the Big Piney Ranger District

AGENCY: Forest Service, USDA.

ACTION: Supplemental notice of intent to prepare an environmental impact statement.

SUMMARY: The Bridger-Teton National Forest prepared a Draft Environmental Impact Statement (DEIS) in response to a request from PXP to drill an exploratory well on the Big Piney Ranger District, along with two additional wells on the same drill pad should the initial well be productive. After release of the DEIS for the Eagle Prospect exploratory wells and in response to public comments and a request from PXP relative to cumulative effects, the Forest will expand the analysis to address a potential field development scenario or master Development Plan, as provided for in the newly revised Onshore Order No. 1. this constitutes a substantial change in the proposed action analyzed in the DEIS and therefore requires the Forest to revise the analysis and prepare a new DEIS.

DATES: Comments concerning the expanded scope of the analysis must be postmarked by February 7, 2008. Comments previously submitted as part of the original scoping or comments submitted on the Eagle Prospect DEIS released in February of 2007 need not be re-submitted. The new DEIS is expected in May of 2008 and the Final Environmental Impact Statement (FEIS) is expected in March of 2009.

ADDRESSES: Send written comments to Greg Clark, District Ranger, Big Piney Ranger District, P.O. Box 218, Big Piney, Wyoming 83113 (307–276–5810). Send electronic comments to: *comments-intermtn-bridger-teton@fs.fed.us,* Subject ''PXP Master Development Plan.''

FOR FURTHER INFORMATION CONTACT: Greg Clark, District Ranger, Big Piney Ranger District, P.O. Box 218, Big Piney, Wyoming 83113 (307–276–5810).

SUPPLEMENTARY INFORMATION: Plains Exploration and Production Company (PXP) submitted an Application for Permit to Drill (APD) for the Eagle 1–8 exploratory well and APDs for the Eagle 2–8 and 3–8 wells, which would be drilled from the same well pad. A DEIS for this project was released to the public in February 2007. Based on comments received and discussions with various agencies, PXP has decided to incorporate a Master Development Plan into their original exploratory proposal for the Eagle Prospect. The intent is to drill the originally proposed well and if successful, drill the Eagle 2–8 and 3–8 wells. The Master Development Plan provides a potential development scenario that could occur based on the results of the initial wells. Consideration of the Master Development Plan allows for analysis of potential cumulative effects early in the process. If subsequent development occurs, and occurs within the parameters of the approved Master Development Plan, further analysis will not be required. The Master Development Plan includes planned, anticipated, and potential development facilities which will be dependent on the results of the first wells drilled. Some or all of the Master Development Plan may never occur. If full implementation of the Master Development Plan occurs, including exploratory drilling and potential development scenario, the plan would potentially involve 136 wells being drilled from 17 well pads, construction of 15 miles of new non-system roads, and reconstruction or realignment of 14 miles of existing system roads on National Forest System (NFS) lands. About 400 acres of potential new surface disturbance from roads, well pads, gathering lines for gas and produced liquids buried immediately adjacent to roads, and other facilities would be anticipated. The total potential disturbance represents about one well pad per section and a 40-acre spacing for well bottomhole locations.

Purpose and Need for Action

The Forest Service has previously approved surface operating requirements in the form of lease stipulations and notices, and BLM has incorporated these provisions within oil and gas leases which authorize the exploration for and the development of federal oil and gas resources in this area. The purpose and need for action is to determine whether and how (with what conditions of approval) to approve the exploration and potential development identified in the Master Development Plan submitted by PXP for lease operations on the Big Piney District, Bridger-Teton National Forest. The Forest Service needs to make a decision regarding the Master Surface Use Plan of Operations and the BLM needs to make a decision regarding the overall Master Development Plan and associated APDs.

Proposed Action

The proposed action is for the Forest Service to approve, with appropriate mitigation, the Master Surface Use Plan of Operations portion of the Master Development Plan, including necessary access and related facilities associated with the exercise of PXP's lease rights, and for the BLM to approve, with appropriate conditions of approval, the Master Development Plan and associated APDs.

Possible Alternatives

The alternatives to be considered for the Master Development Plan will focus on parameters for development rather than specific orientation of the well pad or a surveyed access road location. Specific surveys and designs will be completed before approval of

subsequent APDs as part of implementation under the Master Development Plan. Three preliminary alternatives have been identified: (1) The no action alternative, (2) the proposed action—approval of PXP's Master Development Plan which includes three pending APDs and potential future development, and (3) the approval of the proposed Master Development Plan with modifications. As part of the project design, the Forest has worked closely with PXP in the development of a plan that included consideration of lease stipulations, Forest Plan standards and guidelines, and other resource needs. Components of the proposed project that did not meet those requirements were modified in the design stage. Access alternatives, including the use of helicopters instead of roads, will be fully explored as potential modifications to the Master Development Plan.

Lead and Cooperating Agencies

The Forest Service is the lead agency. The BLM and the State of Wyoming are cooperating agencies.

Responsible Official

The responsible Forest officer for the decision on the surface use portion of the Master Development Plan is Greg Clark, District Ranger, Big Piney Ranger District, P.O. Box 218, Big Piney, Wyoming 83113 (307–276–5810). The responsible BLM official for the final decision on the Master Development Plan and associated APDs, which will incorporate the Forest Service decision, is Robert A. Bennett, State Director, BLM—Wyoming State Office, P.O. Box 1828, Cheyenne, Wyoming 82009.

Nature of Decision To Be Made

The Forest Service decision will be whether to approve the Master Surface Use Plan of Operations submitted by PXP for the proposed exploration and potential development outlined in the Master Development Plan for the Eagle Prospect and Noble Basin areas. The Forest Service decision will specify appropriate mitigation, access requirements, gathering lines, other facilities, and design criteria that will be applied to project implementation. The BLM will review the Master Drilling Plan submitted by PXP and make a final decision on the Master Development Plan and associated APDs. Subsequent processing of APDs and related authorizations constitutes implementation of this decision so long as all authorizing actions are consistent with lease terms and within the scope and framework of the approved Master Development Plan.

Scoping Process

The first formal opportunity to respond to the proposed action listed above was during the original public scoping process (40 CFR 1501.7) for the Notice of Intent published in the **Federal Register** on January 11, 2006. A scoping notice was also published in the Casper Star Tribune on January 13, 2006. Scoping for a supplemental statement is not required (40 CFR 1502.9(c)(4), but due to the change in the scope of the analysis, the Forest is soliciting comments specific to the Master Development Plan and potential field development. Issues raised during the initial scoping period or the public comment period on the Eagle Prospect DEIS need not be re-submitted. Letters will be sent to the Forest mailing list of known interested parties. Public meetings in Jackson and Pinedale, Wyoming are anticipated during January of 2008. The time and place for any public meetings will be published in the local papers and posted on the Forest Web site. The scoping process will assist the Forest in identifying specific issues to be addressed related to the purpose and need and the scope of the decision. Mail comments to the addresses given above for further information. Ongoing information related to the proposed action and related analysis will be posted on the Bridger-Teton National Forest Web site *http://www.fs.fed.us/r4/btnf.*

Preliminary Issues

Preliminary issues associated with the proposed action include:

(1) The drilling and production of the proposed wells could impact air quality and air quality related values, with emphasis on cumulative effects due to extensive development in the Pinedale area.

(2) The development of a transportation system to support field development could adversely affect wildlife habitat, movements or migration routes in the area.

Permits or Licenses Required

If the decision is for the Forest Service to approve PXP's Surface Use Plan of Operations and the BLM to approve the Master Development Plan and associated APDs, subsequent APDs will be authorized through the approved Master Development Plan. (Onshore Order No. 1 Section III.H.)

Comment Requested

This notice of intent re-opens the scoping process which guides the development of the environmental impact statement. Comments submitted in response to the initial notice of intent need not be re-submitted and remain a part of the project record.

Early Notice of Importance of Public Participation in Subsequent Environmental Review: A new DEIS will be prepared for comment. The comment period on the DEIS will be for a period of 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register.**

The Forest Service begins, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of a DEIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the DEIS stage but that are not raised until after completion of the FEIS may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 F.2d 1016, 1022 (9th Cir 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45 day comment period on the DEIS so that substantive comments and objections are made available to the Forest Service at a time when the agency can meaningfully consider them and respond to them in the FEIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the DEIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the DEIS or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Comments received, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available for public inspection.

(Authority: 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, Section 21)

Dated: December 3, 2007.

Gregory Clark,

District Forest Ranger/Big Piney Ranger District.

[FR Doc. 07–5994 Filed 12–7–07; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: U.S.-Canada Albacore Treaty Reporting System.

Form Number(s): None.

OMB Approval Number: 0648–0492.

Type of Request: Regular submission.

Burden Hours: 158.

Number of Respondents: 100.

Average Hours Per Response: 5 minutes.

Needs and Uses: The National Marine Fisheries Service (NMFS), Southwest Region (SWR) manages the U.S.-Canada Albacore Tuna Treaty of 1981 (Treaty). Owners of vessels that fish from U.S. West Coast ports for albacore tuna will be required to notify NMFS, SWR of their desire to be on the list of vessels provided to Canada each year indicating vessels eligible to fish for albacore tuna in waters under the jurisdiction of Canada. Additionally, vessel operators are required to report in advance their intention to fish in Canadian waters prior to crossing the maritime border as well as to mark their fishing vessels to facilitate enforcement of the effort limits under the Treaty. Vessel operators are also required to maintain and submit a logbook of all catch and fishing effort. The regulations implementing the reporting and vessel marking requirements under the Treaty are at 50 CFR 300.172–300.176.

Affected Public: Business or other for-profit organizations.

Frequency: Annually and on occasion.

Respondent's Obligation: Mandatory.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395–7285, or *David_Rostker@omb.eop.gov*.

Dated: December 4, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7–23857 Filed 12–7–07; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Gear-Marking Requirements for the Harbor Porpoise Take Reduction Plan.

Form Number(s): None.

OMB Approval Number: 0648–0357.

Type of Request: Regular submission.

Burden Hours: 41.

Number of Respondents: 50.

Average Hours Per Response: 1 minute.

Needs and Uses: The federal regulations at 50 CFR 229.34 limit the number of nets that can be used in certain fisheries in the mid-Atlantic that appear to be most closely linked with accidental catch of harbor porpoises. Fishermen in these fisheries must obtain and attach numbered tags for their nets. Because the number of tags per vessel is capped, the tagging program helps to limit the number of nets in use and helps NOAA identify the number in use.

Affected Public: Business or other for-profit organizations.

Frequency: Every three years.

Respondent's Obligation: Mandatory.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395–7285, or *David_Rostker@omb.eop.gov*.

Dated: December 4, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7–23864 Filed 12–7–07; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Reporting of Sea Turtle Entanglements in Pot Gear Fisheries.

Form Number(s): None.

OMB Approval Number: 0648–0496.

Type of Request: Regular submission.

Burden Hours: 45.

Number of Respondents: 15.

Average Hours Per Response: 1 hour.

Needs and Uses: Sea turtles can become accidentally entangled in active or discarded fixed fishing gear. These entanglements may prevent the recovery of endangered and threatened sea turtle populations. The National Marine Fisheries Service (NMFS) established the Sea Turtle Disentanglement Network to promote reporting and increase successful disentanglement of sea turtles. As there is limited to no observer coverage of pot gear fisheries, NMFS relies on the U.S. Coast Guard, fishing industry, stranding network, federal, state, and local authorities, and the public for this information. The information provided will help NMFS better assess pot gear fisheries (lobster, whelk/conch, crab, fish trap) and their impacts on sea turtle populations in the northeast region (Maine to Virginia).

Affected Public: Not-for-profit institutions; business or other for-profit organizations; State, Local or Tribal Government.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and

Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395–7285, or *David_Rostker@omb.eop.gov*.

Dated: December 4, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7–23865 Filed 12–7–07; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: Government Employment Forms.

OMB Control Number: 0607–0452.

Form Number(s): E–1, E–2, E–3, E–4, E–5, E–6, E–7, E–9.

Type of Request: Extension of a currently approved collection.

Burden Hours: 14,733.

Number of Respondents: 18,160.

Average Hours Per Response: 49 minutes.

Needs and Uses: This information collection request covers the questionnaires needed to conduct the public employment program for the 2008 and 2009 Annual Survey of Government Employment.

The questionnaires for collecting the data are described below. There are eight survey forms used to collect data on government employment, pay, and hours. Since there are many different types and sizes of governments, each form is tailored to the unique characteristics of the type and size of government or government agency to be surveyed.

E–1 State agencies, excluding state colleges and universities

E–2 State colleges and universities

E–3 Dependent agencies of local governments, Single function special district governments

E–4 County governments, Municipal and township governments with populations of 1,000 or more

E–5 Municipalities and Townships (A shortened version of the E–4 form to be completed by Municipalities and Townships with a population of < 1,000)

E–6 Elementary and secondary school systems, Local government operated institutions of higher education

E–7 Multifunction dependent agencies and fire protection agencies, Multifunction special district governments

E–9 State police, County Sheriff departments

The type of employment and pay data collected by the public employment program in the 2008 and 2009 Annual Survey of Government Employment is identical to data collected in recent annual surveys of government employment. By state, the 2008 and 2009 Employment sample supports estimates of total local government employment and payrolls by type of government and government function.

Statistics compiled from data gathered using these forms are used in several important Federal government programs. Economists at the Bureau of Economic Analysis (BEA) use the statistics in two ways for developing the National Income and Product Accounts. First, the employment data are used in developing price deflators for the government sector components of the gross domestic product accounts. Secondly, the employment and payroll data are used in developing the government sector components for the national and sub-national personal income accounts and tables.

The regional BEA program uses the Census of governments and the Annual Survey of Government Employment to derive state-level estimates of the employment and wages and salaries of students and their spouses who are employed by public institutions of higher education in which the students are enrolled. There is no other national or state source for information on student workers at state institutions of higher education.

The Department of Housing and Urban Development (HUD) determines the allocation of operating subsidies to local housing authorities based on these survey data. The Bureau of Labor Statistics (BLS) used these data in its benchmarking procedures for state and local government components of the BLS monthly employment and earnings statistics.

The employment data are used for two other data collection efforts currently conducted by the Census Bureau. The Medical Expenditures Panel Survey (MEPS) collects data for the Department of Health and Human Services (HHS) on health plans offered to state and local government employees. The MEPS sample of public employees is drawn from the Census of Governments Employment file. The Criminal Justice Employment and Expenditure Survey (CJEE) uses employment data to provide employee and payroll statistics on police protection and correctional activities.

State and local government officials use these data to analyze and assess individual government labor force and wage levels. Both management and labor consult these data during wage and salary negotiations.

Public interest groups of many types produce analyses of public sector activities using these data. User organizations representing state and local government include the Council of State Governments, National Conference of State Legislatures, Government Research Association, Conference of Mayors, National Association of Counties, National League of Cities, and the International City/County Management Association. A third category, having a more specific focus on government activities, includes organizations such as the Tax Foundation, Michigan Taxpayers Association, National Sheriffs Association, and the Government Research Association.

A variety of other organizations and individuals make use of these data. Notable research organizations include the American Enterprise Institute, The Brookings Institution, the Rand Corporation, the Cato Institute, the Hudson Institute, and the Rockefeller Institute of Government. The instructors, researchers, and students in schools of public administration, political science, management, and industrial relations as well as other members of the public also use these data.

Affected Public: State, local or Tribal government.

Frequency: Annually.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C., Sections 161 and 182.

OMB Desk Officer: Brian Harris-Kojetin, (202) 395–7314.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dhynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this

notice to Brian Harris-Kojetin, OMB Desk Officer either by fax (202–395–7245) or e-mail (*bharrisk@omb.eop.gov*).

Dated: December 4, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7–23866 Filed 12–7–07; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Certification Requirements for NOAA's Hydrographic Product Quality Assurance Program.

Form Number(s): None.

OMB Approval Number: 0648–0507.

Type of Request: Regular submission.

Burden Hours: 24.

Number of Respondents: 2.

Average Hours Per Response: 4 hours.

Needs and Uses: NOAA was mandated by the Hydrographic Service Improvement Acts of 1998 and 2002 to develop and implement a quality assurance program under which the Administrator may certify privately-made hydrographic products. The Administrator fulfilled this mandate by establishing procedures by which hydrographic products are proposed for certification; by which standards and compliance tests are developed, adopted, and applied for those products; and by which certification is awarded or denied. These procedures are now at 15 CFR 996. The application and recordkeeping requirements at 15 CFR part 996 are the basis for this collection of information.

Affected Public: Business or other for-profit organizations.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395–7285, or *David_Rostker@omb.eop.gov*.

Dated: December 4, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7–23868 Filed 12–7–07; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

[Order No. 1536]

Expansion of Foreign–Trade Zone 197, Doña Ana County, New Mexico

Pursuant to its authority under the Foreign–Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign–Trade Zones Board (the Board) adopts the following Order:

WHEREAS, the Board of County Commissioners of Doña Ana County, New Mexico, grantee of Foreign–Trade Zone 197, submitted an application to the Board for authority to expand FTZ 197–Site 1 to include an additional parcel at the Santa Teresa Logistics Park and expand the zone to include a site at the Santa Teresa Bi–National Park (Site 3) in Santa Teresa, New Mexico, within the Santa Teresa Customs and Border Protection port of entry (FTZ Docket 19–2007; filed 5/25/07);

WHEREAS, notice inviting public comment was given in the **Federal Register** (72 FR 31050, 6/5/07) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

WHEREAS, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that the proposal is in the public interest;

NOW, THEREFORE, the Board hereby orders:

The application to expand FTZ 197 is approved, subject to the FTZ Act and the Board's regulations, including Section 400.28.

Signed at Washington, DC, this 27th day of November 2007.

David M. Spooner,

Assistant Secretary of Commercefor Import Administration,Alternate ChairmanForeign–Trade Zones Board.

Attest:

Andrew McGilvray,

Executive Secretary.

[FR Doc. E7–23900 Filed 12–7–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Action Affecting Export Privileges; Ernest Koh Chong Tek; In the Matter of: Ernest Koh Chong Tek currently incarcerated at: USM #73762–053 Federal Correctional Inst. (FCI) P.O. Drawer 30 McRae, Georgia 31055 and with an address at: Bkl 136 #09–430 Bishan Street 12 Singapore 570136;

Order Denying Export Privileges

A. Denial of Export Privileges of Ernest Koh Chong Tek

On October 13, 2006, in the U.S. District Court in the Eastern District of New York, Ernest Koh Chong Tek, (''Koh'') was convicted of violating the International Emergency Economic Powers Act (50 U.S.C. 1701–1705 (2000)) (''IEEPA''). The court found that Koh did knowingly and willfully export from the United States to Iran, civilian aircraft wheel components and vanes that were listed on the Commerce Control Lists without first obtaining the required validated export license from the Commerce Department and the Department of the Treasury's Office of Foreign Assets Control. In addition, Koh was also found guilty on one count of conspiracy and one count of money laundering. Koh was sentenced to a term of imprisonment of 52 months followed by three years of supervised release.

Section 11(h) of the Export Administration Act of 1979, as amended (currently codified at 50 U.S.C. app. §§ 2401–2420 (2000)) (''Act'') [1] and Section 766.25 of the Export Administration Regulations [2]

[1] Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), as extended by the Notice of August 15, 2007 (72 FR 46137, Aug. 16, 2007), has continued the Regulations in effect under the International Emergency Economic Powers Act (50) U.S.C. 1701–1706 (2000)) (''IEEPA'').

[2] The Regulations are currently codified at 15 CFR Parts 730–774 (2007).

(''Regulations'') provide, in pertinent part, that ''[t]he Director of the Office of Exporter Services, in consultation with the Director of the Office of Export Enforcement, may deny the export privileges of any person who has been convicted of a violation of * * * any regulation, license or order issued under the International Emergency Economic Powers Act,'' for a period not to exceed 10 years from the date of conviction. 15 CFR 766.25(a) and (d). In addition, Section 750.8 of the Regulations states that Bureau of Industry's (''BIS'') Office of Exporter Services may revoke any BIS licenses previously issued in which the person had an interest in at the time of his conviction.

I have received notice of Koh's conviction for violating the IEEPA, and have provided notice and an opportunity for Koh to make a written submission to the Bureau of Industry and Security as provided in Section 766.25 of the Regulations. Having received no submission from Koh, I, following consultations with BIS's Office of Export Enforcement, including its Director, have decided to deny Koh's export privileges under the Regulations for a period of 10 years from the date of Koh's conviction.

Accordingly, it is hereby ordered.

I. Until October 13, 2016, Ernest Koh Chong Tek, Ernest Koh Chong Tek, currently incarcerated at: USM #73762–053, Federal Correctional Inst. (FCI), P.O. Drawer 30, McRae, Georgia 31055, and with an address at: Blk 136 #09–430 Bishan Street 12, Singapore 570136, and when acting for or on behalf of Koh, his representatives, assigns, agents, or employees, (collectively referred to hereinafter as the ''Denied Person'') may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefiting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

II. No person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject ot the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

III. After notice and opportunity for comment as provided in section 766.23 of the Regulations, any other person, firm, corporation, or business organization related to Ernest Koh Chong Tek by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of this Order if necessary to prevent evasion of the Order.

IV. This Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

V. This Order is effective immediately and shll remain in effect until October 13, 2016.

VI. In accordance with Part 756 of the Regulations, Koh may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

VII. A copy of this Order shall be delivered to Koh. This Order shall be published in **Federal Register.**

Dated: November 27, 2007.

Eileen M. Albanese,

Director, Office of Exporter Services.

[FR Doc. 07–5986 Filed 12–7–07; 8:45 am]

BILLING CODE 3510–DT–M

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Action Affecting Export Privileges; XU WEIBO, a/k/a ''KEVIN XU''; HAO LI CHEN, a/k/a ''ALI CHAN''; XIU LING CHEN, a/k/a ''LINDA CHEN'' and KWAN CHUN CHAN, a/k/a ''JENNY CHAN''

In the Matter of: Xu Weibo, a/k/a ''Kevin Xu'', 21 Wood View Drive, Mt. Laurel, NJ 08504, Respondent: and Hao Li Chen, a/k/a ''Ali Chan'' currently incarcerated at: 40922–050 FCI Fairton, Federal Correctional Institution, P.O. Box 420, Fairton, NJ 08320 and with an address at: 11 Long Bridge Avenue, Mount Laurel, NJ 08504 and Xiu Ling Chen, a/k/a ''Linda Chen'', 21 Wood View Drive, Mount Laurel, NJ 08504 and Kwan Chun Chan, a/k/a ''Jenny Chan'', 11 Long Bridge Avenue, Mount Laurel, NJ 08504, Related Persons

Ordering Denying Export Privileges

A. Denial of Export Privileges of Xu Weibo, a/k/a Kevin Xu

On May 4, 2006, in the District Court for the District of New Jersey, Xu Weibo, a/k/a ''Kevin Xu'' (''Xu'') pled guilty to knowingly and willfully ordering, buying, removing, concealing, storing, using, selling, loaning, disposing of, transferring, transporting, financing, forwarding and otherwise servicing, in whole or in part, items exported and to be exported from the U.S., specifically, certain Gallium Arsenide Monolithic Microwave Integrated Circuits to the People's Republic of China, with knowledge that a violation of the Act, the Regulations and any order, license and authorization issued thereunder, had occurred, was about to occur or was intended to occur in connection with the items, in violation of the International Emergency Economic Powers Act (50 U.S.C. 1701–1706 (2000)) (''IEEPA''). The involved Commerce controlled items were classified under Export Control Classification Number 3A001 on the

Commerce Control List and controlled for National Security (NS) and Anti-Terrorism (AT) reasons. Xu also pled guilty to knowingly and willfully exporting to the People's Republic of China defense articles, designated as ''military electronics'' on the United States Munitions list, namely, U.S. military-grade Monolithic Microwave Integrated Circuits, without first obtaining the required license for such export, in violation of Section 38 of the Arms Export Control Act (22 U.S.C. 2778 (2000)) (''AECA''). In addition, Xu also pled guilty to conspiring to violate the export control laws in violation of 18 U.S.C. 371. Xu was sentenced to 44 months of imprisonment for each of the three counts, to run concurrently, followed by two years of supervised release for each of three counts, to run concurrently.

Section 11(h) of the Export Administration Act of 1979, as amended (currently codified at 50 U.S.C. app. 2401–2420 (2000)) (the ''Act'')[1] and Section 766.25 of the Export Administration Regulations (''Regulations'')[2] provide, in pertinent part, that ''[t]he Director of Exporter Services, in consultation with the Director of the Office of Export Enforcement, may deny export privileges of any person who has been convicted of a violation of * * * IEEPA and AECA,'' for a period not to exceed 10 years from the date of conviction. 15 CFR 766.25(a) and (d). In addition, Section 750.8 of the Regulations states that BIS's Office of Exporter Services may revoke any BIS licenses previously issued in which the person had an interest in at the time of his conviction.

I have received notice of Xu's conviction for violating the IEEPA and AECA, and have provided notice and an opportunity for Xu to make a written submission to the Bureau of Industry and Security as provided in Section 766.25 of the Regulations. Having received no submission from Xu, I, following consultations with the Office of Export Enforcement, including its Director, have decided to deny Xu's export privileges under the Regulations for a period of 10 years from the date of Xu's conviction. I have also decided to revoke all licenses issued pursuant to the Act of Regulations in which the Related Persons had an interest at the time of Xu's conviction.

B. Denial of Export Privileges of Related Persons

Pursuant to Sections 766.25(h) and 766.23 of the Regulations, the Director of BIS's Office of Exporter Services, in consultation with the Director of BIS's Office of Export Enforcement, may take action to name persons related to a Respondent by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business in order to prevent evasion of a denial order. I gave notice to Hao Li Chen (a/k/a ''Ali Chan''), Kwan Chun Chan, (a/k/a ''Jenny Chan'') and Xiu Ling Chen (a/k/a ''Linda Chen''), notifying them that their export privileges under the Regulations could be denied for up to 10 years as BIS believes that they are related to Xu and that naming them as persons related to Xu would be necessary to prevent evasion of a denial order imposed against Xu. These individuals all pled guilty to conspiring to violate the export control laws in connection with the export of Commerce and State controlled electronic components to the People's Republic of China without the required license, in violation of 18 U.S.C. 371. Based on this conspiracy, Hao Li Chen was sentenced to 30 months imprisonment, followed by two years of supervised release. Kwan Chun Chan was sentenced to two years of probation. Xiu Ling Chen was sentenced to 18 months of imprisonment, followed by two years of supervised release. Hao Li Chen, Kwan Chun Chan and Xiu Ling Chen are related to Xu by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business because they all hold positions of responsibility in the same corporation as Xu, which is the corporation through which Xu's criminal violations took place.

Having received no submission from the Related Persons, I have decided, following consultations with the Office of Export Enforcement, including its Director, to name them as related persons to the Xu Denial Order, thereby denying their export privileges for 10 years from the date of Xu's conviction.

I have also decided to revoke all licenses issued pursuant to the Act or Regulations in which the Related Persons had an interest at the time of Xu's conviction. The 10-year denial period ends on May 4, 2016.

Accordingly, it is hereby ordered,

I. Until May 4, 2016, Xu Weibo, a/k/a ''Kevin Xu'', 21 Wood View Drive, Mt. Laurel, NJ 08504, and when acting for or on his behalf, his employees, agents or representatives, (''the Denied Person'') and the following persons related to the Denied Person as defined by Section 766.23 of the Regulations: Hao Li Chen, a/k/a ''Ali Chan'', currently incarcerated at: 40922–050, FCI Fairton, Federal Correctional Institution, P.O. Box 420, Fairton, NJ 08320, and with an address at 11 Long Bridge Avenue, Mount Laurel, NJ 08504; Xiu Ling Chen, a/k/a ''Linda Chen'', 21 Wood View Drive, Mount Laurel, NJ 08504; and Kwan Chun Chan, a/k/a ''Jenny Chan'', 11 Long Bridge Avenue, Mount Laurel, NJ 08504, and when acting for or on their behalf, their employees, agents or representatives, (''the Related Persons'') (together, the Denied Person and the Related Persons are ''Persons Subject To This Order'') may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on noegotations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

II. No person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Persons Subject To This Order any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Persons Subject To This Order of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Persons Subject To This Order acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted

[1] 50 U.S.C. app. §§ 2401–2420. Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR 2001 Comp. 783 (2002)), as extended by the Notice of August 15, 2007 (72 FR 46137, Aug. 16, 2007), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706 (2000)) (''IEEPA'').

[2] The Regulations are currently codified at 15 CFR parts 730–774 (2007).

acquisition from the Persons Subject To This Order of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Persons Subject To This Order in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Persons Subject To This Order, or service any item, of whatever origin, that is owned, possessed or controlled by the Persons Subject To This Order if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

III. In addition to the Related Person named above, after notice and opportunity for comment as provided in section 766.23 of the Regulations, any other person, firm, corporation, or business organization related to Xu by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of this Order if necessary to prevent evasion of the Order.

IV. This Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

V. This Order is effective immediately and shall remain in effect until May 4, 2016.

VI. In accordance with part 756 of the Regulations, Xu may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of part 756 of the Regulations.

VII. In accordance with part 756 of the Regulations, the related persons may also file an appeal of this Order with the Under Secretary of Commerce for Industry and Security.

VIII. A copy of this Order shall be delivered to Xu and the Related Persons. This Order shall be published in the **Federal Register.**

Dated: November 27, 2007.

Eileen M. Albanese,

Director, Office of Exporter Services.

[FR Doc. 07–5987 Filed 12–07–07; 8:45 am]

BILLING CODE 3510–DT–M

DEPARTMENT OF COMMERCE

International Trade Administration

Proposed Information Collection; Comment Request; Application for the President's ''E'' and ''E STAR'' Awards for Export Expansion

AGENCY: International Trade Administration (ITA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before February 8, 2008.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Jennifer Kirsch, *Jennifer.Kirsch@mail.doc.gov,* phone (202) 482–5449, fax (202) 482–5362.

SUPPLEMENTARY INFORMATION:

I. Abstract

The President's ''E'' Award for Excellence in Exporting is our nation's highest award to honor American exporters. ''E'' Awards recognize firms and organizations for their competitive achievements in world markets, as well as the benefits of their success to the U.S. economy. The President's ''E STAR'' Award recognizes the sustained superior international marketing performance of ''E'' Award winners.

II. Method of Collection

The application form is available on the Internet. Applicants are required to submit one electronic version and one hard copy.

III. Data

OMB Control Number: 0625–0065.

Form Number(s): ITA–725P.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 10.

Estimated Time Per Response: 20 hours.

Estimated Total Annual Burden Hours: 200.

Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

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

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: December 4, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7–23848 Filed 12–7–07; 8:45 am]

BILLING CODE 3510–FP–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–831]

Fresh Garlic from the People's Republic of China: Notice of Preliminary Results and Preliminary Partial Rescission of the Twelfth Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (''Department'') is conducting an administrative review of the antidumping duty order on fresh garlic from the People's Republic of China (''PRC'') covering the period of review (''POR'') of November 1, 2005, through October 31, 2006. As discussed below, we preliminarily determine that certain respondents in this review made sales in the United States at prices below

normal value (''NV''). If these preliminary results are adopted in our final results of review, we will instruct U.S. Customs and Border Protection (''CBP'') to assess antidumping duties on entries of subject merchandise during the POR for which importer–specific assessment rates are above *de minimis*.

EFFECTIVE DATE: December 10, 2007.

FOR FURTHER INFORMATION CONTACT: Julia Hancock, Michael Holton, or Matthew Renkey, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington DC 20230; telephone: (202) 482–1394, (202) 482–1324, and (202) 482–2312, respectively.

SUPPLEMENTARY INFORMATION:

General Background

On November 16, 1994, the Department published in the **Federal Register** the antidumping duty order on fresh garlic from the PRC. *See Antidumping Duty Order: Fresh Garlic From the People's Republic of China*, 59 FR 59209 (November 16, 1994) (''*Order*''). On November 1, 2006, the Department published a notice of opportunity to request an administrative review of the antidumping duty order on fresh garlic from the PRC for the period November 1, 2005, through October 31, 2006. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation: Opportunity to Request Administrative Review*, 71 FR 64240 (November 1, 2006).

On November 30, 2006, we received requests from both Petitioners [1] and certain PRC companies to conduct administrative reviews for a total of 52 companies. On December 27, 2006, the Department initiated an administrative review of 52 [2] producers/exporters of subject merchandise from the PRC. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 71 FR 77720 (December 27, 2006) (''*Initiation Notice*'').

On March 8, 2007, in accordance with section 351.213(d)(1) of the Department's regulations, we rescinded the administrative review with respect to nine companies. *See Fresh Garlic from the People's Republic of China: Notice of Partial Rescission of the Twelfth Administrative Review*, 72 FR 10491 (March 8, 2007) (''*Rescission Notice*''). Therefore, this review covers 43 [3] producers/exporters of the subject merchandise and the PRC–wide entity.

On August 2, 2007, the Department extended the preliminary results of this administrative review until November 30, 2007. *See Fresh Garlic from the People's Republic of China: Extension of Time Limit for the Preliminary Results of the Twelfth Administrative Review*, 72 FR 42390 (August 2, 2007).

Respondent Selection

On January 23, 2007, the Department issued a quantity and value (''Q&V'') questionnaire to the 43 named firms that still had an active request for review. *See* Letter with Attachments from Alex Villanueva, Program Manager, to All Interested Parties, RE: Quantity and Value Questionnaire for Fresh Garlic from the People's Republic of China, (January 23, 2007) (''Q&V questionnaire''). Additionally, on January 23, 2007, Petitioners withdrew their request for review for nine named firms.[4] *See Rescission Notice*. Between February 2, 2007, and March 2, 2007, the Department received responses to the Q&V questionnaire from 23 firms.[5]

On February 13, 2007, Qingdao Camel withdrew its request for an administrative review.[6] On February 14, 2007, the Department received a letter from Qingdao Camel stating that it would not be responding to the Q&V questionnaire.

On February 15, 2007, the Department issued a second Q&V questionnaire to the 20 firms [7] that did not respond to the Department's original Q&V questionnaire. *See* Letter with Attachments from Alex Villanueva, Program Manager, to All Interested

[1] Petitioners are the members of the Fresh Garlic Producers Association: Christopher Ranch L.L.C.; The Garlic Company; Valley Garlic; and Vessey and Company, Inc. (hereinafter referred to as ''Petitioners'').

[2] Anqiu Friend Food Co., Ltd. (''Anqiu''); APS Qingdao; Fujian Meitan Import & Export Xiamen Corporation (''Fujian Meitan''); Golden Bridge International, Inc. (''Golden Bridge''); Henan Weite Industrial Co., Ltd. (''Henan Weite''); Heze Ever-Best International Trade Co., Ltd. (''Heze Ever-Best''); Hongchang Fruits & Vegetable Products (''Hongchang''); Huaiyang Hongda Dehydrated Vegetable Company (''Huaiyang Hongda''); Jinan Farmlady Trading Co., Ltd. (''Jinan Farmlady''); Jinan Yipin Corporation, Ltd. (''Jinan Yipin''); Jining Haijiang Trading Co., Ltd. (''Jining Haijiang''); Jining Solar Summit Trade Co., Ltd. (''Jining Solar''); Jining Trans-High Trading Co., Ltd. (''Jining Trans-High''); Jinxian County Huaguang Food Import & Export Co., Ltd. (''Jinxian County Huaguang''); Jinxiang Dong Yun Freezing Storage Co., Ltd. (aka Jinxiang Eastward Shipping Import and Export Limited Company) (''Jinxiang Dong Yun''); Jinxiang Shanyang Freezing Storage Co., Ltd. (''Jinxiang Shanyang''); Laiwu Hongyang Trading Company Ltd. (''Laiwu Hongyang''); Linshu Dading Private Agricultural Products Co., Ltd. (''Linshu Dading''); Omni Décor China Ltd. (''Omni''); Pizhou Guangda Import and Export Co., Ltd. (''Pizhou Guangda''); Qingdao Bedow Foodstuffs Co., Ltd. (''Qingdao Bedow''); Qingdao Camel Trading Co., Ltd.; (''Qingdao Camel''); Qingdao H&T Food Co., Ltd. (''Qingdao H&T''); Qingdao Potenza Imp & Exp Co., Ltd. (''Qingdao Potenza''); Qingdao Saturn International Trade Co., Ltd. (''Qingdao Saturn''); Qingdao Shiboliang Food Co., Ltd. (''Qingdao Shiboliang''); Qingdao Tiantaixing Foods Co., Ltd. (''Qingdao Tiantaixing''); Qingdao Titan Shipping LLC (''Qingdao Titan''); Qingdao Xintianfeng Foods (''Qingdao Xintianfeng''); Qufu Dongbao Import & Export Trade Co., Ltd. (''Qufu Dongbao''); Rizhao Xingda Foodstuffs Co., Ltd. (''Rizhao Xingda''); Shandong Chengshun Farm Produce Trading Co., Ltd. (''Shandong Chengshun''); Shandong Dongsheng Eastsun Foods Co., Ltd. (''Shandong Dongsheng''); Shandong Garlic Company (''Shandong Garlic≥); Shandong Longtai Fruits and Vegetables Co., Ltd. (''Shandong Longtai''); Shandong Wonderland Organic Food Co., Ltd. (''Shandong Wonderland''); Shanghai Ba-Shi Yuexin Logistics Development (''Shanghai Ba-Shi''); Shanghai Ever Rich Trade Company (''Shanghai Ever Rich''); Shanghai LJ International Trading Co., Ltd. (''Shanghai LJ''); Shanghai McCormick Foods Co., Ltd. (''Shanghai McCormick''); Shenzhen Fanhui Import & Export Co., Ltd. (''Shenzhen Fanhui''); Shenzhen Xinboda Industrial Co., Ltd. (''Shenzhen Xinboda''); Sunny Import & Export Co., Ltd. (''Sunny''); T&S International, LLC (''T&S''); Taian Fook Huat Tong Kee Pte Ltd. (''Taian Fook Huat''); Taian Ziyang Food Co., Ltd. (''Taian Ziyang''); Weifang Hongqiao International Logistic Co., Ltd. (''Weifang Hongqiao''); Weifang Shennong Foodstuff Co., Ltd. (''Weifang Shennong''); Xiang Cheng Sunny Foodstuff Factory (''Xiang Cheng''); XuZhou Simple Garlic Industry Co., Ltd (''XuZhou Simple''); Zhangqiu Qingyuan Vegetable Co., Ltd. (''Zhangqiu Qingyuan''); and Zhengzhou Harmoni Spice Co., Ltd. (''Zhengzhou Harmoni'').

[3] Anqiu; APS Qingdao; Fujian Meitan; Golden Bridge; Henan Weite; Heze Ever-Best; Hongchang; Huaiyang Hongda; Jinan Farmlady; Jining Haijiang; Jining Solar; Jining Trans-High; Jinxian County Huaguang; Jinxiang Dong Yun; Jinxiang Shanyang; Laiwu Hongyang; Pizhou Guangda; Qingdao Bedow; Qingdao Camel; Qingdao H&T; Qingdao Potenza; Qingdao Saturn; Qingdao Shiboliang; Qingdao Tiantaixing; Qingdao Xintianfeng; Qufu Dongbao; Rizhao Xingda; Shandong Chengshun; Shandong Dongsheng; Shandong Garlic; Shandong Longtai; Shanghai Ba-Shi; Shanghai Ever Rich; Shanghai LJ; Shanghai McCormick; Shenzhen Fanhui; Sunny; T&S; Taian Ziyang; Weifang Shennong; Xiang Cheng; Zhangqiu Qingyuan; and Zhengzhou Harmoni.

[4] Jinan Yipin; Lindshu Dading; Omni; Qingdao Titan; Shandong Wonderland; Shenzhen Xinboda; Taian Fook; Weifang Hongqiao; and Xuzhou Simple.

[5] Jinxiang Dong Yun; Huaiyang Hongda; Shanghai LJ; Qufu Dong Bao; Weifang Shennong; Zhengzhou Harmoni; Sunny; Jinxiang Shanyang; Qingdao Xintianfeng; Shandong Longtai; Jining Trans-High; Shenzhen Fanhui; Taian Ziyang; Anqiu; Heze Ever-Best; Qingdao Saturn; Henan Weite; Qingdao Tiantaixing; Xiang Cheng (producer for Shanghai LJ); Shanghai Ever Rich; Xuzhou Simple; Shanghai McCormick; and Jinan Farmlady. In their responses, both Xuzhou Simple and Shanghai McCormick responses stated that they had no shipments of subject merchandise to the United States during the POR. Moreover, between March 13-14, 2007, the Department received revised Q&V questionnaire responses from the following 10 firms: Anqiu; Henan Weite; Jinan Farmlady; Jinxiang Dong Yun; Qingdao Tiantaixing; Qingdao Xintianfeng; Qufu Dongbao; Shanghai LJ; Taiyan Ziyang; and Weifang Shennong.

[6] However, Petitioners did not withdraw their request for a review of Qingdao Camel.

[7] APS Qingdao; Fujian Meitan; Hongchang Fruits; Jining Haijiang; Jining Solar; Jinxian County Huaguang; Laiwu Hongyang; Pizhou Guangda; Qingdao Bedow; Qingdao H&T; Qingdao Potenza; Qingdao Shiboliang; Rizhao Xingda; Shandong Chengshun; Shandong Dongsheng; Shandong Garlic; Shanghai Ba-Shi; T&S; Golden Bridge; and Zhangqiu Qingyuan.

Parties, RE: Second Quantity and Value Questionnaire for Fresh Garlic from the People's Republic of China, (February 15, 2007) (''Second Q&V Questionnaire'').

Between February 16, 2007, and February 27, 2007, the Department received separate rate certifications from 18 firms[8] and between March 23 and 26, 2007, the Department received separate rate applications from 2 firms.[9] Additionally, between February 27, 2007, and March 2, 2007, the Department received responses from Zhangqiu Qingyuan and Golden Bridge that each company did not have shipments of subject merchandise to the United States during the POR.

As discussed below in ''Preliminary Partial Rescission of the Administrative Review,'' on March 16, 2007, the Department received letters from Petitioners and Zhengzhou Harmoni withdrawing their requests for review of Zhengzhou Harmoni and thus, the Department did not consider Zhengzhou Harmoni in the selection of respondents.

On April 11, 2007, after receiving comments from interested parties, the Department selected Jinxiang Dong Yun, Huaiyang Hongda, and Shanghai LJ as the three mandatory respondents since they were the three largest exporters, by volume, of the remaining companies. *See* Memorandum to Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, from James C. Doyle, Office Director, Office 9, re: Antidumping Duty Administrative Review of Fresh Garlic from the People's Republic of China: Selection of Respondents, (April 11, 2007) (''Respondent Selection Memo''). There are 15 companies, based on withdrawals and appropriately submitted Q&V questionnaire responses, that were not selected as mandatory respondents, but which qualified for separate rates: Sunny; Qufu Dong Bao; Weifang Shennong; Jinxiang Shanyang; Qingdao Xintianfeng; Shandong Longtai; Jining Trans–High; Shenzhen Fanhui; Taian Ziyang; Anqiu; Shanghai Ever Rich; Heze Ever–Best; Qingdao Saturn; Henan Weite; and Jinan Farmlady (collectively known as the ''separate rate companies'').

[8] Jinxiang Dong Yun; Huaiyang Hongda; Shanghai LJ; Qufu Dong Bao; Weifang Shennong; Zhengzhou Harmoni; Sunny; Jinxiang Shanyang; Qingdao Xintianfeng; Shandong Longtai; Jining Trans-High; Shenzhen Fanhui; Taian Ziyang; Anqiu; Shanghai Ever Rich; Heze Ever-Best; Qingdao Saturn; and Henan Weite.

[9] Qingdao Tiantaixing and Jinan Farmlady.

Questionnaires

There are 37[10] companies that remain in the administrative review, after the rescission of the reviews for Qingdao Tiantaixing, Zhengzhou Harmoni, Golden Bridge, Shanghai McCormick, and Zhangqiu Qingyuan, for these preliminary results, as discussed below in ''Preliminary Partial Rescission of the Administrative Reviews.''

On April 16, 2007, the Department issued antidumping duty questionnaires to Jinxiang Dong Yun, Huaiyang Hongda, and Shanghai LJ. Between May 14, 2007, and June 4, 2007, Huaiyang Hongda responded to the Department's non–market economy (''NME'') questionnaire but did not respond to the Department's subsequent supplemental questionnaires. Between May 21, 2007, and November 15, 2007, Shanghai LJ responded to the Department's NME questionnaire and subsequent supplemental questionnaires. Between May 21, 2007, and November 13, 2007, Jinxiang Dong Yun responded to the Department's NME questionnaire and subsequent supplemental questionnaires. Between May 7, 2007, and May 23, 2007, Qingdao Saturn submitted voluntary responses to the Department's NME questionnaire.

Preliminary Partial Rescission of the Administrative Review

On March 22, 2007, Petitioners requested that the Department extend the deadline for the withdrawal of review requests. On March 27, 2007, the Department extended the deadline to withdraw a request for review to July 11, 2007.

Qingdao Tiantaixing

On July 9, 2007, Qingdao Tiantaixing withdrew its request for an administrative review. No other party requested a review of Qingdao Tiantaixing. Therefore, because Qingdao Tiantaixing's request was timely, in accordance with 19 CFR 351.213(d)(1), we have rescinded this review with respect to Qingdao Tiantaixing.

Qingdao Xintianfeng

On February 6, 2007, Qingdao Xintianfeng withdrew its request for an administrative review. Nonetheless, as previously noted, on February 22, 2007, Qingdao Xintianfeng submitted both a Q&V questionnaire response and a separate rate certification. On July 25, 2007, which was 14 days after the withdrawal deadline, Petitioners submitted a letter withdrawing their request for an administrative review of Qingdao Xintianfeng. On July 31, 2007, Qingdao Xintianfeng submitted a letter stating that due to its cooperative efforts it wished to remain an active respondent in this administrative review. On August 22, 2007, the Department issued a letter stating that it extended the time limit for withdrawing a request for review by 20 days to July 31, 2007. However, the Department also requested that Qingdao Xintianfeng submit a letter clarifying whether its July 31, 2007, letter, was in fact a retraction of its February 6, 2007, withdrawal of its review request. On August 24, 2007, Qingdao Xintianfeng submitted a letter stating that it was retracting its February 6, 2007, withdrawal request and wished to remain an active respondent in this administrative review. Therefore, because Qingdao Xintianfeng still has an active request for a review, we have not rescinded this review with respect to Qingdao Xintianfeng.

Zhengzhou Harmoni

On March 16, 2007, the Department received letters from Petitioners and Zhengzhou Harmoni withdrawing their requests for review of Zhengzhou Harmoni. Therefore, because Petitioners' and Zhenghzhou Harmoni's requests were timely, in accordance with 19 CFR 351.213(d)(1), we have rescinded this review with respect to Zhengzhou Harmoni.

No–Shipment Companies

Three companies, Golden Bridge, Shanghai McCormick, and Zhangqiu Qingyuan, reported in their Q&V questionnaire responses that they made no shipments of subject merchandise to the United States during the POR. Additionally, the Department's examination of shipment data from CBP for these 3 companies confirmed that there were no entries of subject merchandise from them during the POR. Consequently, because there is no evidence on the record to indicate that these three companies had sales of subject merchandise under this Order during the POR, pursuant to 19 CFR 351.213(d)(3), the Department is preliminarily rescinding the review with respect to these three respondents: Golden Bridge, Shanghai McCormick, and Zhangqiu Qingyuan.

[10] Anqiu; APS Qingdao; Fujian Meitan; Henan Weite; Hongchang; Huaiyang Hongda; Jinan Farmlady; Jining Haijiang; Jining Solar; Jining Trans-High; Jinxian County Huaguang; Jinxiang Dong Yun; Jinxiang Shanyang; Laiwu Hongyang; Pizhou Guangda; Qingdao Bedow; Qingdao Camel; Qingdao H&T; Qingdao Potenza; Qingdao Saturn; Qingdao Shiboliang; Qingdao Xintianfeng; Qufu Dongbao; Rizhao Xingda; Shandong Chengshun; Shandong Dongsheng; Shandong Garlic; Shandong Longtai; Shanghai Ba-Shi; Shanghai Ever Rich; Shanghai LJ; Shenzhen Fanhui; Sunny; T&S; Taian Ziyang; Weifang Shennong; and Xiang Cheng.

Surrogate Country and Surrogate Values

On June 7, 2007, the Department sent interested parties a letter requesting comments on the surrogate country and information pertaining to valuing factors of production. On August 2, 2007, September 20, 2007, and October 31, 2007, Petitioners submitted surrogate value comments from various Indian sources. No other interested party submitted comments on the surrogate country and information pertaining to valuing factors of production.

Scope of the Order

The products covered by this *Order* are all grades of garlic, whole or separated into constituent cloves, whether or not peeled, fresh, chilled, frozen, provisionally preserved, or packed in water or other neutral substance, but not prepared or preserved by the addition of other ingredients or heat processing. The differences between grades are based on color, size, sheathing, and level of decay. The scope of this order does not include the following: (a) garlic that has been mechanically harvested and that is primarily, but not exclusively, destined for non–fresh use; or (b) garlic that has been specially prepared and cultivated prior to planting and then harvested and otherwise prepared for use as seed. The subject merchandise is used principally as a food product and for seasoning. The subject garlic is currently classifiable under subheadings 0703.20.0010, 0703.20.0020, 0703.20.0090, 0710.80.7060, 0710.80.9750, 0711.90.6000, and 2005.90.9700 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this order is dispositive. In order to be excluded from the Order, garlic entered under the HTSUS subheadings listed above that is (1) mechanically harvested and primarily, but not exclusively, destined for non–fresh use or (2) specially prepared and cultivated prior to planting and then harvested and otherwise prepared for use as seed must be accompanied by declarations to CBP to that effect.

Adverse Facts Available (''AFA'')

Section 776(a)(2) of the Tariff Act of 1930, as amended (the ''Act''), provides that, if an interested party: (A) withholds information that has been requested by the Department; (B) fails to provide such information in a timely manner or in the form or manner requested subject to sections 782(c)(1) and (e) of the Act; (C) significantly impedes a proceeding under the antidumping statute; or (D) provides such information but the information cannot be verified, the Department shall, subject to subsection 782(d) of the Act, use facts otherwise available in reaching the applicable determination.

Section 782(c)(1) of the Act provides that if an interested party ''promptly after receiving a request from {the Department} for information, notifies {the Department} that such party is unable to submit the information requested in the requested form and manner, together with a full explanation and suggested alternative forms in which such party is able to submit the information,'' the Department may modify the requirements to avoid imposing an unreasonable burden on that party.

Section 782(d) of the Act provides that, if the Department determines that a response to a request for information does not comply with the request, the Department will inform the person submitting the response of the nature of the deficiency and shall, to the extent practicable, provide that person the opportunity to remedy or explain the deficiency. If that person submits further information that continues to be unsatisfactory, or this information is not submitted within the applicable time limits, the Department may, subject to section 782(e) of the Act, disregard all or part of the original and subsequent responses, as appropriate.

Section 782(e) of the Act states that the Department shall not decline to consider information deemed ''deficient'' under section 782(d) if: (1) the information is submitted by the established deadline; (2) the information can be verified; (3) the information is not so incomplete that it cannot serve as a reliable basis for reaching the applicable determination; (4) the interested party has demonstrated that it acted to the best of its ability in providing the information and meeting the requirements established by the Department; and (5) the information can be used without undue difficulties.

Furthermore, section 776(b) of the Act states that if the Department ''finds that an interested party has failed to cooperate by not acting to the best of its ability to comply with a request for information from the administering authority or the Commission, the administering authority or the Commission ..., in reaching the applicable determination under this title, may use an inference that is adverse to the interests of that party in selecting from among the facts otherwise available.'' *See also* Statement of Administrative Action (''SAA'') accompanying the Uruguay Round Agreements Act (''URAA''), H.R. Rep. No. 103–316 at 870 (1994). Adverse inferences are appropriate ''to ensure that the party does not obtain a more favorable result by failing to cooperate than if it had cooperated fully.'' *See id.* An adverse inference may include reliance on information derived from the petition, the final determination in the investigation, any previous review, or any other information placed on the record. *See* section 776(b) of the Act.

Huaiyang Hongda

As discussed in the ''General Background'' section above, Huaiyang Hongda did not respond to the supplemental questionnaires issued by the Department on August 10, 2007, and August 22, 2007. The deadline for Huaiyang Hongda to file a response to the supplemental Section A questionnaire and the supplemental Sections C and D questionnaire were August 24, 2007, and September 4, 2007, respectively. Huaiyang Hongda failed to respond to either of these supplemental questionnaires. Additionally, the Department issued letters to Huaiyang Hongda on August 24, 2007, and September 13, 2007, and confirmed delivery for both letters. In both letters, the Department noted that responses to its supplemental questionnaires were past due and requested that Huaiyang Hongda notify the Department whether it intended to participate further in this administrative review. Huaiyang Hongda did not respond to either of these letters. Therefore, the Department finds that Huaiyang Hongda's non–responsiveness necessitates the use of facts available, pursuant to sections 776(a)(2)(A), (B) and (C) of the Act.

Based upon Huaiyang Hongda's failure to submit responses to the Department's supplemental questionnaires and follow–up letters, the Department finds that Huaiyang Hongda withheld requested information, failed to provide the information in a timely manner and in the form requested, and significantly impeded this proceeding, pursuant to sections 776(a)(2)(A), (B) and (C) of the Act. Because Huaiyang Hongda failed to provide a response to the Department's supplemental questionnaires, critical data relevant to its separate rate determination remains outstanding. Therefore, the Department was prevented from conducting a complete separate rate analysis. Additionally, Huaiyang Hongda's failure to provide a response to the Department's supplemental questionnaires means that

critical information necessary to calculate an antidumping margin for Huaiyang Hongda is absent from the record. Therefore, Huaiyang Hongda withheld requested information, failed to provide the information in a timely manner and in the form requested, and has significantly impeded this proceeding. Thus, the Department has no choice but to rely on the facts otherwise available in order to determine a margin for Huaiyang Hongda, pursuant to section 776(a)(2)(A), (B) and (C) of the Act. *See Non–Malleable Cast Iron Pipe Fittings from the People's Republic of China: Final Results of Antidumping Duty Administrative Review*, 71 FR 69546 (December 1, 2006) and accompanying Issues and Decision Memorandum at Comment 1.

For these preliminary results, the Department finds that Huaiyang Hongda has failed to cooperate to the best of its ability. Specifically, the Department finds that Huaiyang Hongda did not respond to the Department's request for clarification on certain issues, including its separate rate information and reported sales and cost information, as requested in the Department's supplemental questionnaires. *See Nippon Steel Corp. v. United States*, 337 F. 3d 1373, 1384 (Fed. Cir. 2003) (''*Nippon Steel*''). Because Huaiyang Hongda refused to answer the Department's supplemental questionnaires and letters, the Department finds that Huaiyang Hongda has failed to cooperate to the best of its ability, pursuant to section 776(b) of the Act.

Because of Huaiyang Hongda's refusal to cooperate in the instant proceeding, the Department was unable to calculate a company–specific margin or even to determine Huaiyang Hongda's separate rate status. Thus, the Department could not determine whether Huaiyang Hongda is eligible for a separate rate. Accordingly, we are not granting Huaiyang Hongda a separate rate and consider Hongda to be part of the PRC–wide entity, subject to the PRC–wide rate.

19 Companies

As mentioned in the ''General Background'' section above, the Department initiated this administrative review with respect to 52 companies, including among them APS Qingdao, Fujian Meitan, Hongchang, Jining Haijiang, Jining Solar, Jinxian County Huaguang, Laiwu Hongyang, Pizhou Guangda, Qingdao Bedow, Qingdao Camel, Qingdao H&T, Qingdao Potenza, Qingdao Shiboliang, Rizhao Xingda, Shandong Chengshun, Shandong Dongsheng, Shandong Garlic, Shanghai Ba–Shi, and T&S (collectively referred to as the ''19 Companies''). *See Initiation Notice*. On January 23, 2007, the Department rescinded, in part, the review on nine of the 52 companies, but noted that 43 companies, including the 19 Companies, were still subject to review. *See Rescission Notice*. Additionally, on January 23, 2007, and on February 15, 2007, the Department issued a Q&V questionnaire and a Second Q&V questionnaire to the 19 companies. None of the 19 Companies responded to the Department's Q&V questionnaire, nor did these 19 Companies respond to the Department's Second Q&V questionnaire.

Because these 19 Companies were non–responsive to the Department's two requests for Q&V information, the Department finds that they are not entitled to a separate rate. Additionally, by not responding to the Department's first or second Q&V questionnaire, each company failed to provide critical information to be used for the Department's respondent selection process. Therefore, pursuant to sections 776(a)(2)(A), (B) and (C) of the Act, the Department finds that the application of facts available is appropriate. In addition, pursuant to section 776(b) of the Act, the Department may apply adverse facts available if it finds a respondent has failed to cooperate by not acting to the best of its ability to comply with a request for information from the Department. By failing to respond to the Department's first and second Q&V questionnaire, these 19 Companies have failed to act to the best of their ability in this segment of the proceeding. Moreover, because these 19 Companies did not participate in the respondent selection exercise, the Department did not send them a questionnaire and was unable to determine whether or not they qualified for a separate rate. Therefore, these 19 Companies are not eligible to receive a separate rate and will be part of the PRC–wide entity, subject to the PRC–wide rate.

PRC–wide Entity

Because Huaiyang Hongda and the 19 Companies, which are part of the PRC–wide entity, failed to cooperate to the best of their ability in providing the requested information, as discussed above, we find it appropriate, in accordance with sections 776(a)(2)(A), (B) and (C), as well as section 776(b), of the Act, to assign total AFA to the PRC–wide entity. *See Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Preliminary Results of the First Administrative Review and New Shipper Review*, 72 FR 10689, 10692 (March 9, 2007) (decision to apply total AFA to the NME–wide entity was unchanged for the final results). By doing so, we ensure that the companies that are part of the PRC–wide entity will not obtain a more favorable result by failing to cooperate than had they cooperated fully in this review.

As discussed above, section 776(b) of the Act authorizes the Department to use, as AFA, information derived from the petition, the final determination in the LTFV investigation, any previous administrative review, or any other information placed on the record. Section 776(b)(4) of the Act permits the Department to use as AFA information derived in the LTFV investigation or any prior review. In selecting an AFA rate, the Department's practice has been to assign non–cooperative Respondents the highest margin determined for any party in the less–than-fair–value (''LTFV'') investigation or in any administrative review. *See Stainless Steel Plate in Coils from Taiwan: Preliminary Results and Rescission in Part of Antidumping Duty Administrative Review*, 67 FR 5789 (February 7, 2002). As AFA, we are assigning the PRC–wide entity, which includes Huaiyang Hongda and the 19 Companies, the highest rate from any segment of this proceeding, which in this case is 376.67 percent assigned to the PRC–wide entity in the LTFV investigation. *See Notice of Final Determination of Sales at Less Than Fair Value: Fresh Garlic from the People's Republic of China*, 59 FR 49058, 49060 (September 26, 1994) (''*Garlic LTFV Final Determination*'').

Section 776(c) of the Act requires the Department to corroborate, to the extent practicable, secondary information used as facts available. Secondary information is defined as ''information derived from the petition that gave rise to the investigation or review, the final determination concerning the subject merchandise, or any previous review under section 751 concerning the subject merchandise.'' *See* SAA accompanying the URAA, H.R. Doc. No. 103–316 at 870 (1994); *see also* 19 CFR 351.308(d).

The SAA further provides that the term ''corroborate'' means that the Department will satisfy itself that the secondary information to be used has probative value. *See* SAA at 870. Thus, to corroborate secondary information, the Department will, to the extent practicable, examine the reliability and relevance of the information used. The AFA rate we are applying for the current review of fresh garlic was corroborated

in the LTFV investigation. *See Garlic LTFV Final Determination*, 59 FR at 49060. No information has been presented in the current review that calls into question the reliability of the information used for this AFA rate. Thus, the Department finds that the information is reliable.

With respect to the relevance aspect of corroboration, the Department will consider information reasonably at its disposal to determine whether a margin continues to have relevance. Where circumstances indicate that the selected margin is not appropriate as AFA, the Department will disregard the margin and determine an appropriate margin. For example, in *Flowers from Mexico*, the Department did not use the highest margin in the proceeding as best information available (the predecessor to facts available) because that margin was based on another company's aberrational business expenses and was unusually high. *See Fresh Cut Flowers From Mexico; Final Results of Antidumping Duty Administrative Review*, 61 FR 6812, 6814 (February 22, 1996) (''*Flowers from Mexico*''). In other cases, the Department has not used the highest rate in any segment of the proceeding as the AFA rate because the highest rate was subsequently discredited, or the facts did not support its use. *See D&L Supply Co. v. United States*, 113 F.3d 1220, 1221 (Fed. Cir. 1997) (the Department will not use a margin that has been judicially invalidated). None of these unusual circumstances are present with respect to the rate being used here. Moreover, the rate selected, (*i.e.*, 376.67 percent), is the rate currently applicable to the PRC–wide entity. The Department assumes that if an uncooperative respondent could have obtained a lower rate, it would have cooperated. *See Rhone Poulenc, Inc. V. United States*, 899 F. 2d 1185, 1190–91 (Fed. Cir. 1990); *Ta Chen Stainless Steel Pipe, Inc. V. United States*, 24 CIT 841, 848 (2000) (respondents should not benefit from failure to cooperate). As there is no information on the record of this review that demonstrates that this rate is not appropriate to use as AFA in the current review, we determine that this rate has relevance.

As this rate is both reliable and relevant, we determine that it has probative value, and is thus in accordance with section 776(c)'s requirement that secondary information be corroborated to the extent practicable (*i.e.*, that it has probative value).

Voluntary Respondents

Section 782(a) of the Act provides that the Department, in any investigation under subtitle A or B or a review under section 751(a) in which the administering authority has, under section 777A(c)(2), limited the number of exporters or producers examined, or determined a single country–wide rate, the administering authority shall establish an individual weighted-average dumping margin for any exporter or producer not initially selected for individual examination under such sections who submits to the administering authority the information requested from exporters or producers selected for examination, if (1) such information is so submitted by the date specified for exporters and producers that were initially selected for examination; and (2) the number of exporters or producers who have submitted such information is not so large that individual examination of such exporters or producers would be unduly burdensome and inhibit the timely completion of the investigation.

Qingdao Saturn

As discussed in the ''General Background'' section above, between May 7 and 23, 2007, Qingdao Saturn submitted voluntary responses to the Department's NME questionnaire. In Qingdao Saturn's questionnaire responses, Qingdao Saturn requested that the Department calculate an individual weighted–average dumping margin for Qingdao Saturn, pursuant to section 782(a) of the Act. Additionally, between October 2 and 15, 2007, Qingdao Saturn requested that the Department calculate an individual weighted–average dumping margin for Qingdao Saturn, pursuant to section 782(a) of the Act, arguing that the Department has the resources and time to review Qingdao Saturn as a voluntary respondent due to Huaiyang Hongda's lack of participation in this proceeding. Moreover, on October 9, 2007, Petitioners submitted comments requesting that the Department not review Qingdao Saturn as a voluntary respondent, pursuant to section 782(a) of the Act, because Department does not have the additional resources to consider Qingdao Saturn's data so late in the proceeding. Furthermore, in their comments, Petitioners stated that the Department has not yet determined how it will treat Huaiyang Hongda in the preliminary results.

For these preliminary results, the Department has not examined any of the submissions by Qingdao Saturn because of the Department's resource constraints and the Department's decision to only review three exporters. Although Qingdao Saturn is correct that Huaiyang Hongda has not responded to the Department's supplemental questionnaires, as discussed above in the ''Huaiyang Hongda'' section, the Department has not received communication from Huaiyang Hongda that it is not going to participate as an active respondent in this proceeding. In certain circumstances, the Department has determined to review a voluntary respondent because (1) another respondent notified the Department that it was not going to participate; and (2) reviewing this voluntary respondent would not be unduly burdensome, given time and resource constraints. *See Certain Frozen Warmwater Shrimp from the People's Republic of China: Notice of Final Results and Rescission, in Part, 2004/2006 Antidumping Duty Administrative Review and New Shipper Reviews*, 72 FR 52049 (September 12, 2007) and accompany Issues and Decision Memorandum at Comment 15; *see also Certain Frozen Warmwater Shrimp from the People's Republic of China: Preliminary Results and Partial Rescission of the 2004/2006 Administrative Review and Preliminary Intent to Rescind 2004/2006 New Shipper Review*, 72 FR 10645, 10647, and 10655 (March 9, 2007). However, in this proceeding, although Huaiyang Hongda has chosen to not respond to the Department's supplemental questionnaires, Huaiyang Hongda is still under review. Thus, the Department has devoted time and resources to the consideration of Huaiyang Hongda for these preliminary results.

Additionally, the Department finds that, while Qingdao Saturn is correct that the Department can choose to review a voluntary respondent, section 782(a)(2) of the Act provides that the Department may do so if reviewing such an exporter or producer is not ''unduly burdensome and inhibit the timely completion of the investigation.'' However, the Department finds that, given the limited amount of time remaining after Huaiyang Hongda stopped responding to the Department's questionnaires, the Department did not have an adequate amount of time to examine Qingdao Saturn's responses for these preliminary results.

The Department notes that the analysis of initial questionnaire responses makes up only a limited portion of the work performed with respect to any given respondent. The Department frequently issues supplemental questionnaires, collects surrogate value data for the factors of production (''FOPs'') used by each individual respondent, identifies and resolves any issues with respect to such data, and calculates a separate margin for each company. *See Notice of Final*

Determination of Sales at Less Than Fair Value and Negative Final Determination of Critical Circumstances: Certain Color Television Receivers from the People's Republic of China, 69 FR 20594 (April 16, 2004) and accompanying Issues and Decision Memorandum at Comment 2. Each of these activities requires the expenditure of significant resources. Given the limited amount of time available, the Department lacks the resources to analyze Qingdao Saturn as a voluntary respondent for these preliminary results, pursuant to section 782(a) of the Act. Moreover, in addition to the caseload identified in the Respondent Selection Memo as a factor to limit the number of respondents, the office responsible for this proceeding, AD/CVD Operations Office 9, is responsible for conducting five new antidumping investigations initiated subsequent to the selection of respondents in this review. Thus, it does not have significant additional resources to apply to Qingdao Saturn.

NME Country Status

In every case conducted by the Department involving the PRC, the PRC has been treated as an NME country. In accordance with section 771(18)(C)(i) of the Act, any determination that a foreign country is an NME country shall remain in effect until revoked by the administering authority. *See Brake Rotors From the People's Republic of China: Final Results and Partial Rescission of the 2004/2005 Administrative Review and Rescission of 2004/2005 New Shipper Review*, 71 FR 66304 (November 14, 2006). None of the parties to this proceeding has contested such treatment. Accordingly, we calculated NV in accordance with section 773(c) of the Act, which applies to NME countries.

Separate Rate Determinations

A designation as an NME remains in effect until it is revoked by the Department. *See* section 771(18)(C) of the Act. Accordingly, there is a rebuttable presumption that all companies within the PRC are subject to government control and, thus, should be assessed a single antidumping duty rate. *See Notice of Final Determination of Sales at Less Than Fair Value, and Affirmative Critical Circumstances, In Part: Certain Lined Paper Products From the People's Republic of China*, 71 FR 53079 (September 8, 2006); *Final Determination of Sales at Less Than Fair Value and Final Partial Affirmative Determination of Critical Circumstances: Diamond Sawblades and Parts Thereof from the People's Republic of China*, 71 FR 29303 (May 22, 2006).

It is the Department's standard policy to assign all exporters of the merchandise subject to review in NME countries a single rate unless an exporter can affirmatively demonstrate an absence of government control, both in law (*de jure*) and in fact (*de facto*), with respect to exports. To establish whether a company is sufficiently independent to be entitled to a separate, company–specific rate, the Department analyzes each exporting entity in an NME country under the test established in *Notice of Final Determination of Sales at Less than Fair Value: Sparklers from the People's Republic of China*, 56 FR 20588 (May 6, 1991) (''*Sparklers*''), as amplified by *Notice of Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China*, 59 FR 22585 (May 2, 1994) (''*Silicon Carbide*'').

A. Absence of De Jure Control

The Department considers the following *de jure* criteria in determining whether an individual company may be granted a separate rate: (1) an absence of restrictive stipulations associated with an individual exporter's business and export licenses; (2) any legislative enactments decentralizing control of companies; and (3) any other formal measures by the government decentralizing control of companies. *See Sparklers*, 56 FR at 20589.

Throughout the course of this administrative review, only two of the mandatory respondents, Jinxiang Dong Yun and Shanghai LJ, have placed sufficient evidence on the record that demonstrate absence of *de jure* control. Additionally, all of the separate rate companies have placed on the record a number of documents to demonstrate absence of *de jure* control including the ''Foreign Trade Law of the People's Republic of China'' and the ''Administrative Regulations of the People's Republic of China Governing the Registration of Legal Corporations.'' The Department has analyzed such PRC laws and has found that they establish an absence of *de jure* control. *See Preliminary Results of New Shipper Review: Certain Preserved Mushrooms From the People's Republic of China*, 66 FR 30695, 30696 (June 7, 2001). We have no information in this proceeding that would cause us to reconsider this determination. Thus, we believe that the evidence on the record supports a preliminary finding of an absence of *de jure* government control based on: (1) an absence of restrictive stipulations associated with the exporter's business license; (2) the legal authority on the record decentralizing control over the respondent, as demonstrated by the PRC laws placed on the record of this review; and (3) other formal measures by the government decentralizing control of companies.[11]

B. Absence of De Facto Control

As stated in previous cases, there is some evidence that certain enactments of the PRC central government have not been implemented uniformly among different sectors and/or jurisdictions in the PRC. *See Final Determination of Sales at Less Than Fair Value: Certain Preserved Mushrooms from the People's Republic of China*, 63 FR 72255 (December 31, 1998). Therefore, the Department has determined that an analysis of *de facto* control is critical in determining whether respondents are, in fact, subject to a degree of government control which would preclude the Department from assigning separate rates. The Department typically considers four factors in evaluating whether each respondent is subject to *de facto* government control of its export functions: (1) whether the exporter sets its own export prices independent of the government and without the approval of a government authority; (2) whether the respondent has the authority to negotiate and sign contracts, and other agreements; (3) whether the respondent has autonomy from the government in making decisions regarding the selection of its management; and (4) whether the respondent retains the proceeds of its export sales and makes independent decisions regarding disposition of profits or financing of losses. *See Silicon Carbide*, 59 FR at 22587; *Sparklers*, 56 FR at 20589.

The Department conducted a separate rates analysis for (1) two of the mandatory respondents chosen for an administrative review: Jinxiang Dong Yun and Shanghai LJ; and (2) the separate rate companies upon which an administrative review was requested but which were not chosen as mandatory respondents.

These companies have all asserted the following: (1) there is no government participation in setting export prices; (2) sales managers and authorized employees have the authority to create binding sales contracts; (3) they do not

[11] This preliminary finding applies to (1) two of the selected respondents of this administrative review: Jinxiang Dong Yun and Shanghai LJ; and (2) the separate rate companies of this administrative review: Sunny; Qufu Dong Bao; Weifang Shennong; Jinxiang Shanyang; Qingdao Xintianfeng; Shandong Longtai; Jining Trans-High; Shenzhen Fanhui; Taian Ziyang; Anqiu; Shanghai Ever Rich; Heze Ever-Best; Qingdao Saturn; Henan Weite; and Jinan Farmlady.

have to notify any government authorities of management selections; (4) there are no restrictions on the use of export revenue; and (5) each is responsible for financing its own losses. The questionnaire responses of two of the mandatory respondents, Jinxiang Dong Yun and Shanghai LJ, and the separate rate companies do not suggest that pricing is coordinated among exporters. During our analysis of the information on the record, we found no information indicating the existence of government control of export activities. Consequently, we preliminarily determine that Jinxiang Dong Yun, Shanghai LJ, and the separate rate companies have met the criteria for the application of a separate rate.

However, as discussed previously, the Department is not granting one of the mandatory respondents, Huaiyang Hongda, a separate rate because Huaiyang Hongda failed to respond to the supplemental questionnaire issued by the Department that contained several questions regarding Huaiyang Hongda's eligibility for a separate rate. As a result, we cannot confirm or verify the separate rate information that Huaiyang Hongda submitted in its questionnaire responses.

Surrogate Country

When the Department investigates imports from an NME country, section 773(c)(1) of the Act directs it to base NV, in most circumstances, on the NME producer's FOPs, valued in a surrogate market economy country or countries considered to be appropriate by the Department. In accordance with section 773(c)(4) of the Act, in valuing the FOPs, the Department shall utilize, to the extent possible, the prices or costs of FOPs in one or more market economy countries that are: (1) at a level of economic development comparable to that of the NME country; and (2) significant producers of comparable merchandise. The sources of the surrogate factor values are discussed under the ''Normal Value'' section below and in the Memorandum to the File through James C. Doyle, Director, Office 9 and Alex Villanueva, Program Manager, Office 9 from Julia Hancock, Senior Case Analyst, Office 9: Surrogate Factor Valuations for the Preliminary Results of the 12th Administrative Review (November 30, 2007) (''Surrogate Values Memo'').

As discussed in the ''NME Country Status'' section, the Department considers the PRC to be an NME country. The Department determined that India, Sri Lanka, Indonesia, Philippines, and Egypt are countries comparable to the PRC in terms of economic development. *See* Memorandum from Ron Lorentzen, Director, Office of Policy, to Alex Villanueva, Program Manager, China/NME Group, Office 9: Antidumping Administrative Review of Fresh Garlic from the People's Republic of China: Request for a List of Surrogate Countries (June 1, 2007) (''Surrogate Country List''). Moreover, it is the Department's practice to select an appropriate surrogate country based on the availability and reliability of data from the countries. *See* Department Policy Bulletin No. 04.1: Non–Market Economy Surrogate Country Selection Process (March 1, 2004) (''Policy Bulletin''). In this case, the Department has found that India and Egypt are both significant producers of comparable merchandise. The Department finds India to be a reliable source for surrogate values because India is at a similar level of economic development pursuant to 773(c)(4) of the Act, is a significant producer of comparable merchandise, and has publically available and reliable data. Furthermore, the Department notes that India has been the primary surrogate country in past segments, and the only surrogate value data based submitted on the record are from Indian sources. Given the above facts, the Department has selected India as the primary surrogate country for this review. *See* Memorandum to the File, through James C. Doyle, Office Director, Office 9, Import Administration, and Alex Villanueva, Program Manager, Office 9, from Julia Hancock, Senior Case Analyst, Subject: 12th Administrative Review of Fresh Garlic from the People's Republic of China: Selection of a Surrogate Country (November 30, 2007) (''Surrogate Country Memo'').

U.S. Price

In accordance with section 772(a) of the Act, we calculated the export price (''EP'') for sales to the United States for Jinxiang Dong Yun and Shanghai LJ because the first sale to an unaffiliated party was made before the date of importation and the use of constructed EP (''CEP'') was not otherwise warranted. We calculated EP based on the price to unaffiliated purchasers in the United States. In accordance with section 772(c) of the Act, as appropriate, we deducted from the starting price to unaffiliated purchasers foreign inland freight, brokerage and handling, and marine insurance. For Jinxiang Dong Yun and Shanghai LJ, each of these services was either provided by an NME vendor or paid for using an NME currency. Thus, we based the deduction of these movement charges on surrogate values. *See* Surrogate Values Memo for details regarding the surrogate values for movement expenses. Additionally, Jinxiang Dong Yun reported that its international freight was provided by a market economy carrier and paid in U.S. dollars, so we used the actual cost per kilogram of the freight. Moreover, Jinxiang Dong Yun reported certain U.S. Customs and other expenses that must be deducted from the starting price to unaffiliated purchasers. Accordingly, we will deduct these expenses from the starting price to unaffiliated purchasers, as reported by Jinxiang Dong Yun. *See* Memorandum to the File, through Alex Villanueva, Program Manager, Office 9, from Michael Holton, Senior Analyst, Office 9; Company Analysis Memorandum in the Antidumping Duty New Shipper Review of Fresh Garlic from the People's Republic of China (''PRC''): Jinxiang Dong Yun (November 30, 2007).

Normal Value

1. Methodology

Section 773(c)(1)(B) of the Act provides that the Department shall determine NV using an FOP methodology if the merchandise is exported from an NME and the information does not permit the calculation of NV using home–market prices, third–country prices, or constructed value under section 773(a) of the Act. The Department calculates NV using each of the FOPs that a respondent consumes in the production of a unit of the subject merchandise because the presence of government controls on various aspects of NMEs renders price comparisons and the calculation of production costs invalid under the Department's normal methodologies. However, there are circumstances in which the Department will modify its standard FOP methodology, choosing to apply a surrogate value to an intermediate input instead of the individual FOPs used to produce that intermediate input. In some cases, a respondent may report factors used to produce an intermediate input that accounts for an insignificant share of total output. When the potential increase in accuracy to the overall calculation that results from valuing each of the FOPs is outweighed by the resources, time, and burden such an analysis would place on all parties to the proceeding, the Department has valued the intermediate input directly using a surrogate value. *See Notice of Final Determination of Sales at Less Than Fair Value: Polyvinyl Alcohol from the People's Republic of China*, 68 FR 47538 (August 11, 2003), and

accompanying Issues and Decision Memorandum at Comment 1 (''*PVA*'') (citing to *Final Results of First New Shipper Review and First Antidumping Duty Administrative Review: Certain Preserved Mushrooms from the People's Republic of China*, 66 FR 31204 (June 11, 2001)).

In the *9th Review Final Results*, the Department recognized that there were serious discrepancies between the reported FOPs of the different respondents and that the standard FOP methodology might not be adequate to apply in future reviews.[12] In the 10th administrative review, the Department conducted a ''harvest verification'' of several garlic producers in the PRC, interviewing farmers, studying farming techniques, and reviewing standard PRC garlic production record–keeping.[13] In analyzing the questionnaire responses and ''harvest verification'' reports in the 10th administrative review, the Department determined that, to capture the complete costs of producing fresh garlic, the methodology of valuing the intermediate product, the fresh garlic bulb, would more accurately capture the complete costs of producing subject merchandise.[14] In the two previous administrative reviews, the Department also stated that ''should a respondent be able to provide sufficient factual evidence that it maintains the necessary information in its internal books and records that would allow us to establish the completeness and accuracy of the reported FOPs, we will revisit this issue and consider whether to use its reported FOPs in the calculation of NV.'' *10th Review Final Results*, 71 FR at 26331; *Fresh Garlic from the People's Republic of China: Partial Rescission and Preliminary Results of the Eleventh Administrative Review and New Shipper Reviews*, 71 FR 71510, 71520 (December 11, 2006).

In the course of this review, the Department has requested and obtained a vast amount of detailed information from the respondents with respect to each company's garlic production practices. However, based on our analysis of the information on the record and for the reasons outlined in the Memorandum to the File through James C. Doyle, Director, Office 9 and Alex Villanueva, Program Manager, Office 9 from Matthew Renkey, Senior Case Analyst, and Michael Holton, Senior Case Analyst, Office 9: 12th Administrative Review of the Antidumping Duty Order on Fresh Garlic From the People's Republic of China: Intermediate Input Methodology (November 30, 2007) (''Intermediate Product Memo''), we continue to believe that the respondents were unable to accurately record and substantiate the complete costs of growing garlic during the POR.

Thus, in the preliminary results for this administrative review, in order to eliminate the distortions in our calculation of NV, for all of the reasons identified above and described in the Intermediate Product Memo, the Department applied an ''intermediate–product valuation methodology'' to the 2 mandatory companies, Jinxiang Dong Yun and Shanghai LJ, for which we are calculating an antidumping duty margin in these preliminary results. Using this methodology, the Department calculated NV by starting with a surrogate value for the garlic bulb (*i.e.*, the ''intermediate product''), adjusted for yield losses during the processing stages, and adding the respondents' processing costs, which were calculated using their reported usage rates for processing fresh garlic. For a complete explanation of the Department's analysis, and for a more detailed analysis of these issues with respect to each respondent, see the Intermediate Product Memo.

2. Factor Valuations

In accordance with section 773(c) of the Act, the Department calculated NV based on the intermediate product value and processing FOPs reported by the respondents for the POR. To calculate NV, the Department multiplied the reported per–unit factor quantities by publicly available surrogate values in India with the exception of the surrogate value for ocean freight, which we obtained from an international freight company. In selecting the surrogate values, the Department considered the quality, specificity, and contemporaneity of the data. As appropriate, the Department adjusted input prices by including freight costs to make them delivered prices. The Department calculated these freight costs based on the shorter of the reported distance from the domestic supplier to the factory or the distance from the port in accordance with the decision in *Sigma Corporation v. United States*, 117 F.3d 1401 (Fed. Cir. 1997) (''*Sigma*''). The Department made currency conversions into U.S. dollars, in accordance with section 773A(a) of the Act, based on the exchange rates in effect on the dates of the U.S. sale(s) as certified by the U.S. Federal Reserve Bank.

Garlic Bulb Value

In applying the intermediate input methodology, the Department sought foremost to identify the best available surrogate value for the fresh garlic bulb input to production, as opposed to identifying a surrogate value for garlic seed. Therefore, the Department has valued the fresh garlic bulb using prices for the size ranges of ''A'' and ''super–A'' grade garlic bulb in India, as published by Azadpur Agriculture Produce Marketing Committee (''APMC'') in its ''Market Information Bulletin'' (the ''Bulletin''). Azadpur APMC is the largest fruit and vegetable market in Asia and has become a ''National Distribution Centre'' for important Indian agricultural products such as garlic. The Bulletin is published by the Azadpur APMC on each trading day and contains, among other things, a list of all fruits and vegetables sold on the previous trading day, the amount (by weight) of each fruit or vegetable sold on that day, and a low, high and modal price for each commodity sold. The Department notes that the ''A'' grade garlic typically ranges from 40 - 55 millimeters (''mm'') in diameter, and the ''super–A'' grade garlic ranges 40 mm and above in diameter. *See* Petitioners' Second Surrogate Value Submission, (September 20, 2007) at Attachment 1; Petitioners' First Surrogate Value Submission, (August 2, 2007) at Exhibits 4–5.

As the Department determined in past reviews, the price at which garlic is sold is heavily dependent upon physical characteristics, such as bulb size and number of cloves. *See 9th Review Final Results*, 70 FR 34082 at Comment 2; 10th Review Final Results, 71 FR 26329 at Comment 2. Accordingly, the Department finds that it is important to use surrogate Indian garlic values reflecting sales of garlic bulbs of similar diameter to that of Jinxiang Dong Yun's and Shanghai LJ's merchandise during the POR. Therefore, for these preliminary results, the Department finds that the ''A'' grade and ''super–A'' grade garlic data from Azadpur APMC

[12] *See Fresh Garlic from the People's Republic of China: Final Results of Antidumping Duty Administrative Review*, 70 FR 34082 (June 13, 2005) (''*9th Review Final Results*'').

[13] *See* Memorandum to the File from Matthew Renkey, Senior Case Analyst; 12th Administrative Review of Fresh Garlic from the People's Republic of China: Intermediate Input Methodology Memoranda from the 10th Administrative Review Final Results and 11th Administrative Review Preliminary Results, (November 30, 2007), in which the Department placed the Intermediate Input Methodology memos from the tenth and eleventh Administrative Reviews on the record of this proceeding, inclusive of the verification reports resulting from the ''harvest verification.''

[14] *See Fresh Garlic from the People's Republic of China: Final Results and Partial Rescission of Antidumping Duty Administrative Review and Final Results of New Shipper Reviews*, 71 FR 26329 (May 4, 2006) (''10th Review Final Results''), and accompanying Issues and Decision Memorandum at Comment 1.

are the best available and most appropriate information on the record to value the garlic bulb input, pursuant to section 773(c) of the Act, for the reasons stated below. The Department has found that the data from Azadpur APMC satisfy the Department's surrogate value selection criteria. *See Fresh Garlic from the People's Republic of China: Final Results and Partial Rescission of the Eleventh Administrative Review and New Shipper Reviews*, 72 FR 34438, 34440 (June 22, 2007), and accompanying Issues and Decision Memorandum at Comment 2.

Because the Department is able to determine the size of ''A'' and ''super–A'' grade garlic and Jinxiang Dong Yun and Shanghai LJ provided the size of the garlic bulb, the Department is calculating the surrogate value for the garlic bulb using a simple average of the Azadpur data for ''A'' and ''super–A'' grade garlic for Jinxiang Dong Yun and Shanghai LJ. For further discussion of the Department's calculation for the surrogate value for the garlic bulb, as well as other surrogate values used, *see* the Surrogate Values Memo.

Preliminary Results of the Reviews

The Department has determined that the following preliminary dumping margins exist for the period November 1, 2005, through October 31, 2006:

FRESH GARLIC FROM THE PRC

Manufacturer/Exporter	Weighted–Average Margin (Percent)
Shanghai LJ International Trading Co., Ltd.	35.05
Jinxiang Dong Yun Freezing Storage Co., Ltd.	23.21
Qufu Dongbao Import & Export Trade Co., Ltd.	27.49
Weifang Shennong Foodstuff Co., Ltd.	27.49
Jinxiang Shanyang Freezing Storage Co., Ltd.	27.49
Qingdao Xintianfeng Foods	27.49
Shandong Longtai Fruits and Vegetables Co., Ltd.	27.49
Jining Trans–High Trading Co., Ltd.	27.49
Shenzhen Fanhui Import & Export Co., Ltd.	27.49
Taian Ziyang Food Co., Ltd.	27.49
Anqiu Friend Food Co., Ltd.	27.49
Shanghai Ever Rich Trade Company	27.49

FRESH GARLIC FROM THE PRC—Continued

Manufacturer/Exporter	Weighted–Average Margin (Percent)
Heze Ever–Best International Trade Co., Ltd.	27.49
Qingdao Saturn International Trade Co., Ltd.	27.49
Sunny Import & Export Co., Ltd.	27.49
Henan Weite Industrial Co., Ltd.	27.49
Jinan Farmlady Trading Co., Ltd.	27.49
PRC–wide Rate[15]	376.67

[15] The PRC-Wide entity includes Huaiyang Hongda, APS Qingdao, Fujian Meitan, Hongchang, Jining Haijiang, Jining Solar, Jinxian County Huaguang, Laiwu Hongyang, Pizhou Guangda, Qingdao Bedow, Qingdao Camel, Qingdao H&T, Qingdao Potenza, Qingdao Shiboliang, Rizhao Xingda, Shandong Chengshun, Shandong Dongsheng, Shandong Garlic, Shanghai Ba-Shi, and T&S.

The Department will disclose calculations performed for these preliminary results to the parties within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

In accordance with 19 CFR 351.301(c)(3)(ii), for the final results of this administrative review, interested parties may submit publicly available information to value FOPs within 20 days after the date of publication of these preliminary results. Interested parties must provide the Department with supporting documentation for the publicly available information to value each FOP. Additionally, in accordance with 19 CFR 351.301(c)(1), for the final results of this administrative review, interested parties may submit factual information to rebut, clarify, or correct factual information submitted by an interested party less than ten days before, on, or after, the applicable deadline for submission of such factual information. However, the Department notes that 19 CFR 351.301(c)(1) permits new information only insofar as it rebuts, clarifies, or corrects information recently placed on the record. The Department generally cannot accept the submission of additional, previously absent–from-the–record alternative surrogate value information pursuant to 19 CFR 351.301(c)(1). *See Glycine from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Rescission, in Part*, 72 FR 58809 (October 17, 2007) and accompanying Issues and Decision Memorandum at Comment 2.

Interested parties may submit case briefs and/or written comments no later than 30 days after the date of publication of these preliminary results of review. *See* 19 CFR 351.309(c)(ii). Rebuttal briefs and rebuttals to written comments, limited to issues raised in such briefs or comments, may be filed no later than 37 days after the date of publication of these preliminary results of review. *See* 19 CFR 351.309(d). The Department urges interested parties to provide an executive summary of each argument contained within the case briefs and rebuttal briefs.

Any interested party may request a hearing within 30 days of publication of these preliminary results. *See* 19 CFR 351.310(c). Requests should contain the following information: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs. If we receive a request for a hearing, we plan to hold the hearing seven days after the deadline for submission of the rebuttal briefs at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

The Department will issue the final results of this administrative review, which will include the results of its analysis of issues raised in any such comments, within 120 days of publication of these preliminary results, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon completion of this administrative review, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of the final results of review. If these preliminary results are adopted in our final results of review, the Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries. Pursuant to 19 CFR 351.212(b)(1), we will calculate importer–specific (or customer) *ad valorem* duty assessment rates based on the ratio of the total amount of the dumping margins calculated for the examined sales to the total entered value of those same sales. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review if any importer–specific assessment rate calculated in the final results of this review is above *de minimis*.

For Qingdao Tiantaixing, Zhengzhou Harmoni, Golden Bridge, Shanghai

McCormick, and Zhangqiu Qingyuan, companies for which this review is preliminarily rescinded, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(2).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of the administrative review for shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results, as provided by section 751(a)(2)(C) of the Act: (1) for the exporters listed above, the cash–deposit rate will be that established in these final results of review (except, if the rate is zero or *de minimis*, no cash deposit will be required); (2) for previously reviewed or investigated companies not listed above that have separate rates, the cash–deposit rate will continue to be the exporter–specific rate published for the most recent period; (3) for all other PRC exporters of subject merchandise, which have not been found to be entitled to a separate rate, the cash–deposit rate will be the PRC–wide rate of 376.67 percent; and (4) for all non–PRC exporters of subject merchandise which have not received their own rate, the cash–deposit rate will be the rate applicable to the PRC exporter that supplied that exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review, and this notice are in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.213 and 351.221(b)(4).

Dated: November 30, 2007.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E7–23891 Filed 12–7–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–818]

Certain Pasta From Italy: Notice of Partial Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* December 10, 2007.

SUMMARY: In response to requests for administrative review received on July 31, 2007, the Department of Commerce (the Department) initiated an administrative review of the antidumping duty order on certain pasta from Italy covering the period July 1, 2006, through June 30, 2007.[1] As a result of timely withdrawals of request for review, we are rescinding this review, in part, with respect to Valdigrano Di Flavio Pagani SrL (Valdigrano), Industria Alimentare Colavita, S.p.A. (Indalco) Atar S.r.L. (Atar), Rummo S.P.A. Molina E Pastificio (Rummo), Pastificio Pagani S.p.A. (Pagani), Pastificio Carmine Russo and Pastificio Russo di Cicciano (collectively, Russo), and Domenico Paone fu Erasmo S.p.A. (Domenico).

FOR FURTHER INFORMATION CONTACT: Christopher Hargett, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–4161.

SUPPLEMENTARY INFORMATION:

Background

On July 31, 2007, the Department received a request for review from Valdigrano, F. Divella SpA (Divella), Pasta Zara SpA (Zara), Pastificio Di Martino Gaetano & F.lli SrL (Di Martino), Pastificio Felicetti SrL (Felicetti), and from Industria Indalco.[2] The Department also received a request for an administrative review from petitioners[3] of Atar, Rummo, Pagani, Russo, and Domenico.[4]

On August 24, 2007, the Department initiated the review.[5] On September 4, 2007, Valdigrano withdrew its request for review. On September 12, 2007, Indalco withdrew its request for review. On October 1 and October 5, 2007, petitioners withdrew their request for review on Rummo, Pagani, Russo, and Domenico. On November 21, 2007, petitioners withdrew their request for review on Atar.

On October 15, 2007, the Department selected Divella, Zara and Atar as respondents in the instant review.[6] On October 15, 2007, the Department issued antidumping duty questionnaires to Divella, Zara and Atar.[7]

Scope of Order

Imports covered by the antidumping duty order on pasta from Italy include shipments of certain non-egg dry pasta in packages of five pounds (2.27 kilograms) or less, whether or not enriched or fortified or containing milk or other optional ingredients such as chopped vegetables, vegetable purees, milk, gluten, diastasis, vitamins, coloring and flavorings, and up to two percent egg white. The pasta covered by this order is typically sold in the retail market, in fiberboard or cardboard cartons, or polyethylene or polypropylene bags of varying dimensions.

Excluded from the scope of this order are refrigerated, frozen, or canned pastas, as well as all forms of egg pasta, with the exception of non-egg dry pasta containing up to two percent egg white. Also excluded from the order on pasta from Italy are imports of organic pasta from Italy that are accompanied by the appropriate certificate issued by the Instituto Mediterraneo Di Certificazione, by Bioagricoop Scrl, by QC&I International Services, by Ecocert Italia or by Consorzio per il Controllo dei Prodotti Biologici, by Associazione Italiana per l'Agricoltura Biologica, or by Instituto per la Certificazione Etica e Ambientale (ICEA) are also excluded from this order.

The merchandise subject to the antidumping duty order on pasta from Italy is currently classifiable under item 1902.19.20 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and Customs purposes, the written description of the merchandise subject to the order is dispositive.

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation,* 72 FR 48613, 48614 (August 24, 2007) (*Initiation Notice*).

[2] *See* Pasta from Italy, Request for Administrative Review of Antidumping Order, July 31, 2007.

[3] Petitioners are the New World Pasta Company, American Italian Pasta Company, and Dakota Growers Pasta Company.

[4] *See* Request for '06–'07 Administrative Review of the Antidumping Duty Order on Certain Pasta from Italy, July 31, 2007.

[5] *See Initiation Notice.*

[6] *See* Selection of Respondents for Individual Review Memo from the Team to Melissa Skinner, dated October 15, 2007.

[7] *See* request for information from the Department to Divella, Zara and Atar, dated October 15, 2007.

Scope Rulings

The Department has issued the following scope rulings:

(1) On August 25, 1997, the Department issued a scope ruling, finding that multicolored pasta, imported in kitchen display bottles of decorative glass that are sealed with cork or paraffin and bound with raffia, is excluded from the scope of the order.[8]

(2) On July 30, 1998, the Department issued a scope ruling, finding that multipacks consisting of six one-pound packages of pasta that are shrink-wrapped into a single package are within the scope of the order.[9]

(3) On October 23, 1997, the petitioners filed a request that the Department initiate an anti-circumvention investigation against Barilla, an Italian producer and exporter of pasta. On October 5, 1998, the Department issued a final determination that, pursuant to section 781(a) of the Act, Barilla was circumventing the antidumping duty order by exporting bulk pasta from Italy, which it subsequently repackaged in the United States into packages of five pounds or less for sale in the United States.[10]

(4) On October 26, 1998, the Department self-initiated a scope inquiry to determine whether a package weighing over five pounds as a result of allowable industry tolerances may be within the scope of the order. On May 24, 1999, we issued a final scope ruling finding that, effective October 26, 1998, pasta in packages weighing up to (and including) five pounds four ounces, and so labeled, is within the scope of the order.[11]

Partial Rescission of Review

If a party that requested a review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review, the Secretary will rescind the review pursuant to 19 CFR 351.213(d)(1). In this case, petitioners, Valdigrano, and Indalco withdrew their requests for administrative reviews within 90 days from the date of initiation. No other party requested review of the companies covered by each of the requests for review. Therefore, we are rescinding this review of the antidumping duty order on certain pasta from Italy, in part, with respect to Rummo, Pagani, Russo, Domenico, Indalco, Valdigrano and Atar.

The Department will issue appropriate assessment instructions directly to U.S. Customs and Border Protection (CBP) 15 days after the publication of this notice. The Department will direct CBP to assess antidumping duties at the cash deposit rate in effect on the date of entry for entries during the period July 1, 2006, through June 30, 2006.

This notice is in accordance with section 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 251.213(d)(4).

Dated: December 3, 2007.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E7–23892 Filed 12–7–07; 8:45 am]

BILLING CODE 3510–DS–P

[8] *See* Memorandum from Edward Easton to Richard Moreland, dated August 25, 1997.

[9] *See* letter from Susan H. Kuhbach, Acting Deputy Assistant Secretary for Import Administration, to Barbara P. Sidari, Vice President, Joseph A. Sidari Company, Inc., dated July 30, 1998.

[10] *See Anti-circumvention Inquiry of the Antidumping Duty Order on Certain Pasta from Italy: Affirmative Final Determination of Circumvention of the Antidumping Duty Order,* 63 FR 54672 (October 13, 1998).

[11] *See* Memorandum from John Brinkmann to Richard Moreland, dated May 24, 1999.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–839]

Certain Polyester Staple Fiber from Korea: Final Results of the 2005–2006 Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On June 6, 2007, the Department of Commerce published the preliminary results of the sixth administrative review of the antidumping duty order on certain polyester staple fiber from the Republic of Korea. The review covers the shipments of subject merchandise to the United States by Huvis Corporation and Dongwoo Industry Co., Ltd. Based on our analysis of the comments received from interested parties and an examination of our calculations, we have made certain changes for the final results. The final weighted–average dumping margins are listed below in the ''Final Results of the Review'' section of this notice.

EFFECTIVE DATE: December 10, 2007.

FOR FURTHER INFORMATION CONTACT: Andrew McAllister or Brandon Farlander, Office 1, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington DC 20230; telephone: (202) 482–1174 and (202) 482–0182, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 6, 2007, the Department of Commerce (''the Department'') published *Certain Polyester Staple Fiber from Korea: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Intent to Rescind*, 72 FR 31279 (June 6, 2007) (''*Preliminary Results*'') in the **Federal Register**.

On July 12, 2007, the Department issued a memorandum releasing shipment data for Dongwoo Industry Co., Ltd. (''Dongwoo''). On July 17, 2007, the Department issued a memorandum releasing these shipment data to legal counsel for Dongwoo.

We invited parties to comment on the preliminary results. On July 27, 2007, Wellman, Inc.; Invista, S.a.r.L.; and DAK Americas, LLC (collectively, ''the petitioners''), Huvis Corporation (''Huvis''), and Consolidated Fibers Inc. (''Consolidated Fibers'') (an importer of subject merchandise sales by Dongwoo)/Dongwoo, filed case briefs. On August 3, 2007, the Department rejected Consolidated Fibers/Dongwoo's case brief because the brief contained untimely filed new factual information. Also, on August 3, 2007, the Department requested comments from interested parties on the discrepancies between information provided in Dongwoo's August 10, 2006, questionnaire response and information contained in the Department's July 12, 2007, memorandum. On August 7, 2007, we received a revised case brief from Consolidated Fibers/Dongwoo. We received no comments from interested parties regarding Dongwoo's discrepancies. On August 24, 2007, the petitioners and Huvis filed rebuttal briefs.

On September 28, 2007, the Department published in the **Federal Register** an extension of the time limit for the completion of the final results of this review until no later than December 3, 2007, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (''the Act''), and 19 CFR 351.213(h)(2). *See Certain Polyester Staple Fiber from Korea: Notice of Extension of Time Limit for the Final Results of the 2005–2006 Antidumping Duty Administrative Review*, 72 FR 1703 (September 28, 2007).

Scope of the Order

For the purposes of this order, the product covered is certain polyester staple fiber (''PSF''). PSF is defined as

synthetic staple fibers, not carded, combed or otherwise processed for spinning, of polyesters measuring 3.3 decitex (3 denier, inclusive) or more in diameter. This merchandise is cut to lengths varying from one inch (25 mm) to five inches (127 mm). The merchandise subject to this order may be coated, usually with a silicon or other finish, or not coated. PSF is generally used as stuffing in sleeping bags, mattresses, ski jackets, comforters, cushions, pillows, and furniture. Merchandise of less than 3.3 decitex (less than 3 denier) currently classifiable under the Harmonized Tariff Schedule of the United States (''HTSUS'') at subheading 5503.20.00.25 is specifically excluded from this order. Also specifically excluded from this order are polyester staple fibers of 10 to 18 denier that are cut to lengths of 6 to 8 inches (fibers used in the manufacture of carpeting). In addition, low–melt PSF is excluded from this order. Low–melt PSF is defined as a bi–component fiber with an outer sheath that melts at a significantly lower temperature than its inner core.

The merchandise subject to this order is currently classifiable in the HTSUS at subheadings 5503.20.00.45 and 5503.20.00.65. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under the order is dispositive.

Period of Review

The period of review (''POR'') is May 1, 2005, through April 30, 2006.

Application of Adverse Facts Available

Section 776(a) of the Act provides that the Department will apply ''facts otherwise available'' if, *inter alia*, necessary information is not available on the record or an interested party: 1) withholds information that has been requested by the Department; 2) fails to provide such information within the deadlines established, or in the form or manner requested by the Department, subject to subsections (c)(1) and (e) of section 782 of the Act; 3) significantly impedes a proceeding; or 4) provides such information, but the information cannot be verified.

In its August 10, 2006, questionnaire response, Dongwoo reported that it made no sales or shipments of subject merchandise to the United States during the POR. However, on July 12, 2007, we placed a memorandum on the record confirming through U.S. Customs and Border Protection data that Dongwoo made shipments to the United States during the POR.

Although the deadline to submit new factual information had passed, on August 3, 2007, we sought comments on the discrepancies between information provided in Dongwoo's August 10, 2006, questionnaire response and the Department's July 12, 2007, memorandum. Dongwoo did not provide any comments.

By asserting in its original questionnaire response that it had no sales or shipments to the United States, Dongwoo failed to provide the requested information. In doing so, Dongwoo withheld requested information and significantly impeded the proceeding. Therefore, pursuant to sections 776(a)(2)(A) and (C) of the Act, the Department finds that the use of total facts available is appropriate.

According to section 776(b) of the Act, if the Department finds that an interested party fails to cooperate by not acting to the best of its ability to comply with requests for information, the Department may use an inference that is adverse to the interests of that party in selecting from the facts otherwise available. *See also Notice of Final Results of Antidumping Duty Administrative Review: Stainless Steel Bar from India*, 70 FR 54023, 54025–26 (September 13, 2005); and *Notice of Final Determination of Sales at Less Than Fair Value and Final Negative Critical Circumstances: Carbon and Certain Alloy Steel Wire Rod from Brazil*, 67 FR 55792, 55794–96 (August 30, 2002). It is the Department's practice to apply adverse inferences to ensure that the party does not obtain a more favorable result by failing to cooperate than if it had cooperated fully. *See, e.g.*, Statement of Administrative Action accompanying the Uruguay Round Agreements Act, H.R. Rep. No. 103–316, Vol. 1, at 870 (1994) (SAA), reprinted in 1994 U.S.C.C.A.N. 4040, 4198–99. Furthermore, ''affirmative evidence of bad faith on the part of a respondent is not required before the Department may make an adverse inference.'' *See Antidumping Duties; Countervailing Duties; Final Rule*, 62 FR 27296, 27340 (May 19, 1997); *see also Nippon Steel Corp. v. United States*, 337 F.3d 1373, 1382–83 (Fed. Cir. 2003) (''*Nippon*'').

We find that Dongwoo did not act to the best of its abilities in this proceeding, within the meaning of section 776(b) of the Act, because it withheld information specifically requested by the Department. Therefore, an adverse inference is warranted in selecting from the facts otherwise available with respect to this company. *See Nippon*, 337 F.3d at 1382–83.

Section 776(b) of the Act provides that the Department may use as AFA, information derived from: 1) the petition; 2) the final determination in the investigation; 3) any previous review; or 4) any other information placed on the record. The Department's practice, when selecting an AFA rate from among the possible sources of information, has been to ensure that the margin is sufficiently adverse ''as to effectuate the statutory purposes of the adverse facts available rule to induce respondents to provide the Department with complete and accurate information in a timely manner.'' *See, e.g., Certain Steel Concrete Reinforcing Bars from Turkey; Final Results and Rescission of Antidumping Duty Administrative Review in Part*, 71 FR 65082, 65084 (November 7, 2006). In this case, the Department considered: 1) the rates alleged in the petition, which ranged from 48.14 to 84.03 percent; 2) the rates calculated in the final determination of the investigation, which ranged from 0.12 to 7.91 percent (*see Notice of Amended Final Determination of Sales at Less Than Fair Value: Certain Polyester Staple Fiber from the Republic of Korea, and Antidumping Duty Orders: Certain Polyester Staple Fiber from the Republic of Korea and Taiwan*, 65 FR 33807, 33808 (May 25, 2000); *see also Certain Polyester Staple Fiber from the Republic of Korea: Notice of Amended Final Determination and Amended Order Pursuant to Final Court Decision*, 70 FR 74552, 74553 (December 24, 2003)); and 3) the rate calculated in the fourth administrative review, *i.e.*, 5.87 percent (*see Notice of Final Results of Antidumping Duty Administrative Review: Certain Polyester Staple Fiber from the Republic of Korea*, 70 FR 73435, 73436 (December 12, 2005)).

In order to ensure that the margin is sufficiently adverse so as to induce cooperation, we have assigned a rate of 48.14 percent, which is the lowest rate alleged in the petition, as modified in the Department's initiation notice. *See Initiation of Antidumping Duty Investigations: Certain Polyester Staple Fiber From the Republic of Korea and Taiwan*, 69 FR 23053, 23055 (April 29, 1999) (''*LTFV Initiation*''). The Department finds that this rate is sufficiently high to effectuate the purpose of the facts available rule (*i.e.*, we find that this rate is high enough to encourage participation in future segments of this proceeding in accordance with section 776(b) of the Act).

Information from the petition and prior segments of the proceeding constitutes secondary information and section 776(c) of the Act provides that the Department shall, to the extent

practicable, corroborate that secondary information from independent sources reasonably at its disposal. The Department's regulations provide that ''corroborate'' means that the Department will satisfy itself that the secondary information to be used has probative value. *See* 19 CFR 351.308(d); *see also* SAA at 870. To the extent practicable, the Department will examine the reliability and relevance of the information to be used.

To corroborate the petition margin, we compared it to the transaction–specific rates calculated for the participating respondent in this review. We find that it is reliable and relevant because the lowest transaction–specific petition rate is comparable to the range of individual transaction margins calculated for the participating respondent. *See Certain Frozen Warmwater Shrimp from India: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review*, 72 FR 10658, 10663 (March 7, 2007) (unchanged in the final results).

Further, the Department will consider information reasonably at its disposal as to whether there are circumstances that would render a margin inappropriate. Where circumstances indicate that the selected margin is not appropriate as AFA, the Department may disregard the margin and determine an appropriate margin. *See*, *e.g.*, *Fresh Cut Flowers from Mexico; Final Results of Antidumping Duty Administrative Review*, 61 FR 6812, 6814 (February 22, 1996) (where the Department disregarded the highest calculated margin as AFA because the margin was based on a company's uncharacteristic business expense resulting in an unusually high margin). In the instant case, we examined whether any information on the record would discredit the selected rate as reasonable facts available. Specifically, we reviewed the quantities involved in the transaction–specific rates used for corroboration purposes and we note that the quantities of these transactions are quantities typical of the participating respondent's normal transactions. *See* Memorandum from Team to the File, ''Corroboration of Data Contained in the Petition for Assigning Facts Available Rates in the 2005–2006 Antidumping Duty Administrative Review of Certain Polyester Staple Fiber from Korea,'' dated December 3, 2007 (''Corroboration Memo''). Therefore, we have determined that the 48.14 percent margin is appropriate as AFA and are assigning it to Dongwoo.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this review are addressed in the December 3, 2007, Issues and Decision Memorandum for the Sixth Antidumping Duty Administrative Review of Certain Polyester Staple Fiber from the Republic of Korea (''Decision Memorandum''), which is hereby adopted by this notice. Attached to this notice as an appendix is a list of the issues which parties have raised and to which we have responded in the Decision Memorandum. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum, which is on file in the Department's Central Records Unit, Room B–099 of the main Department building (''CRU''). In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at *http://ia.ita.doc.gov/fxsp0;frn/index.html*. The paper copy and electronic version of the Decision Memorandum are identical in content.

Fair Value Comparisons

To determine whether sales of PSF from Korea to the United States were made at less than normal value, we compared export price (''EP'') to the NV. We calculated EP, NV, constructed value (''CV''), and the cost of production (''COP''), based on the same methodologies used in the *Preliminary Results*, with the following exceptions:

To establish a market value for the input QTA pursuant to the major input rule, the Department applied a proxy market price calculated from the affiliated supplier's financial statements in the preliminary results. Based upon a further review of the record of this proceeding, we have determined that MTA can be substituted for QTA in similar quantities to produce the same amount of finished PSF. Therefore, for the final results, we have used the market price of MTA reported by Huvis as a proxy for the market price of QTA. Based on this, we made an adjustment to the value of QTA to reflect the difference between the transfer price of QTA and the higher of the COP of QTA or the market price of MTA. *See* Decision Memorandum at Comments 4 and 5; *see also* Memorandum from Team to File, ''2005/2006 Antidumping Duty Administrative Review of Certain Polyester Staple Fiber from Korea - Final Results Calculation Memorandum for Huvis Corporation,'' dated December 3, 2007 (''Huvis Final Calculation Memorandum'').

In the preliminary results, we allowed Huvis to exclude impairment losses related to property, plant, and equipment from SK Chemicals' SG&A expenses. For the final results, we determine that these impairment losses are ordinary losses and represent real economic losses. Therefore, we have included these impairment losses in SK Chemicals' SG&A expenses because these losses are part of the general operations of SK Chemicals. *See* Decision Memorandum at Comment 7; *see also* Huvis Final Calculation Memorandum.

Final Results of the Review

We find that the following percentage margins exist for the period May 1, 2005, through April 30, 2006:

Exporter/manufacturer	Weighted–average margin percentage
Dongwoo Industry Co., Ltd.	48.14
Huvis Corporation	2.51

Assessment Rates

The Department has treated Huvis as the importer of record for certain POR shipments. Pursuant to 19 CFR 351.212(b)(1), for all sales where Huvis is the importer of record, Huvis submitted the reported entered value of the U.S. sales and we calculated importer–specific assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of those sales.

Regarding sales where Huvis was not the importer of record, we note that Huvis did not report the entered value for the U.S. sales in question. Accordingly, we calculated importer–specific assessment rates for the merchandise in question by aggregating the dumping margins calculated for all U.S. sales to each importer and dividing this amount by the total quantity of those sales. To determine whether the duty assessment rates were *de minimis*, in accordance with the requirement set forth in 19 CFR 351.106(c)(2), we calculated importer–specific *ad valorem* ratios based on the estimated entered value.

Pursuant to 19 CFR 351.106(c)(2), we will instruct CBP to liquidate without regard to antidumping duties any entries for which the assessment rate is *de minimis* (*i.e.*, less than 0.50 percent). The Department will issue appropriate assessment instructions to CBP 15 days after publication of these final results of review.

The Department clarified its ''automatic assessment'' regulation on May 6, 2003. *See Antidumping and Countervailing Duty Proceedings:*

Assessment of Antidumping Duties, 68 FR 23954 (May 6, 2003). This clarification will apply to entries of subject merchandise during the POR produced by companies included in these final results for which the reviewed companies did not know their merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all–others rate if there is no rate for the intermediate company(ies) involved in the transaction. *Id*.

Cash Deposit Rates

The following antidumping duty deposits will be required on all shipments of certain PSF from Korea entered, or withdrawn from warehouse, for consumption, effective on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) the cash deposit rates for the reviewed companies will be the rate listed above (except no cash deposit will be required if a company's weighted–average margin is *de minimis*, *i.e.*, less than 0.5 percent); (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company–specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this review, a prior review, or the investigation, the cash deposit rate will be 7.91 percent, the all–others rate established in *Certain Polyester Staple Fiber from the Republic of Korea: Notice of Amended Final Determination and Amended Order Pursuant to Final Court Decision*, 68 FR 74552 (December 24, 2003). These cash deposit requirements shall remain in effect until publication of the final results of the next administrative review.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective orders (''APOs'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

We are issuing and publishing these results and this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: December 3, 2007.

Stephen J. Claeys,

Acting Assistant Secretary for Import Administration.

Appendix I

List of Comments in the Decision Memorandum

Comment 1: Coding of Specialty Fibers
Comment 2: Home Market Sales Database

Comment 3: Classification of U.S. Sales as Constructed Export Price Sales
Comment 4: MTA and QTA as Identical Products
Comment 5: Valuing PTA and QTA at the Transfer Price Paid by Huvis
Comment 6: Major Input Test for Samnam's Purchases of Paraxylene
Comment 7: SK Chemicals' SG&A and Financial Expenses Ratios
Comment 8: Huvis' G&A Expenses
Comment 9: Zeroing Dumping Margins
Comment 10: The Rate Applicable to Dongwoo's Sales

[FR Doc. E7–23894 Filed 12–7–07; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–824]

Certain Polyethylene Terephthalate Film, Sheet and Strip from India: Extension of Time Limit for Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: December 10, 2007.

FOR FURTHER INFORMATION CONTACT: Martha Douthit, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, Department of Commerce, Room 7866, 14th Street and Constitution Avenue, NW, Washington DC 20230; telephone: (202) 482–5050.

SUPPLEMENTARY INFORMATION:

Background

On August 7, 2007, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on certain polyethlene terephthalate sheet, and strip from India for the period July 1, 2005 through June 30, 2006. *See Certain Polyethylene Terephthalate Film, Sheet and Strip From India: Preliminary Results of Antidumping Duty Administrative Review*, 72 FR 44086 (August 7, 2007). This review covers one producer of the subject merchandise to the United States.

Extension of Time Limit for Final Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act) requires the Department to issue the final results in an administrative review within 120 days of the publication date of the preliminary results. However, if it is not practicable to complete the review within this time period, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for the final results to a maximum of 180 days. The Department has determined that completion of the final results of this review within the original time period is not practicable. Specifically, the Department requires additional time to analyze whether an adjustment for any countervailing duties imposed on the subject merchandise to offset an export subsidy is warranted. Thus, in accordance with section 751(a)(3)(A) of the Act, the Department is extending the time period for issuing the final results of review by an additional 60 days, from December 5, 2007 until no later than February 4, 2008.

This notice is published pursuant to sections 751(a)(3)(A) and 777(I)(1) of the Act.

Dated: December 4, 2007.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E7–23890 Filed 12–7–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–401–808]

Purified Carboxymethylcellulose from Sweden: Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On August 7, 2007, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on purified carboxymethylcellulose (CMC) from Sweden. *See Purified Carboxymethylcellulose from Sweden: Preliminary Results of Antidumping Duty Administrative Review*, 72 FR 44089 (August 7, 2007) (*Preliminary Results*). The period of review is December 27, 2004, through June 30, 2006. We received comments from interested parties and have made changes to the margin for the final results. The final margin for the respondent is listed below in the section entitled ''Final Results of Review.''

EFFECTIVE DATE: December 10, 2007.

FOR FURTHER INFORMATION CONTACT: Patrick Edwards or Angelica Mendoza, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–8029 or (202) 482–3019, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 7, 2007, the Department published the preliminary results of the administrative review of the antidumping duty order on CMC from Sweden. *See Preliminary Results*. On August 1, 2007, prior to the publication of the *Preliminary Results*, the Department issued an additional supplemental questionnaire to CP Kelco, requesting that it report its factoring expenses on a transaction–specific basis to the Department. CP Kelco submitted its response on August 15, 2007. *See* Letter from Arent Fox, LLP to the Secretary of Commerce dated August 15, 2007 (Factoring Expenses Supplemental Response). For a further discussion of CP Kelco's factoring expenses, *see* ''Changes Since the Preliminary Results'' section below.

We invited interested parties to comment on the *Preliminary Results*. On September 6, 2007, petitioner filed comments on the *Preliminary Results*.[1] *See* Letter from Haynes & Boone, LLP to the Secretary of Commerce, regarding ''Demonstration of Programming Errors,'' dated September 6, 2007. Also on September 6, 2007, CP Kelco AB and Noviant AB, respondents in this administrative review (collectively, CP Kelco), submitted comments on the *Preliminary Results*. *See* Letter from Arent Fox, LLP to the Secretary of Commerce, regarding ''Comments regarding August 7, 2007 Preliminary Results of Review,'' dated September 6, 2007 (CP Kelco Brief). On September 11, 2007, petitioner filed its rebuttal to CP Kelco's September 6, 2007, submission. *See* Letter from Haynes & Boone, LLP to the Secretary of Commerce, regarding Rebuttal Brief of the Aqualon Company, dated September 11, 2007 (Petitioner Rebuttal Brief). We received no requests for a public hearing from the parties.

Scope of the Order

The merchandise covered by this order is purified CMC, sometimes also referred to as purified sodium CMC, polyanionic cellulose, or cellulose gum, which is a white to off–white, non–toxic, odorless, biodegradable powder, comprising sodium CMC that has been refined and purified to a minimum assay of 90 percent. Purified CMC does not include unpurified or crude CMC, CMC Fluidized Polymer Suspensions, and CMC that is cross–linked through heat treatment. Purified CMC is CMC that has undergone one or more purification operations, which, at a minimum, reduce the remaining salt and other by–product portion of the product to less than ten percent. The merchandise subject to this order is currently classified in the Harmonized Tariff Schedule of the United States at subheading 3912.31.00. This tariff classification is provided for convenience and customs purposes; however, the written description of the scope of this order is dispositive.

Analysis of Comments Received

All issues raised in the briefs are addressed in the ''Memorandum to the Assistant Secretary: Issues and Decision Memorandum for the Final Results of First Administrative Review of Purified Carboxymethylcellulose from Sweden,'' dated December 5, 2007 (Issues and Decision Memorandum), which is hereby adopted by this notice. A list of the issues raised, all of which are in the Issues and Decision Memorandum, is attached to this notice as Appendix I. Parties can find a complete discussion of all issues raised in the briefs and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit (CRU), room B–099 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Web at http://www.trade.gov/ia/. The paper copy and electronic version of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on the comments received from the interested parties, we have made changes to the margin calculations for CP Kelco, including corrections to clerical errors made at the *Preliminary Results* with regard to foreign currency conversions. As previously stated above, CP Kelco submitted its Factoring Expenses Supplemental Response on August 15, 2007. Petitioner did not comment on these data in its case and rebuttal briefs. Following our review of these data, we have determined that it is appropriate to revise our calculation of net price using the transaction–specific factoring expenses (*i.e.*, transaction fees charged to CP Kelco by its affiliated financial institution for purchasing CP Kelco's accounts receivable and remitting payment to CP Kelco at an earlier date than payment would have otherwise been received from the invoiced customer) reported by CP Kelco in the Factoring Expenses Supplemental Response. For a discussion of all changes the Department has made to the margin calculations for CP Kelco, *see* ''Memorandum to the File: First Antidumping Duty Administrative Review of the Antidumping Duty Order on Purified Carboxymethylcellulose for CP Kelco AB (CP Kelco),'' dated December 5, 2007 (Final Analysis Memo). A public version of this memorandum is on file in the CRU.

Final Results of Review

In the *Preliminary Results*, we determined that CP Kelco AB is, as the company had alleged, the successor–in-interest to the former Noviant AB for purposes of this proceeding and application of the antidumping law. We received no comments on this issue, and we determine that CP Kelco AB is the successor–in-interest to Noviant AB,[2] and that the following antidumping duty margin exists for the period

[1] Petitioner in this proceeding is The Aqualon Company, a division of Hercules Incorporated.

[2] For a complete discussion of our successorship analysis, *see Preliminary Results* at 44090.

December 27, 2004, through June 30, 2006:

Manufacturer/Exporter	Weighted–Average Margin (Percent)
CP Kelco AB	3.84

Assessment Rates

The Department will determine, and U.S. Bureau of Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. Pursuant to section 751(a)(1) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.212(b), the Department calculates an assessment rate for each importer of the subject merchandise covered by the review. Upon issuance of the final results of this review, if any importer–specific assessment rates calculated in the final results are above *de minimis* (*i.e.*, at or above 0.50 percent), we will issue appraisement instructions directly to CBP to assess antidumping duties on appropriate entries by applying the assessment rate to the entered value of the merchandise. To determine whether the duty–assessment rate covering the period is *de minimis*, in accordance with the requirement set forth in sections 733(b)(3) and 735 of the Act, and 19 CFR 351.106(c)(2), we have calculated an importer–specific assessment *ad valorem* rate by aggregating the dumping margins calculated for all U.S. sales to the importers of CP Kelco's subject merchandise and dividing this amount by the total entered value of the sales to that importer. Where the importer–specific *ad valorem* rate is greater than *de minimis* and because the respondent has reported reliable entered values, we will instruct CBP to apply the assessment rate to the entered value of the importer's entries during the period of review. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

The Department clarified its ''automatic assessment'' regulation on May 6, 2003. *See Notice of Policy Concerning Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003) (*Assessment Policy Notice*). This clarification will apply to entries of subject merchandise during the POR produced by CP Kelco, for which CP Kelco did not know that the merchandise it sold to an intermediary (*e.g.*, a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all–others rate if there is no company–specific rate for an intermediary involved in the transaction. *See Assessment Policy Notice* for a full discussion of this clarification.

Cash–Deposit Requirements

The following deposit requirements will be effective upon publication of these final results of this administrative review for all shipments of CMC from Sweden that are entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results, as provided by section 751(a)(2)(C) of the Act: (1) the cash–deposit rate for CP Kelco will be 3.84 percent; (2) for merchandise exported by producers or exporters that were previously reviewed or investigated, the cash deposit will continue to be the most recent rate published in the final determination or final results for which the producer or exporter received an individual rate; (3) if the exporter is not a firm covered in this review, a prior review, or the original less–than-fair–value investigation but the manufacturer is, the cash–deposit rate will be the rate established for the most recent period for the manufacturer of the subject merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review, the cash–deposit rate shall be 25.29 percent, the all–others rate established in the less–than-fair–value investigation. These cash–deposit requirements shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as the only reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO as explained in the administrative protective order itself. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested in accordance with 19 CFR 351.305(a)(3). Failure to comply is a violation of APO.

These final results of administrative review and notice are issued and published in accordance with ections 751(a)(1) and 777(i)(1) of the Act.

Dated: December 3, 2007.

Stephen J. Claeys,

Acting Assistant Secretary for Import Administration.

Appendix I

Comment 1: Programming Errors regarding Foreign Currency Conversions
Comment 2: Zeroing of Non–Dumping Margins

[FR Doc. E7–23893 Filed 12–7–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Fisheries Finance Program Requirements

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before February 8, 2008.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Brian C. Summers at (301) 713–2390 or *Brian.Summers@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

NOAA operates a direct loan program to assist in financing certain actions relating to commercial fishing vessels, shoreside fishery facilities, aquaculture operations, and individual fishing quotas. The application information is required to determine eligibility pursuant to 50 CFR part 253 and to determine the type and amount of assistance requested by the applicant. An annual financial statement is required from the recipients to monitor the financial status of the loan.

II. Method of Collection

Paper applications.

III. Data

OMB Number: 0648–0012.
Form Number: NOAA Form 88–1.
Type of Review: Regular submission.
Affected Public: Individuals or households and business or other for-profit organizations.
Estimated Number of Respondents: 1,735.
Estimated Time per Response: 8 hours.
Estimated Total Annual Burden Hours: 13,880.
Estimated Total Annual Cost to Public: $8,050.

IV. Request for Comments

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

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: December 4, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7–23858 Filed 12–7–07; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Vessel Monitoring System Requirement for American Samoa Pelagic Longline Fishery

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before February 8, 2008.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Walter Ikehara, (808) 944–2275 or *walter.ikehara@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

The commercial fishing vessels active in the American Samoa-based pelagic longline fishery that are greater than 50 feet in length overall must allow the National Marine Fisheries Service (NMFS) to install Vessel Monitoring System (VMS) units on their vessels when directed to do so by NMFS enforcement personnel. VMS units automatically send periodic reports on the position of the vessel. NMFS uses the reports to monitor the vessel's location and activities while enforcing longline fishing area closures. NMFS provide the funds for the units and messaging.

II. Method of Collection

The only information collected is vessel position reports, which are automatically transmitted via the VMS.

III. Data

OMB Number: 0648–0519.
Form Number: None.
Type of Review: Regular submission.
Affected Public: Business or other for-profits organizations.
Estimated Number of Respondents: 40.
Estimated Time per Response: 4 hours to install a VMS; 2 hours per year to maintain a VMS; 24 seconds a day to transmit hourly automated position reports from a vessel.
Estimated Total Annual Burden Hours: 193.
Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

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

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: December 4, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7–23862 Filed 12–7–07; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Meeting: Climate Change Science Program (CCSP) Product Development Committee (CPDC) for Synthesis and Assessment Product 5.3

AGENCY: Office of Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of open meeting.

SUMMARY: The Climate Change Science Program (CCSP) Product Development Committee for Synthesis and Assessment Product 5.3 (CPDC–S&A 5.3) was established by a Decision Memorandum dated October 12, 2006. CPDC–S&A 5.3 is the Federal Advisory Committee charged with responsibility to develop a draft Synthesis and Assessment Product that addresses CCSP Topic 5.3: ''Decision Support Experiments and Evaluations Using Seasonal to Interannual Forecasts and Observational Data''.

Place: The meeting will be held at the Southwest Center, 1052 North Highland Ave, University of Arizona, Tucson, Arizona 85721.

Time and Date: The meeting will convene at 9 a.m. on Thursday, January 10, 2008 and adjourn the afternoon of January 11, 2008. Meeting information will be available online on the CPDC–S&A 5.3 Web site (*http://www.fxsp0;climate.noaa.gov/*

fxsp0;index.jsp?pg=./ccsp/53.fxsp0;jsp). Please note that meeting location, times, and agenda topics described below are subject to change.

Status: The meeting will be open to public participation and will include a 30-minute public comment period on January 10 from 9–9:30 a.m. The CPDC—S&A 5.3 expects that public statements presented at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to a total time of five (5) minutes. Written comments (at least 35 copies) should be received by the CPDC—S&A 5.3 Designated Federal Official (DFO) by December 31, 2007 to provide sufficient time for review. Written comments received after December 31 will be distributed to the CPDC—S&A 5.3, but may not be reviewed prior to the meeting date. Seats will be available to the public on a first-come, first-served basis.

Matters to be Considered: The meeting will (1) formulate responses to the comments received from the special committee of the National Academies of Science (NAS) Committee on the Human Dimensions of Global Change tasked to review the First Draft of Synthesis and Assessment Product 5.3 and revise the First Draft accordingly; (2) finalize plans for completion and submission of the Second Draft of the Synthesis and Assessment Product 5.3 for public review.

FOR FURTHER INFORMATION CONTACT: Dr. Nancy Beller-Simms, CPDC—S&A 5.3 DFO and the Program Manager, NOAA/OAR/Climate Program Office, Sectoral Applications Research Program, 1315 East-West Highway, Room 12221, Silver Spring, Maryland 20910; telephone 301–734–1205, e-mail: *Nancy.Beller-Simms@noaa.gov.*

Dated: December 4, 2007.

Sharon L. Schroeder,

Acting Chief Financial Officer, Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. E7–23899 Filed 12–7–07; 8:45 am]

BILLING CODE 3510–KB–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant Exclusive Patent License; goodXense, Inc.

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to goodXense, Inc., a revocable, nonassignable, exclusive license to practice in the field of use of radio frequency (RF) wireless water quality monitoring in the United States and certain foreign countries, the Government-owned inventions described in U.S. Patent No. 6,780,307: Ion Selective Electrodes for Direct Organic Drug Analysis in Saliva, Sweat, and Surface Wipes, Navy Case No. 83,326.//U.S. Patent Application No. 10/833,636: Ion Selective Electrodes for Direct Organic Drug Analysis in Saliva, Sweat, and Surface Wipes, Navy Case No. 96,181.//U.S. Patent Application No. 11/009,849: Multiparameter System for Environmental Monitoring, Navy Case No. 84,717 and any continuations, divisionals or re-issues thereof.

DATES: Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, if any, not later than December 26, 2007.

ADDRESSES: Written objections are to be filed with the Naval Research Laboratory, Code 1004, 4555 Overlook Avenue, SW., Washington, DC 20375–5320.

FOR FURTHER INFORMATION CONTACT: Rita Manak, Head, Technology Transfer Office, NRL Code 1004, 4555 Overlook Avenue, SW., Washington, DC 20375–5320, telephone (202) 767–3083. Due to U.S. Postal delays, please fax (202) 404–7920, e-mail: *rita.manak@fxsp0;nrl.navy.mil* or use courier delivery to expedite response.

(Authority: 35 U.S.C. 207, 37 CFR Part 404.)

Dated: December 4, 2007.

L.R. Almand,

Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. E7–23859 Filed 12–7–07; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION.

Notice of Proposed Information Collection Requests

AGENCY: Department of Education

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before February 8, 2008.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: December 4, 2007.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Office of Elementary and Secondary Education

Type of Review: Revision.

Title: Survey on the Use of Funds Under Title II, Part A (''Improving Teacher Quality State Grants—Subgrants to LEAs'').

Frequency: Annually.

Affected Public: State, Local, or Tribal Governments, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 850.

Burden Hours: 5,000.

Abstract: The No Child Left Behind Act of 2001 (NCLB), which reauthorized the Elementary and Secondary Education Act of 1965, provides funds to districts to improve the quality of

their teaching and principal force and raise student achievement. These funds are provided to districts through Title II, Part A (''Improving Teacher Quality State Grants—Subgrants to LEAs''). The purpose of this survey is for the U.S. Department of Education to have a better understanding of how districts are using these funds. The survey also collects information on high-quality professional development in LEAs. This OMB clearance request is to continue these analyses using a similar data collection instrument and sampling plan for the 2007–2008 school year and subsequent years. The major change from past years is the addition of a short survey for State Educational Agencies (SEAs). The SEA survey will provide information on fiscal year allocations of Title II, Part A funds made to the LEAs selected for participation in the main survey and be preprinted with the names of the LEAs selected for participation in the LEA survey.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 3523. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–245–6623. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. E7–23895 Filed 12–7–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before February 8, 2008.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: December 4, 2007.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Office of Elementary and Secondary Education

Type of Review: Extension.

Title: Migrant Education Program (MEP) Regulations, Sections 200.83, 200.84, and 200.88.

Frequency: Biennially 220.84, biennially and one-time 200.83, and one-time 200.88.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs; Individuals or household.

Reporting and Recordkeeping Hour Burden:

Responses: 43.

Burden Hours: 19,925.

Abstract: Section 200.83 of the regulations for Title I, Part C establish the minimum requirements an State Educational Agency (SEA) must meet for development of a comprehensive needs assessment and plan for service delivery as required under Section 1306(b) of the Elementary and Secondary Education Act (ESEA), as amended (Pub. L. 107–110). Section 200.84 of the regulations establish the minimum requirements the SEA must meet to implement the program evaluation required under Section 1304(c)(2) of the ESEA. Section 200.88 of the regulations clarify that, for the purposes of the MEP, only ''supplemental'' State or local funds that are used for programs specifically designed to meet the unique needs of migratory children can be excluded in terms of determining compliance with the ''comparability'' and ''supplement'', not supplant'' provisions of the statute.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 3540. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–245–6623. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. E7–23896 Filed 12–7–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services; Overview Information; Technology and Media Services for Individuals With Disabilities—Steppingstones of Technology Innovation for Children With Disabilities; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2008

Catalog of Federal Domestic Assistance (CFDA) Number: 84.327A.

Note: This notice includes one absolute priority with two phases, and funding information for each phase of the competition.

Dates:

Applications Available: December 10, 2007.

Deadline for Transmittal of Applications: See the chart in the *Award Information* section of this notice (Chart).

Deadline for Intergovernmental Review: See Chart.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the Technology and Media Services for Individuals with Disabilities program is to: (1) Improve results for children with disabilities by promoting the development, demonstration, and use of technology, (2) support educational media services activities designed to be of educational value in the classroom setting to children with disabilities, and (3) provide support for captioning and video description that are appropriate for use in the classroom setting.

Priority: In accordance with 34 CFR 75.105(b)(2)(v), this priority is from allowable activities specified in the statute, or otherwise authorized in the statute (see sections 674 and 681(d) of the Individuals with Disabilities Education Act (IDEA)).

Absolute Priority: For FY 2008 and any subsequent year in which we make awards based on the list of unfunded applications from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

This priority is:

Technology and Media Services for Individuals with Disabilities—Steppingstones of Technology Innovation for Children with Disabilities

Background

The Department has made Steppingstones of Technology Innovation for Children with Disabilities awards for several years under the Technology and Media Services for Individuals with Disabilities program. Starting in FY 2005, awards were limited to two phases, Development and Research on Effectiveness. Abstracts of projects funded under these two phases can be found at *http://www.nichcy.org/fxsp0;directories/fxsp0;3_volumefxsp0;2006.pdf* (see projects funded under CFDA 84.327A with Beginning Dates of September 1, 2005 or later).

Priority:

The Steppingstones of Technology Innovation for Children with Disabilities absolute priority requires grantees to implement and evaluate innovative technology approaches designed to improve results for children with disabilities. Phase 1 projects must develop, refine, and test the feasibility of technology-based approaches. Phase 2 projects must subject technology-based approaches to rigorous field-based research to determine their effectiveness.

To be considered for funding under the Steppingstones of Technology Innovation for Children with Disabilities absolute priority, applicants must meet the application requirements contained in the priority. All projects funded under the absolute priority also must meet the programmatic and administrative requirements specified in the priority. The application, programmatic, and administrative requirements are as follows:

(a) In the application, an applicant must—

(1) Describe a technology-based approach for improving the results of early intervention, response-to-intervention assessment techniques, or preschool, elementary school, middle school, or high school education for children with disabilities. The technology-based approach must be an innovative combination of new technology and additional materials and methodologies that enable the technology to improve early intervention, assessment, or educational results for children with disabilities;

(2) Present a justification, based on scientifically rigorous research or theory, that supports the potential effectiveness of the technology-based approach described pursuant to paragraph (a)(1) of this priority for improving the results of early intervention, response-to-intervention assessment techniques, or preschool, elementary school, middle school, or high school education for children with disabilities. Results studied under this priority must focus on child outcomes, rather than on parent or professional outcomes. Child outcomes may include improved academic or pre-academic skills, improved behavioral or social functioning, and improved functional performance, provided that valid and reliable measurement instruments are employed to assess the outcomes. Technology-based approaches intended for use by professionals or parents are not appropriate for funding under this priority unless child-level benefits are clearly demonstrated. Technology-based approaches for professional development will not be funded under this priority;

(3) Provide a detailed plan for conducting work in one of the following two phases:

(i) *Phase 1—Development:* Projects funded under Phase 1 must develop and refine a technology-based approach, and test its feasibility for use with children with disabilities. Activities under Phase 1 of the priority may include development, adaptation, and refinement of technology, materials, or methodologies. Activities under Phase 1 of the priority must include formative evaluation of the technology-based approach's usability and feasibility for use with children with disabilities. Each project funded under Phase 1 must be designed to develop, as its primary product, a promising technology-based approach that is suitable for field-based evaluation of effectiveness in improving results for children with disabilities.

(ii) *Phase 2—Research on Effectiveness:* Projects funded under Phase 2 must select a promising technology-based approach that has been developed and tested in a manner consistent with the criteria for activities funded under Phase 1, and subject the approach to rigorous field-based research to determine effectiveness in educational or early intervention settings. Approaches studied through projects funded under Phase 2 may have been developed with previous funding under Phase 1 of this priority or with funding from other sources. Phase 2 of this priority is primarily intended to produce sound research-based evidence that demonstrates that the technology-based approach can improve educational or early intervention results for children with disabilities in a defined range of real world contexts.

Projects funded under Phase 2 of this priority must conduct research that poses a causal question and must employ randomized assignment to treatment and comparison conditions, unless a strong justification is made for why a randomized trial is not possible. If a randomized trial is not possible, the applicant must employ alternatives that

substantially minimize selection bias or allow it to be modeled. These alternatives include appropriately structured regression-discontinuity designs and natural experiments in which naturally occurring circumstances or institutions (perhaps unintentionally) divide people into treatment and comparison groups in a manner akin to purposeful random assignment. In their applications, applicants proposing to use an alternative system must (1) make a compelling case that randomization is not possible, and (2) describe in detail how the procedures will result in substantially minimizing the effects of selection bias on estimates of effect size. Choice of randomizing unit or units (e.g., students, classrooms, schools) must be grounded in a theoretical framework. Observational, survey, or qualitative methodologies may complement experimental methodologies to assist in the identification of factors that may explain the effectiveness or ineffectiveness of the technology-based approach being evaluated. Applications must provide research designs that permit the identification and assessment of factors that may have an impact on the fidelity of implementation. Mediating and moderating variables that are both measured in the practice or model condition and are likely to affect outcomes in the comparison condition must be measured in the comparison condition (e.g., student time-on-task, teacher experience, and time in position).

Projects funded under Phase 2 of this priority must conduct comprehensive research in order to provide convincing evidence of the effectiveness or ineffectiveness of the technology-based approach under study, at least within a defined range of settings. Applicants must provide documentation that available sample sizes, methodologies, and treatment effects are likely to result in conclusive findings regarding the effectiveness of the technology-based approach;

(4) Provide a plan for forming collaborative relationships with vendors, other dissemination or marketing resources, or both to ensure that the technology-based approach can become widely available if sufficient evidence of effectiveness has been obtained. Applicants should document the availability and participation of dissemination or marketing resources. Applicants are encouraged to plan these collaborative relationships early in their projects, even in Phase 1 (if applicable), but should refrain from widespread dissemination of the technology-based approach to practitioners until evidence of its effectiveness has been obtained; and

(5) Budget for the project director to attend an annual three-day Project Directors' meeting in Washington, DC, and another annual two-day trip to Washington, DC to collaborate with the Federal project officer and the other projects funded under this priority to share information, and to discuss findings and methods of dissemination.

(b) The project also must conduct the following activities:

(1) If the project maintains a Web site, include relevant information and documents in a format that meets a government or industry-recognized standard for accessibility.

(2) If the project produces instructional materials for dissemination, produce them in accessible formats, including complying with the National Instructional Materials Accessibility Standard (NIMAS) for textual materials.

Within this absolute priority, we are particularly interested in applications that address the following invitational priorities.

Invitational Priorities: Under 34 CFR 75.105(c)(1) we do not give an application that meets one of these invitational priorities a competitive or absolute preference over other applications.

These priorities are:

(1) Projects led by a project director or principal investigator who is in the initial phase of his or her career. For purposes of this invitational priority, the initial phase of an individual's career is considered to be the first three years after the individual completes and graduates from a doctoral program (i.e., for FY 2008 awards, projects may support individuals who completed and graduated from a doctoral program no earlier than the 2004–2005 academic year). To qualify for this invitational priority, the applicant must explicitly state and document, in its application, that the project director or principal investigator is in the initial phase of his or her career. At least 50 percent of that individual's time must be devoted to the project.

(2) Projects focusing on technology-based approaches for children with disabilities, ages birth to age three.

(3) Projects focusing on technology-based approaches to response-to-intervention assessment techniques.

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (APA) (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed priorities and requirements. Section 681(d) of IDEA, however, makes the public comment requirements of the APA inapplicable to the priority in this notice.

Program Authority: 20 U.S.C. 1474 and 1481.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 85, 86, 97, 98, and 99.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: The Administration has requested $25,063,000 for the Technology and Media Services for Individuals with Disabilities program for FY 2008, of which we intend to use an estimated $3,000,000 for the Steppingstones of Technology Innovation for Children with Disabilities competition. Please refer to the ''Estimated Range of Awards'' column in the Chart for the estimated dollar amounts for individual competitions. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program. Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2009 from the lists of unfunded applicants from the competition.

Estimated Range of Awards: See Chart.

Estimated Average Size of Awards: See Chart.

Maximum Award: Phase 1: $200,000, per year and Phase 2: $300,000, per year. We will reject any application that proposes a budget exceeding the maximum award for a single budget period of 12 months. The Assistant Secretary for Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.

Estimated Number of Awards: See Chart.

Project Period: Projects funded under Phase 1 will be funded for up to 24 months. Projects funded under Phase 2 will be funded for up to 24 months unless a compelling rationale is provided for funding up to 36 months.

STEPPINGSTONES OF TECHNOLOGY INNOVATION FOR CHILDREN WITH DISABILITIES APPLICATION NOTICE FOR FISCAL YEAR 2008

CFDA No. and name	Deadline for transmittal of applications	Deadline for intergovernmental review	Estimated available funds	Estimated range of awards	Estimated average size of awards	Estimated number of awards
84.327A—Steppingstones of Technology Innovation for Children with Disabilities:						
Phase 1—Development	January 9, 2008	March 10, 2008	$1,800,000	$100,000–$200,000	$200,000	9
Phase 2—Research on Effectiveness.	January 9, 2008	March 10, 2008	$1,200,000	$200,000–$300,000	$300,000	4

Note: The Department of Education is not bound by any estimates in this notice.

III. Eligibility Information

1. *Eligible Applicants:* State educational agencies (SEAs); local educational agencies (LEAs); public charter schools that are LEAs under State law; IHEs; other public agencies; private nonprofit organizations; outlying areas; freely associated States; Indian tribes or tribal organizations; and for-profit organizations.

2. *Cost Sharing or Matching:* This competition does not require cost sharing or matching.

3. *Other: General Requirements*—(a) The projects funded under this competition must make positive efforts to employ and advance in employment qualified individuals with disabilities (see section 606 of IDEA).

(b) Applicants and grant recipients funded under this competition must involve individuals with disabilities or parents of individuals with disabilities ages birth through 26 in planning, implementing, and evaluating the projects (see section 682(a)(1)(A) of IDEA).

IV. Application and Submission Information

1. *Address to Request Application Package:* Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, MD 20794–1398. Telephone, toll free: 1–877–433–7827. FAX: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *http://www.ed.gov/pubs/edpubs.html* or at its e-mail address: *edpubs@inet.ed.gov*.

If you request an application package from ED Pubs, be sure to identify the competition to which you want to apply, as follows: CFDA Number 84.327A.

Individuals with disabilities can obtain a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the person or team listed under *Alternate Format* in section VIII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit Part III to the equivalent of no more than 50 pages, using the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger, or no smaller than 10 pitch (characters per inch).

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; the one-page abstract, the résumés, the bibliography, the references, or the letters of support. The page limit, however, does apply to the application narrative in Part III.

We will reject your application if you exceed the page limit; or if you use other standards and exceed the equivalent of the page limit.

3. *Submission Dates and Times:*

Applications Available: December 10, 2008.

Deadline for Transmittal of Applications: See Chart.

Applications for grants under this program may be submitted electronically using the Grants.gov Apply site (Grants.gov), or in paper format by mail or hand delivery. For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery, please refer to section IV.6. *Other Submission Requirements* in this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII in this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: See Chart.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section in this notice.

6. *Other Submission Requirements:* Applications for grants under this program may be submitted electronically or in paper format by mail or hand delivery.

a. *Electronic Submission of Applications.*

To comply with the President's Management Agenda, we are participating as a partner in the Governmentwide Grants.gov Apply site. The Steppingstones of Technology Innovation for Children with Disabilities competition, CFDA Number 84.327A, is included in this project. We request your participation in Grants.gov.

If you choose to submit your application electronically, you must use

the Governmentwide Grants.gov Apply site at *http://www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

You may access the electronic grant application for the Steppingstones of Technology Innovation for Children with Disabilities competition—CFDA Numbers 84.327A at *http://www.Grants.gov.* You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.327, not 84.327A).

Please note the following:

- Your participation in Grants.gov is voluntary.
- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not consider your application if it is date and time stamped by the Grants.gov system later than 4:30 p.m., Washington, DC time, on the application deadline date. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at *http://e-Grants.ed.gov/ help/Grantsgov SubmissionProcedures.fxsp0;pdf.*
- To submit your application via Grants.gov, you must complete all steps in the Grants.gov registration process (see *http://www.grants.gov/applicants/get_registered.jsp*). These steps include (1) registering your organization, a multi-part process that includes registration with the Central Contractor Registry (CCR); (2) registering yourself as an Authorized Organization Representative (AOR); and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the Grants.gov 3-Step Registration Guide (see *http://www.grants.gov/section910/Grants.gov RegistrationBrochure.pdf*). You also must provide on your application the same D–U–N–S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to submit successfully an application via Grants.gov. In addition you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you submit your application in paper format.
- If you submit your application electronically, you must submit all documents electronically, including all information you typically provide on the following forms: Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. Please note that two of these forms—the SF 424 and the Department of Education Supplemental Information for SF 424—have replaced the ED 424 (Application for Federal Education Assistance).
- If you submit your application electronically, you must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified in this paragraph or submit a password-protected file, we will not review that material.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by e-mail. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII in this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

b. *Submission of Paper Applications by Mail.*

If you submit your application in paper format by mail (through the U.S. Postal Service or a commercial carrier),

you must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

By mail through the U.S. Postal Service: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.327A), 400 Maryland Avenue, SW., Washington, DC 20202–4260; or

By mail through a commercial carrier: U.S. Department of Education, Application Control Center, Stop 4260, Attention: (CFDA Number 84.327A), 7100 Old Landover Road, Landover, MD 20785–1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you submit your application in paper format by hand delivery, you (or a courier service) must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.327A), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from 34 CFR 75.210 and are listed in the application package.

2. *Peer Review:* In the past, the Department has had difficulty finding peer reviewers for certain competitions, because so many individuals who are eligible to serve as peer reviewers have conflicts of interest. The Standing Panel requirements under IDEA also have placed additional constraints on the availability of reviewers. Therefore, the Department has determined that, for some discretionary grant competitions, applications may be separated into two or more groups and ranked and selected for funding within specific group. This procedure will make it easier for the Department to find peer reviewers, by ensuring that greater numbers of individuals who are eligible to serve as reviewers for any particular group of applicants will not have conflicts of interest. It also will increase the quality, independence, and fairness of the review process while permitting panel members to review applications under discretionary grant competitions for which they also have submitted applications. However, if the Department decides to select an equal number of applications in each group for funding, this may result in different cut-off points for fundable applications in each group.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notice (GAN). We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section in this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section in this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *http://www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* Under the Government Performance and Results Act of 1993 (GPRA), the Department has established a set of performance measures, including long-term measures, that are designed to yield information on various aspects of the effectiveness and quality of the Technology and Media Services for Individuals with Disabilities program. These measures focus on the extent to which projects are of high quality, are relevant to the needs of children with disabilities, and contribute to improving results for children with disabilities. We will collect data on these measures from the projects funded under this competition.

Grantees also will be required to report information on their projects' performance in annual reports to the Department (34 CFR 75.590).

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Tom V. Hanley, U.S. Department of Education, 400 Maryland Avenue, SW., room 4066, Potomac Center Plaza (PCP), Washington, DC 20202–2550. Telephone: (202) 245–7369.

If you use a TDD, call the Federal Relay Service (FRS), toll-free, at 1–800–877–8339.

VIII. Other Information

Alternative Format: Individuals with disabilities can obtain this document and a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue, SW., room 5075, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a TDD, call the FRS, toll free, at 1–800–877–8339.

Electronic Access to This Document: You can view this document, as well as

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

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

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

Dated: December 4, 2007.

Raymond Simon,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. E7–23878 Filed 12–7–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services; Personnel Development To Improve Services and Results for Children With Disabilities (CFDA No. 84.325D)

AGENCY: Department of Education.

ACTION: Correction; notice inviting applications for new awards for fiscal year (FY) 2008.

SUMMARY: On November 27, 2007, we published in the **Federal Register** (72 FR 66143) a notice inviting applications for new awards for FY 2008 under certain Personnel Development to Improve Services and Results for Children with Disabilities competitions authorized under the Individuals with Disabilities Education Act.

In the chart on page 66150, ninth column, the ''Project Period'' for the 84.325D Preparation of Leadership Personnel competition is incorrectly listed as ''up to 60 months''. The project period for this competition is corrected to read ''up to 48 months''.

FOR FURTHER INFORMATION CONTACT: Debra Sturdivant, U.S. Department of Education, 400 Maryland Avenue, SW., room 4104, Potomac Center Plaza, Washington, DC 20202–2600. Telephone: (202) 245–7539.

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 can 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**.

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

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC area at (202) 512–1530.

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

Dated: December 4, 2007.

Raymond Simon,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. E7–23888 Filed 12–7–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

National Mathematics Advisory Panel

AGENCY: U.S. Department of Education, National Mathematics Advisory Panel.

ACTION: Notice of Open Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of an upcoming meeting with members of the National Mathematics Advisory Panel. The notice also describes the functions of the Panel. Notice of this meeting is required by section 10(a)(2) of the Federal Advisory Committee Act and is intended to notify the public of their opportunity to attend. Due to scheduling difficulties, this notice is appearing in the **Federal Register** less than 15 days prior to the meeting date.

DATES: Friday, December 14, 2007, and Saturday, December 15, 2007.

Times: Friday, December 14, 2007, 3–6:30 p.m. Saturday, December 15, 2007, 8:30 a.m.–3 p.m.

ADDRESSES: Baltimore-Washington International (BWI) Airport Marriott, 1743 West Nursery Road, Baltimore, MD 21240.

FOR FURTHER INFORMATION CONTACT: Tyrrell Flawn, Executive Director, National Mathematics Advisory Panel, 400 Maryland Avenue, SW., Washington, DC 20202; telephone: (202) 260–8354.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FRS) at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Panel was established by Executive Order 13398. The purpose of this Panel is to foster greater knowledge of and improved performance in mathematics among American students, in order to keep America competitive, support American talent and creativity, encourage innovation throughout the American economy, and help State, local, territorial, and tribal governments give the nation's children and youth the education they need to succeed.

The meeting will be held at the Baltimore-Washington International (BWI) Airport Marriott in Baltimore, MD, on Friday, December 14, 2007, and Saturday, December 15, 2007. From 3 p.m. to 6:30 p.m. on Friday, December 14, 2007, and again from 8:30 a.m. to 3 p.m. on Saturday, December 15, 2007, the Panel will discuss the Final Report draft. Individuals interested in attending the meeting are advised to register in advance to ensure space availability. Please contact Jennifer Graban at *Jennifer.Graban@ed.gov* by Wednesday, December 12, 2007.

This meeting will not include a public comment session, as the Panel will be concluding its work on the Final Report. However, if you would like to provide comments to the Panel, please do so in written form, via e-mail to *NationalMathPanel@ed.gov* by Wednesday, December 12, 2007. Written comments will also be accepted at the meeting site. Please note that comments submitted to the National Mathematics Advisory Panel in any format are considered to be part of the public record of the Panel's deliberations, and will be posted on the Web site.

The Panel has submitted its Preliminary Report to the President, through the U.S. Secretary of Education. The Preliminary Report is available at *http://www.ed.gov/mathpanel.* The Final Report will be submitted not later than February 28, 2008, and will, at a minimum, contain recommendations on improving mathematics education based on the best available scientific evidence.

The meeting site is accessible to individuals with disabilities. Individuals who will need accommodations in order to attend the meeting, such as interpreting services, assistive listening devices, or materials in alternative format, should notify Jennifer Graban at

Jennifer.Graban@ed.gov no later than Monday, December 10, 2007. We will attempt to meet requests for accommodations after this date, but cannot guarantee their availability.

Records are kept of all Panel proceedings and are available for public inspection at the staff office for the Panel, from the hours of 9 a.m. to 5 p.m., Monday through Friday.

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

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free at 1–888–293–6498; or in the Washington, DC area at (202) 512–1530.

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

Dated: December 3, 2007.

Margaret Spellings,

Secretary, U.S. Department of Education.

[FR Doc. E7–23847 Filed 12–7–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

December 4, 2007.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP96–200–183.
Applicants: CenterPoint Energy Gas Transmission Co.
Description: CenterPoint Energy Gas Transmission Company submits a negotiated rate agreement with Coral energy Resources LP.
Filed Date: 11/30/2007.
Accession Number: 20071203–0038.
Comment Date: 5 p.m. Eastern Time on Wednesday, December 12, 2007.

Docket Numbers: RP99–176–147.
Applicants: Natural Gas Pipeline Co. of America.
Description: Natural Gas Pipeline Company of America submits Original Sheet 414A.12 to FERC Gas Tariff, Sixth Revised Volume 1, to become effective 1/1/08 with JP Morgan Ventures Energy Corporation.
Filed Date: 11/30/2007.
Accession Number: 20071203–0039.
Comment Date: 5 p.m. Eastern Time on Wednesday, December 12, 2007.

Docket Numbers: RP00–445–020.
Applicants: Alliance Pipeline L.P.
Description: Alliance Pipeline LP submits Fourteenth Revised Sheet 11 *et al.* to its FERC Gas Tariff, Original Volume 1, to become effective 1/1/08.
Filed Date: 11/30/2007.
Accession Number: 20071203–0037.
Comment Date: 5 p.m. Eastern Time on Wednesday, December 12, 2007.

Docket Numbers: RP02–361–066.
Applicants: Gulfstream Natural Gas System, L.L.C.
Description: Gulfstream Natural Gas System, LLC's Original Sheet 8.02g *et al.* to FERC Gas Tariff, Original Volume 1, effective on 12/1/07.
Filed Date: 11/30/2007.
Accession Number: 20071203–0252.
Comment Date: 5 p.m. Eastern Time on Wednesday, December 12, 2007.

Docket Numbers: RP07–479–003.
Applicants: Columbia Gas Transmission Corporation.
Description: Columbia Gas Transmission Corp's First Revised Sheet 540A *et al.* to FERC Gas Tariff, Second Revised Volume 1, effective on 6/1/08.
Filed Date: 11/30/2007.
Accession Number: 20071203–0250.
Comment Date: 5 p.m. Eastern Time on Wednesday, December 12, 2007.

Docket Numbers: RP07–507–003.
Applicants: Columbia Gas Transmission Corporation.
Description: Columbia Gas Transmission Corp submits its Third Revised Sheet 207 *et al.* to its FERC Gas Tariff, Second Revised Volume 1, effective on 5/1/08.
Filed Date: 11/30/2007.
Accession Number: 20071203–0249.
Comment Date: 5 p.m. Eastern Time on Wednesday, December 12, 2007.

Docket Numbers: RP08–91–000.
Applicants: CenterPoint Energy Gas Transmission Co.
Description: CenterPoint Energy Gas Transmission Company submits its Annual Report of Penalty Revenue Credits to its FERC Gas Tariff, Sixth Revised Volume 1 which covers the period the twelve month reporting period ended 7/31/07.
Filed Date: 11/30/2007.
Accession Number: 20071203–0033.
Comment Date: 5 p.m. Eastern Time on Wednesday, December 12, 2007.

Docket Numbers: RP08–92–000.
Applicants: National Fuel Gas Supply Corporation.
Description: National Fuel Gas Supply Corporation submits 109th Revised Sheet 9 to its FERC Gas Tariff, Fourth Revised Volume 1, to become effective 12/1/07.
Filed Date: 11/30/2007.
Accession Number: 20071203–0034.
Comment Date: 5 p.m. Eastern Time on Wednesday, December 12, 2007.

Docket Numbers: RP08–93–000.
Applicants: National Fuel Gas Supply Corporation.
Description: National Fuel Gas Supply Corporation submits Eleventh Revised Sheet 43 to its FERC Gas Tariff, Fourth Revised Volume 1, effective on 1/1/08.
Filed Date: 11/30/2007.
Accession Number: 20071203–0036.
Comment Date: 5 p.m. Eastern Time on Wednesday, December 12, 2007.

Docket Numbers: RP08–94–000.
Applicants: East Tennessee Natural Gas, LLC.
Description: East Tennessee Natural Gas, LLC submits First Revised Sheet 307 *et al.* to FERC Gas Tariff, Third Revised Volume 1, effective on 1/1/08.
Filed Date: 11/30/2007.
Accession Number: 20071203–0263.
Comment Date: 5 p.m. Eastern Time on Wednesday, December 12, 2007.

Docket Numbers: RP08–95–000.
Applicants: Gas Transmission Northwest Corporation.
Description: Gas Transmission Northwest Corporation submits Thirteenth Revised Sheet 4 to FERC Gas Tariff, Third Revised Volume 1–A, effective on 1/1/08.
Filed Date: 11/30/2007.
Accession Number: 20071203–0262.
Comment Date: 5 p.m. Eastern Time on Wednesday, December 12, 2007.

Docket Numbers: RP08–96–000.
Applicants: Gas Transmission Northwest Corporation.
Description: Gas Transmission Northwest Corp submits its final annual fuel charge adjustment in compliance with Paragraph 37 of terms & conditions of its FERC Gas Tariff, Third Revised Volume 1–A.
Filed Date: 11/30/2007.
Accession Number: 20071203–0261.
Comment Date: 5 p.m. Eastern Time on Wednesday, December 12, 2007.

Docket Numbers: RP08–97–000.
Applicants: ANR Pipeline Company.
Description: ANR Pipeline Company submits Eighteenth Revised Sheet 570 *et al.* to FERC Gas Tariff, Original Volume 2, effective on 1/1/08.
Filed Date: 11/30/2007.
Accession Number: 20071203–0260.
Comment Date: 5 p.m. Eastern Time on Wednesday, December 12, 2007.

Docket Numbers: RP08–98–000.

Applicants: Mojave Pipeline Company.

Description: Mojave Pipeline Company submits Nineteenth Revised Sheet 11 to FERC Gas Tariff, Second Revised Volume 1, to become effective on 1/1/08.

Filed Date: 11/30/2007.

Accession Number: 20071203–0259.

Comment Date: 5 p.m. Eastern Time on Wednesday, December 12, 2007.

Docket Numbers: RP08–99–000.

Applicants: El Paso Natural Gas Company.

Description: El Paso Natural Gas Company submits Fifth Revised Sheet 374 to FERC Gas Tariff, Second Revised Volume 1–A, effective on 1/1/08.

Filed Date: 11/30/2007.

Accession Number: 20071203–0258.

Comment Date: 5 p.m. Eastern Time on Wednesday, December 12, 2007.

Docket Numbers: RP08–100–000.

Applicants: El Paso Natural Gas Company.

Description: El Paso Natural Gas Co submits their Third Revised Sheet 29.01 to its FERC Gas Tariff, Second Revised Volume 1–A, effective on 1/1/08.

Filed Date: 11/30/2007.

Accession Number: 20071203–0257.

Comment Date: 5 p.m. Eastern Time on Wednesday, December 12, 2007.

Docket Numbers: RP08–101–000.

Applicants: Tennessee Gas Pipeline Company.

Description: Tennessee Gas Pipeline Co submits their September 2006 through August 2007 Cash out Report.

Filed Date: 11/30/2007.

Accession Number: 20071203–0255.

Comment Date: 5 p.m. Eastern Time on Wednesday, December 12, 2007.

Docket Numbers: RP08–102–000.

Applicants: Cheyenne Plains Gas Pipeline Company LLC.

Description: Cheyenne Plains Gas Pipeline Co, LLC submits Second Revised Sheet 222 *et al.* to FERC Gas Tariff, Original Volume 1, effective on 1/1/08.

Filed Date: 11/30/2007.

Accession Number: 20071203–0256.

Comment Date: 5 p.m. Eastern Time on Wednesday, December 12, 2007.

Docket Numbers: RP08–103–000.

Applicants: Cheyenne Plains Gas Pipeline Company LLC.

Description: Cheyenne Plains Gas Pipeline Co, LLC submits a firm transportation service agreement with Coral Energy Resources, LP.

Filed Date: 11/30/2007.

Accession Number: 20071203–0254.

Comment Date: 5 p.m. Eastern Time on Wednesday, December 12, 2007.

Docket Numbers: RP08–104–000.

Applicants: Colorado Interstate Gas Company.

Description: Colorado Interstate Gas Co. submits their Fuel Reimbursement Percentage Filing.

Filed Date: 11/30/2007.

Accession Number: 20071203–0253.

Comment Date: 5 p.m. Eastern Time on Wednesday, December 12, 2007.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the web site that enables subscribers to receive e-mail notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*. or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. E7–23849 Filed 12–7–07; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8503–7]

Proposed CERCLA Administrative Cost Recovery Settlement; Benjamin Schilberg and Schilberg Integrated Metals Corporation, Cadlerock Properties Site, Ashford and Willington, CT

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed settlement; request for public comment.

SUMMARY: In accordance with Section 122(i) of the Comprehensive Environmental Response Compensation, and Liability Act, as amended (''CERCLA''), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement, that includes a compromise of past response costs, concerning the Cadlerock Properties Superfund Site in Ashford and Willington, Connecticut with the following settling parties: Benjamin Schilberg and Schilberg Integrated Metals Corporation. The settlement requires the settling parties to perform removal activities at the Site. The settlement includes a covenant not to sue the settling parties pursuant to Section 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a). For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the compromise of past response costs. The Agency will consider all comments received and may modify or withdraw its consent to this portion of the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate.

The Agency's response to any comments received will be available for public inspection at One Congress Street, Boston, MA 02114–2023.

DATE: Comments must be submitted by January 9, 2008.

ADDRESSES: Comments should be addressed to Sarah Meeks, Enforcement Counsel, U.S. Environmental Protection Agency, Region 1, One Congress Street, Suite 1100 (SES), Boston, Massachusetts 02114–2023 (Telephone No. 617–918–

1438) and should refer to: *In re:* Cadlerock Properties Superfund Site, U.S. EPA Docket No. 01–2007–0156.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed settlement may be obtained from Sarah Meeks, Enforcement Counsel, U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100 (SES), Boston, Massachusetts 02114–2023 (Telephone No. 617–918–1438; E-mail *meeks.sarah@epa.gov*).

Dated: November 20, 2007.

James T. Owens, III,

Director, Office of Site Remediation and Restoration.

[FR Doc. E7–23879 Filed 12–7–07; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted for Review to the Office of Management and Budget

November 30, 2007.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before January 9, 2008. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, via Internet at *Nicholas_A._Fraser@omb.eop.gov* or via fax at (202) 395–5167 and to Leslie F. Smith, Federal Communications Commission, Room 1–C216, 445 12th Street, SW., Washington, DC or via Internet at *Leslie.Smith@fcc.gov* or *PRA@fcc.gov*.

To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the title of this ICR (or its OMB control number, if there is one) and then click on the ICR Reference Number to view detailed information about this ICR.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection(s), contact Leslie F. Smith via e-mail at *PRA@fcc.gov* or call (202) 418–0217.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0589.

Title: FCC Remittance Advice and Continuation Sheet, Bill for Collection, FCC Remittance Advice for Regulatory Fees (E-Form).

Form Number(s): FCC Forms 159, 159–C, 159–B, 159–E, and 159–W.

Type of Review: Revision of a currently approved collection.

Respondents: Individuals or households; Business or other for-profit; Not-for-profit institutions; Federal government; and State, local, or tribal government.

Number of Respondents: 156,000.

Estimated Time per Response: 0.25 hours (15 minutes).

Frequency of Response: On occasion and annual reporting requirements; Third party disclosure.

Obligation to Respond: Required to obtain or retain benefits.

Total Annual Burden: 39,000 hours.

Total Annual Cost: None.

Privacy Impact Assessment: No impacts.

Nature and Extent of Confidentiality: The Commission is not requesting that the respondents submit confidential information to the FCC. Respondents may, however, request confidential treatment for information they believe to be confidential under 47 CFR Section 0.459 of the Commission's rules.

Needs and Uses: On August 6, 2007, the FCC released a *Report and Order and Further Notice of Proposed Rulemaking* (''*R&O and FNPRM*''), In the Matter of Assessment and Collection of Regulatory Fees for Fiscal Year 2007, MD Docket No. 07–81, FCC 07–XX, in which it applied regulatory fee obligations to interconnected Voice over Internet Protocol (VoIP) providers. As a result of this action, the FCC is modifying FCC Form 159, 159–C, and 159–E to accommodate this new category of entities subject to regulatory fees.

The Commission created a streamlined electronic form, FCC Form 159–E, to associate a mailed or faxed payment with regulatory fees, which are filed on-line. Pertinent information is taken directly from the regulatory fee electronic filing system (Fee Filer) and populated on the FCC Form 159–E, which can be printed by the filer. The FCC Form 159–E, essentially a simple payment voucher, contains summary information, which distinguishes the payment but not detailed information about the fee(s). Specific associated fee information is available on a separate report, which the filer does not need to remit. Beginning with the FY 2005 regulatory fees, the Commission has required FCC Form 159–E to accompany all payments derived from the regulatory fee electronic filing system, except on-line payments, which do not require any paper submission. Payment may be made by check or money order, credit card or wire transfer.

The Commission uses this information to apply credit for the remittance against all regulatory fees within the associated electronic submission. The payment instrument must be in the dollar amount specified on the FCC Form 159–E for full credit to be applied.

Expanded use of the FCC Form 159–E is possible in the future as additional streamlining for this process is implemented. This form may be used in lieu of pre-populated FCC Form 159s, which are currently produced to facilitate remittance for various electronic filings. The FCC Form 159–E may, therefore, impact users of all electronic filing systems, as well as users of an FCC bill paying system (currently Fee Filer and the Red Light Display system).

This information collection may affect some individuals or households; however, the Commission has in place a registration process *http://*

www.fcc.gov, which issues a Federal Registration Number (FRN) to each applicant/licensee, *etc.*, for use in filing any of these FCC Forms 159/159–C, 159–B, 159–E, and/or 159–W. As part of the registration process, the applicant/licensee's SSN or TIN is stored in a secure environment, which minimizes any potential privacy risks. The Commission is merging 3060–0949, Interstate Telephone Service Provider Worksheet, FCC Form 159–W, into this information collection. Once approved by OMB, the Commission will cancel 3060–0949.

The FCC bills telecommunications licensees and permittees using the FCC Form 159–W as the invoice. The FCC developed FCC Form 159–W to provide a convenient format for these telecommunications licensees and permittees to verify the information that is extracted from the interstate revenue information (which are already ''populated'' on this form), to verify the simple calculation of the fee amount that is due, and to correct any inaccuracies as necessary. The FCC uses this form to bill the telecommunications licensee or permittee the amount of its regulatory fee. The FCC is making minor revisions to FCC Form 159–W to provide a clearer format. Respondents may access FCC Form 159–W on line through the FCC's Web page: *http://www.fcc.gov/frnreg* if they wish to submit payment prior to being billed.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E7–23808 Filed 12–7–07; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

November 29, 2007.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to take this opportunity to (PRA) of 1995 (PRA), Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. Subject to the PRA, no person shall be subject to any penalty for failing to comply with a collection of information that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written PRA comments should be submitted on or before February 8, 2008. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: You may submit all PRA comments by e-mail or U.S. post mail. To submit your comments by e-mail, send them to *PRA@fcc.gov*. To submit your comments by U.S. mail, mark them to the attention of Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection(s), contact Cathy Williams at (202) 418–2918 or send an e-mail to *PRA@fcc.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0652.

Title: Section 76.309, Customer Service Obligations; Section 76.1602; Customer Service—General Information; Section 76.1603, Customer Service—Rate and Service Changes—General Information, and Section 76.1619, Information on Subscriber Bills.

Form Number: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; State, Local or Tribal Government.

Number of Respondents: 8,260.

Estimated Time per Response: 10 minutes to 1 hour.

Frequency of Response: On occasion reporting requirement; Third party disclosure requirement.

Total Annual Burden: 29,235 hours.

Total Annual Cost: None.

Privacy Impact Assessment: No impact(s).

Nature of Response: Required to obtain or retain benefits.

Confidentiality: No need for confidentiality required.

Needs and Uses: 47 CFR 76.309 and 47 CFR 76.1603 set forth various customer service obligations and notification requirements for changes in rates, programming services and channel positions.

47 CFR 76.1602(a) states that franchise authorities must provide affected cable operators 90 days written notice of its intent to enforce customer services standards.

47 CFR 76.1603(b) states that customers will be notified of any changes in rates, programming services or channel positions as soon as possible in writing. Notice must be given to subscribers a minimum of thirty (30) days in advance of such changes if the change is within the control of the cable operator. In addition, the cable operator shall notify subscribers 30 days in advance of any significant changes in the other information required by Section 76.1602.

47 CFR n 76.1603(c) states that in addition to the requirement set forth in Section 76.1603(b) regarding advance notification to customers of any changes in rates, programming services or channel positions, cable systems shall give 30 days written notice to both subscribers and local franchising authorities before implementing any rate or service change. Such notice shall state the precise amount of any rate change and briefly explain in readily understandable fashion the cause of the rate change (e.g. inflation, changes in external costs or the addition/deletion of channels). When the change involves the addition or deletion of channels, each channel added or deleted must be separately identified. Section 76.1602(c) requires cable operators to inform subscribers in writing of their right to file complaints about changes in cable programming service tier rates and services, and shall provide the address and phone number of the local franchising authority.

47 CFR 76.1619(b) states that in case of a billing dispute, the cable operator must respond to a written complaint from a subscriber within 30 days. In addition, Section 76.1619 sets forth requirements for information on subscriber bills.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E7–23810 Filed 12–7–07; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted to the Office of Management and Budget, Comments Requested

November 30, 2007.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before February 8, 2008. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, (202) 395–5887, or via fax at 202–395–5167 or via Internet at *Nicholas_A._Fraser@omb.eop.gov* and to *Judith-B.Herman@fcc.gov*, Federal Communications Commission. To submit your PRA comments by e-mail send them to: *PRA@fcc.gov*. To view a copy of this information collection request (ICR) submitted to OMB, go to *http://www.fcc.gov/omd/pra/collections-review.html*.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judith B. Herman at 202–418–0214 or via the Internet at *Judith-B.Herman@fcc.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0004.

Title: Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation, Second Memorandum Opinion and Order, ET Docket 93–62, FCC 97–303.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit; not-for-profit institutions; and state, local or tribal government.

Number of Respondents: 376,253 respondents; 376,253 responses.

Estimated Time per Response: .44 hours (average).

Frequency of Response: On occasion reporting requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits.

Total Annual Burden: 164,000 hours.

Total Annual Cost: $26,700,000.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: There is no need for confidentiality.

Needs and Uses: The Commission will submit this revision to the OMB after this 60 day comment period to obtain the full three-year clearance from them.

The National Environmental Policy Act of 1969 (NEPA) requires Federal agencies to evaluate the effects of their actions on human environmental quality. To comply with NEPA, the Commission adopted rules in 1997, 47 CFR 1.1307, which revised the Radio Frequency (RF) exposure guidelines for FCC-regulated facilities. The guidelines reflect more recent scientific studies of RF electromagnetic fields and their biological effects, and are designed to ensure that the public and workers are adequately protected from exposure to potentially harmful RF electromagnetic fields. The FCC staff uses the information required under section 1.1307 to determine whether the environmental evaluation is sufficiently complete and in compliance with the FCC rules to be acceptable for filing.

This information is needed because the Commission requires applicants to perform an environmental evaluation with respect to radio frequency electromagnetic fields. Applicants are required to consider contributions from other transmitters within the vicinity of their facility in order to assess the cumulative exposure. Accordingly, to correctly determine compliance with the Commission's exposure limits, an applicant must locate, determine ownership, and gather technical information for all contributing transmitters.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E7–23818 Filed 12–7–07; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority, Comments Requested

November 29, 2007.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Persons wishing to comment on this information collection should submit comments February 8, 2008. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget (OMB), (202) 395–5887, or via fax at 202–395–5167, or via the Internet at *Nicholas_A._Fraser@omb.eop.gov* and to *Judith-B.Herman@fcc.gov*, Federal Communications Commission (FCC). To

submit your PRA comments by e-mail send them to: *PRA@fcc.gov.* To view a copy of this information collection request (ICR) submitted to OMB, go to *http://www.fcc.gov/omd/pra/collections-review.html.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection(s) send an e-mail to *PRA@fcc.gov* or contact Judith B. Herman at 202–418–0214.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0357.

Title: Section 63.701, Request for Designation as a Recognized Private Operating Agency (RPOA).

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 10 respondents; 10 responses.

Estimated Time Per Response: 5 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits.

Total Annual Burden: 35 hours.

Annual Cost Burden: $13,000.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: In general, there is no need for confidentiality.

Needs and Uses: This collection will be submitted as an extension (no change in reporting or recordkeeping requirements) after this 60 day comment period to Office of Management and Budget (OMB) in order to obtain the full three year clearance.

The Commission requests this information in order to make recommendations to the U.S. Department of State for granting recognized private operating agency (RPOA) status to requesting entities. The Commission does not require entities to request RPOA status. Rather, this is a voluntary application process for use by companies that believe that obtaining RPOA status will be beneficial in persuading foreign governments to allow them to conduct business abroad. RPOA status also permits companies to join the International Telecommunication Union's (ITU's) Telecommunications Sector, which is the standards-setting body of the ITU.

The information furnished in RPOA requests is collected pursuant to 47 CFR 63.701 of the Commission's rules. Entities submit these applications on a voluntary basis. The collection of information is a one-time collection for each respondent. Without this information collection, the Commission's policies and objectives for assisting unregulated providers of enhanced services to enter the market for international enhanced services would be thwarted.

OMB Control No.: 3060–0454.

Title: Regulation of International Accounting Rates.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 5 respondents; 41 responses.

Estimated Time per Response: 1–5 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Mandatory.

Total Annual Burden: 205 hours.

Annual Cost Burden: $2,000.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: In general, there is no need for confidentiality.

Needs and Uses: This collection will be submitted as an extension (no change in reporting or recordkeeping requirements) after this 60 day comment period to Office of Management and Budget (OMB) in order to obtain the full three year clearance.

The information is used by Commission staff in carrying out its duties under the Communications Act of 1934, as amended. The information collections are necessary for the Commission to maintain effective oversight of U.S. carriers that are affiliated with, or involved in certain co-marketing or similar arrangements with, foreign carriers that are affiliated with, or involved in certain co-marketing or similar arrangements with, foreign carriers that have market power. Additionally, the information collections are necessary to analyze market trends to determine whether amendment of the Commission's existing rules or proposals of new rules are necessary to promote effective competition and prevent anti-competitive behavior between American and foreign carriers. If the collections are not conducted or are conducted less frequently, applicants will not obtain the authorizations necessary to provide telecommunications services, and the Commission will be unable to carry out its mandate under the Communications Act of 1934, as amended. Furthermore, the Commission would lack sufficient information to determine whether new or modified rules are necessary to combat anti-competitive behavior between American and foreign carriers.

OMB Control No.: 3060–0962.

Title: Redesignation of the 18 GHz Frequency Band, Blanket Licensing of Satellite Earth Stations in the Ka-Band, and the Allocation of Additional Spectrum for Broadcast Satellite Use.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 5 respondents; 590 responses.

Estimated Time per Response: 1–4 hours.

Frequency of Response: On occasion and annual reporting requirements; third party disclosure requirement; and recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits.

Total Annual Burden: 590 hours.

Annual Cost Burden: $60,000.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: In general, there is no need for confidentiality.

Needs and Uses: This collection will be submitted as an extension (no change in reporting or recordkeeping requirements) after this 60 day comment period to Office of Management and Budget (OMB) in order to obtain the full three year clearance.

The collection of this information is necessary for the Commission to determine whether licensees are complying with the Commission's rules applicable to satellite earth stations and to deploy new satellite systems. If the collection were not conducted, the Commission would not be able to verify whether NGSO/FSS satellite earth stations in the Ka-band were operating in accordance with Commission rules. Additionally, spectrum would not be used most efficiently and would, therefore, result in hindering the provision of new or enhanced telecommunications services to the public.

OMB Control No.: 3060–1013.

Title: Mitigation of Orbital Debris.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 53 respondents; 53 responses.

Estimated Time Per Response: 3 hours.

Frequency of Response: Annual reporting requirement and recordkeeping requirement.

Obligation to Respond: Mandatory.

Total Annual Burden: 159 hours.

Annual Cost Burden: $74,000.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: In general, there is no need for confidentiality.

Needs and Uses: This collection will be submitted as an extension (no change in reporting or recordkeeping requirements) after this 60-day comment period to Office of Management and Budget (OMB) in order to obtain the full three year clearance.

Disclosure of debris mitigation plans as part of requests for FCC authorization will help preserve the United States' continued affordable access to space, the continued provision of reliable U.S. space-based services—including communications and remote sensing satellite services for the U.S. commercial, government, and homeland security purposes—as well as the continued safety of persons and property in space and on the surface of the Earth. Disclosure of debris mitigation plans will allow the Commission and potentially affected third parties to evaluate satellite operators' debris mitigation plans prior to the issuance of a FCC approval for communications activities in space. Disclosure may also aid in the wider dissemination of information concerning debris mitigation techniques and may provide a base-line of information that will aid in analyzing and refining those techniques. Without disclosure of orbital debris mitigation plans as part of applications for FCC authority, the Commission would be denied any opportunity to ascertain whether satellite operators are in fact considering and adopting reasonable debris mitigation practices, which could result in an increase in orbital debris and a decrease in the utility of space for communications and other uses. Furthermore, the effects of collisions involving orbital debris can be catastrophic and may cause significant damage to functional spacecraft or to persons or property on the surface of the Earth, if the debris re-enters the Earth's atmosphere in an uncontrolled manner.

OMB Control No.: 3060–1028.

Title: International Signaling Point Code (ISPC).

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 20 respondents; 20 responses.

Estimated Time Per Response: .166 hours (10 minutes).

Frequency of Response: On occasion reporting requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits.

Total Annual Burden: 7 hours.

Annual Cost Burden: N/A.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: In general, there is no need for confidentiality.

Needs and Uses: This collection will be submitted as an extension (no change in reporting or recordkeeping requirements) after this 60-day comment period to Office of Management and Budget (OMB) in order to obtain the full three year clearance.

An International Signaling Point Code (ISPC) is a unique, seven-digit code synonymously used to identify the signaling network of each international carrier. The ISPC has a unique format that is used at the international level for signaling message routing and identification of signaling points. The Commission receives ISPC applications from international carriers on the electronic, Internet-based International Bureau Filing System (IBFS). After receipt of the ISPC application, the Commission assigns the ISPC code to each applicant (international carrier) free of charge on a first-come, first-served basis. The collection of this information is required to assign a unique identification code to each international carrier and to facilitate communication among international carriers by their use of the ISPC code on the shared signaling network. The Commission informs the International Telecommunications Union (ITU) of its assignment of ISPCs to international carriers on an ongoing basis.

OMB Control No.: 3060–1029.

Title: Data Network Identification Code (DNIC).

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 5 respondents; 5 responses.

Estimated Time Per Response: .25 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits.

Total Annual Burden: 1 hour.

Annual Cost Burden: N/A.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: In general, there is no need for confidentiality.

Needs and Uses: This collection will be submitted as an extension (no change in reporting or recordkeeping requirements) after this 60-day comment period to Office of Management and Budget (OMB) in order to obtain the full three year clearance.

A Data Network Identification Code (DNIC) is a unique, four-digit number designed to provide discrete identification of individual public data networks. The DNIC is intended to identify and permit automated switching of data traffic to particular networks. The FCC grants the DNICs to operators of public data networks on an international protocol. The operators of public data networks file an application for a DNIC on the Internet-based, International Bureau Filing System (IBFS). The DNIC is obtained free of charge on a one-time only basis unless there is a change in ownership or the owner chooses to relinquish the code to the FCC. The Commission's lack of an assignment of DNICs to operators of public data networks would result in technical problems that prevent the identification and automated switching of data traffic to particular networks.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E7–23819 Filed 12–7–07; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority, Comments Requested

November 29, 2007.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to take this opportunity to (PRA) of 1995 (PRA), Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. Subject to the PRA, no person shall be subject to any penalty for failing to comply with a collection of information that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written PRA comments should be submitted on or before February 8,

2008. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: You may submit all PRA comments by e-mail or U.S. post mail. To submit your comments by e-mail, send them to *PRA@fcc.gov*. To submit your comments by U.S. mail, mark them to the attention of Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection(s), contact Cathy Williams at (202) 418–2918 or send an e-mail to *PRA@fcc.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0185.

Type of Review: Extension of a currently approved collection.

Title: Section 73.3613, Filing of Contracts.

Form Number: Not applicable.

Respondents: Business or other for-profit entities; Not-for-profit institutions.

Number of Respondents: 2,300.

Estimated Hours per Response: 0.25 to 0.5 hours

Frequency of Response: Recordkeeping requirement; On occasion reporting requirement; Third party disclosure requirement.

Total Annual Burden: 950 hours.

Total Annual Cost: $80,000.

Privacy Impact Assessment: No impact(s).

Nature of Response: Required to obtain or retain benefits.

Confidentiality: No need for confidentiality required.

Needs and Uses: 47 CFR 73.3613 requires each licensee or permittee of a commercial or noncommercial AM, FM, TV or International broadcast station shall file with the FCC copies of the following items: Contracts, instruments, and documents together with amendments, supplements, and cancellations (with the substance of oral contracts reported in writing), within 30 days of execution thereof:

(a) *Network service:* Network affiliation contracts between stations and networks will be reduced to writing and filed as follows:

(1) All network affiliation contracts, agreements, or understandings between a TV broadcast or low power TV station and a national network. For the purposes of this paragraph the term network means any person, entity, or corporation which offers an interconnected program service on a regular basis for 15 or more hours per week to at least 25 affiliated television licensees in 10 or more states; and/or any person, entity, or corporation controlling, controlled by, or under common control with such person, entity, or corporation.

(2) Each such filing on or after May 1, 1969, initially shall consist of a written instrument containing all of the terms and conditions of such contract, agreement or understanding without reference to any other paper or document by incorporation or otherwise. Subsequent filings may simply set forth renewal, amendment or change, as the case may be, of a particular contract previously filed in accordance herewith.

(3) The FCC shall also be notified of the cancellation or termination of network affiliations, contracts for which are required to be filed by this section.

(b) *Ownership or control:* Contracts, instruments or documents relating to the present or future ownership or control of the licensee or permittee or of the licensee's or permittee's stock, rights or interests therein, or relating to changes in such ownership or control shall include but are not limited to the following:

(1) Articles of partnership, association, and incorporation, and changes in such instruments;

(2) Bylaws, and any instruments effecting changes in such bylaws;

(3) Any agreement, document or instrument providing for the assignment of a license or permit, or affecting, directly or indirectly, the ownership or voting rights of the licensee's or permittee's stock (common or preferred, voting or nonvoting), such as:

(i) Agreements for transfer of stock;

(ii) Instruments for the issuance of new stock; or

(iii) Agreements for the acquisition of licensee's or permittee's stock by the issuing licensee or permittee corporation. Pledges, trust agreements, options to purchase stock and other executory agreements are required to be filed. However, trust agreements or abstracts thereof are not required to be filed, unless requested specifically by the FCC. Should the FCC request an abstract of the trust agreement in lieu of the trust agreement, the licensee or permittee will submit the following information concerning the trust:

(A) Name of trust;

(B) Duration of trust;

(C) Number of shares of stock owned;

(D) Name of beneficial owner of stock;

(E) Name of record owner of stock;

(F) Name of the party or parties who have the power to vote or control the vote of the shares; and

(G) Any conditions on the powers of voting the stock or any unusual characteristics of the trust.

(4) Proxies with respect to the licensee's or permittee's stock running for a period in excess of 1 year, and all proxies, whether or not running for a period of 1 year, given without full and detailed instructions binding the nominee to act in a specified manner. With respect to proxies given without full and detailed instructions, a statement showing the number of such proxies, by whom given and received, and the percentage of outstanding stock represented by each proxy shall be submitted by the licensee or permittee within 30 days after the stockholders' meeting in which the stock covered by such proxies has been voted. However, when the licensee or permittee is a corporation having more than 50 stockholders, such complete information need be filed only with respect to proxies given by stockholders who are officers or directors, or who have 1% or more of the corporation's voting stock. When the licensee or permittee is a corporation having more than 50 stockholders and the stockholders giving the proxies are not officers or directors or do not hold 1% or more of the corporation's stock, the only information required to be filed is the name of any person voting 1% or more of the stock by proxy, the number of shares voted by proxy by such person, and the total number of shares voted at the particular stockholders' meeting in which the shares were voted by proxy.

(5) Mortgage or loan agreements containing provisions restricting the licensee's or permittee's freedom of operation, such as those affecting voting rights, specifying or limiting the amount of dividends payable, the purchase of new equipment, or the maintenance of current assets.

(6) Any agreement reflecting a change in the officers, directors or stockholders of a corporation, other than the licensee or permittee, having an interest, direct or indirect, in the licensee or permittee as specified by § 73.3615.

(7) Agreements providing for the assignment of a license or permit or agreements for the transfer of stock filed in accordance with FCC application Forms 314, 315, 316 need not be resubmitted pursuant to the terms of this rule provision.

(c) *Personnel:* (1) Management consultant agreements with independent contractors; contracts relating to the utilization in a management capacity of any person other than an officer, director, or regular employee of the licensee or permittee;

station management contracts with any persons, whether or not officers, directors, or regular employees, which provide for both a percentage of profits and a sharing in losses; or any similar agreements.

(2) *The following contracts, agreements, or understandings need not be filed:* Agreements with persons regularly employed as general or station managers or salesmen; contracts with program managers or program personnel; contracts with attorneys, accountants or consulting radio engineers; contracts with performers; contracts with station representatives; contracts with labor unions; or any similar agreements.

(d)(1) *Time brokerage agreements (also known as local marketing agreements):* Time brokerage agreements involving radio stations where the licensee (including all parties under common ownership) is the brokering entity, the brokering and brokered stations are both in the same market as defined in the local radio multiple ownership rule contained in § 73.3555(a), and more than 15 percent of the time of the brokered station, on a weekly basis is brokered by that licensee; time brokerage agreements involving television stations where the licensee (including all parties under common control) is the brokering entity, the brokering and brokered stations are both licensed to the same market as defined in the local television multiple ownership rule contained in § 73.3555(b), and more than 15 percent of the time of the brokered station, on a weekly basis, is brokered by that licensee; time brokerage agreements involving radio or television stations that would be attributable to the licensee under § 73.3555 Note 2, paragraph (i). Confidential or proprietary information may be redacted where appropriate but such information shall be made available for inspection upon request by the FCC.

(2) *Joint sales agreements:* Joint sales agreements involving radio stations where the licensee (including all parties under common control) is the brokering entity, the brokering and brokered stations are both in the same market as defined in the local radio multiple ownership rule contained in § 73.3555(a), and more than 15 percent of the advertising time of the brokered station on a weekly basis is brokered by that licensee. Confidential or proprietary information may be redacted where appropriate but such information shall be made available for inspection upon request by the FCC.

(e) The following contracts, agreements or understandings need not be filed but shall be kept at the station and made available for inspection upon request by the FCC; subchannel leasing agreements for Subsidiary Communications Authorization operation; franchise/leasing agreements for operation of telecommunications services on the television vertical blanking interval and in the visual signal; time sales contracts with the same sponsor for 4 or more hours per day, except where the length of the events (such as athletic contests, musical programs and special events) broadcast pursuant to the contract is not under control of the station; and contracts with chief operators.

In June 2003, the Commission adopted changes to 47 CFR 73.3613 and the FCC's attribution rules. As a result, radio stations located in Arbitron radio markets must now file agreements for the sale of advertising time (*i.e.*, ''Joint Sales Agreements'' or ''JSAs'') that result in attribution under the Commission's multiple ownership rules. 47 CFR 73.3613 requires licensees of television and radio broadcast stations to file with the Commission: (a) Contracts relating to ownership or control and personnel; and (b) time brokerage agreements that result in arrangements being counted under the Commission's multiple ownership rules. Television stations also must file network affiliation agreements. This section also requires certain contracts to be retained at the station and made available for inspection by the Commission upon request.

On June 24, 2004, the Court issued an *Opinion and Judgment* (''*Remand Order*'') in which it upheld certain aspects of the new ownership rules, including the attribution of JSAs among radio stations, while requiring further explanation for certain other aspects of the new rules. The Court stated that its prior stay of the new rules would remain in effect pending the outcome of the remand proceeding. The Commission has not yet responded to the *Remand Order*, but in the meantime the Commission filed a petition for rehearing requesting that the Court lift the stay partially—*i.e.*, with respect to the radio ownership and JSA attribution rules which the Court's *Remand Order* upheld.

On September 3, 2004, the Court issued an Order (''*Rehearing Order*'') which partially granted the Commission's petition for rehearing, thus lifting the stay of the revised radio ownership and JSA attribution rules. As a result of the *Rehearing Order*, the Commission's revised radio ownership and JSA attribution rules took effect on September 3, 2004. Implementation of the new radio ownership and JSA attribution rules, as required by the *Rehearing Order*, triggers the requirement for certain licensees to begin filing JSAs.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E7–23821 Filed 12–7–07; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

November 29, 2007.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to take this opportunity to (PRA) of 1995 (PRA), Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. Subject to the PRA, no person shall be subject to any penalty for failing to comply with a collection of information that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written PRA comments should be submitted on or before February 8, 2008. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: You may submit all PRA comments by e-mail or U.S. post mail. To submit your comments by e-mail, send them to *PRA@fcc.gov.* To submit your comments by U.S. mail, mark them to the attention of Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection(s), contact Cathy Williams at (202) 418–2918 or send an e-mail to *PRA@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0833.

Title: Implementation of Section 255 of the Telecommunications Act of 1996: Complaint Filings/Designation of Agents.

Form Number: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households; Businesses or other for-profit entities; Not-for-profit institutions, Federal government; State, local or tribal governments.

Number of Respondents: 8,677.

Estimated Time per Response: 0.50–5.0 hours.

Frequency of Response: Recordkeeping requirement; On occasion and one-time reporting requirements; Third party disclosure requirement.

Total Annual Burden: 12,600 burden hours.

Total Annual Cost: $730,500.

Nature of Response: Required to obtain or retain benefits.

Nature and Extent of Confidentiality: Confidentiality is an issue to the extent that individuals and households provide personally identifiable information, which is covered under the FCC's system of records notice (SORN), FCC/CGB–1, ''Informal Complaints and Inquiries.''

Privacy Impact Assessment: The Privacy Impact Assessment was completed on June 28, 2007. It may be reviewed by *http://www.fcc.gov/privacyact/Privacy_Impact_Assessment.html.*

Needs and Uses: The information collection requirements included under this OMB Control Number 3060–0833, enables the Commission to govern the filing of complaints as part of the implementation of Section 255 of the Telecommunications Act of 1996, which seeks to ensure that telecommunications equipment and services are available to all Americans, including those individuals with disabilities. In particular, Telecommunications service providers and equipment manufacturers are asked for a one-time designation of an agent who will receive and promptly handle voluntary consumer complaints of accessibility concerns. As with any complaint procedure, a certain number of regulatory and information burdens are necessary to ensure compliance with FCC rules.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E7–23823 Filed 12–6–07; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted for Review to the Office of Management and Budget

November 29, 2007.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before January 9, 2008. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, via Internet at *Nicholas—A.—Fraser@omb.eop.gov* or via fax at (202) 395–5167 and to Leslie F. Smith, Federal Communications Commission, Room 1–C216, 445 12th Street, SW., Washington, DC or via Internet at *Leslie.Smith@fcc.gov* or *PRA@fcc.gov.*

To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page *http://www.reginfo.gov/public/do/PRAMain*, (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the title of this ICR (or its OMB control number, if there is one) and then click on the ICR Reference Number to view detailed information about this ICR.''

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection(s), contact Leslie F. Smith via e-mail at *PRA@fcc.gov* or call (202) 418–0217.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0806

Title: Universal Service—Schools and Libraries Universal Service Program.

Form Number(s): FCC Forms 470 and 471.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; institutions and other not-for-profits; and state, local, or tribal governments.

Number of Respondents: 60,000 respondents.

Estimated Time per Response: 10 minutes to 4.5 hours.

Frequency of Response: Annual reporting requirement; recordkeeping; and third party disclosure.

Obligation To Respond: Required to obtain or retain benefits.

Total Annual Burden: 525,003 hours.

Total Annual Cost: $0.00.

Privacy Act Impact Assessment: No impacts.

Nature and Extent of Confidentiality: The Commission is not requesting that the respondents submit confidential information to the FCC. Respondents may, however, request confidential treatment for information they believe to be confidential under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The Commission's rules under 47 CFR 54.500–54.523, provide support for all telecommunications services, Internet access, and internal connections for all eligible schools and libraries. To participate in the program, schools and libraries must submit a description of the services desired to the Universal Service Administrative Company, the Administrator of the Universal Service Fund, via FCC Form 470. FCC Form 471 is submitted by schools and libraries

that have ordered telecommunications services, Internet access, and internal connections. The data are used by the Administrator to determine eligibility. The Administrator also collects an FCC registration number from each school and library. Program participants are also required to retain all records related to the application for, receipt and delivery of discounted services for a period of five years. As noted in the *2007 Comprehensive Review of the Universal Service Fund Management, Administration, and Oversight* (''*2007 Comprehensive Review*''), WC Docket Nos. 05–195, 02–60, 03–109 and CC Docket Nos. 95–45, 02–6, 97–21, FCC 07–150, which was released on August 29, 2007, the Commission is currently conducting inquiries to examine what additional data the Commission wants to collect and what changes should be made to the relevant FCC Forms.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E7–23825 Filed 12–7–07; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Notices

DATE & TIME: Friday, December 14, 2007, at 1 p.m.

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

STATUS: This meeting will be open to the public.

Items To Be Discussed

Correction and Approval of Minutes.
Election of Officers.
Future Meeting Dates.
Draft Advisory Opinion 2007–27: ActBlue by Jonathan Zucker, Esq.
Draft Advisory Opinion 2007–28: Representatives Kevin McCarthy and Devin Nunes, by Charles Bell, Jr., Esq. and Ashlee Titus, Esq.
Draft Advisory Opinion 2007–31: John Edwards for President, by Lora Haggard, CFO.
Draft Advisory Opinion 2007–34: Representative Jesse L. Jackson, Jr.
Electioneering Communications Explanation and Justification.
Management and Administrative Matters.

DATE & TIME: Tuesday, December 18, 2007, 10 a.m.

PLACE: 999 E Street, NW., Washington, DC.

This meeting will be closed to the public.

Items To Be Discussed

Compliance matters pursuant to 2 U.S.C. 437g.
Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration.
Internal personnel rules and procedures or matters affecting a particular employee.

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

Mary W. Dove,

Secretary of the Commission.

[FR Doc. 07–6011 Filed 12–6–07; 2:50 pm]

BILLING CODE 6715–01–M

FEDERAL HOUSING FINANCE BOARD

Sunshine Act Meeting Notice; Announcing a Partially Open Meeting of the Board of Directors

TIME AND DATE: The open meeting of the Board of Directors is scheduled to begin at 10 a.m. on Wednesday, December 12, 2007. The closed portion of the meeting will follow immediately the open portion of the meeting.

PLACE: Board Room, First Floor, Federal Housing Finance Board, 1625 Eye Street, NW., Washington, DC 20006.

STATUS: The first portion of the meeting will be open to the public. The final portion of the meeting will be closed to the public.

MATTER TO BE CONSIDERED AT THE OPEN PORTION: *Amendment to the Capital Structure Plan of the Federal Home Loan Bank of Seattle.*

MATTER TO BE CONSIDERED AT THE CLOSED PORTION: *Periodic Update of Examination Program Development and Supervisory Findings.*

FOR FURTHER INFORMATION CONTACT: Shelia Willis, Paralegal Specialist, Office of General Counsel, at 202–408–2876 or *williss@fhfb.gov.*

Dated: December 5, 2007.
By the Federal Housing Finance Board.

Neil R. Crowley,

Acting General Counsel.

[FR Doc. 07–6004 Filed 12–6–07; 8:55 am]

BILLING CODE 6725–01–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System

SUMMARY: Background. On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act, as per 5 CFR 1320.16, to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320 Appendix A.1. Board–approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instruments are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Request for comment on information collection proposals

The following information collections, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collections, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected; and

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments must be submitted on or before February 8, 2008.

ADDRESSES: You may submit comments, identified by FR 28: OMB No. 7100–0181; or Reg H–5 OMB No. 7100–0261 by any of the following methods:

• Agency Web Site: http://www.federalreserve.gov. Follow the

instructions for submitting comments at http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm.

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

• E–mail: regs.comments@federalreserve.gov. Include docket number in the subject line of the message.

• FAX: 202/452–3819 or 202/452–3102.

• Mail: Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, DC 20551.

All public comments are available from the Board's web site at www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room MP–500 of the Board's Martin Building (20th and C Streets, N.W.) between 9:00 a.m. and 5:00 p.m. on weekdays.

Additionally, commenters should send a copy of their comments to the OMB Desk Officer by mail to the Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street, NW., Washington, DC 20503 or by fax to 202–395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the PRA OMB submission including, the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, once approved. These documents will also be made available on the Federal Reserve Board's public website at: http://www.federalreserve.gov/boarddocs/reportforms/review.cfm or may be requested from the agency clearance officer, whose name appears below.

Michelle Shore, Federal Reserve Board Clearance Officer (202–452–3829), Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may contact (202–263–4869), Board of Governors of the Federal Reserve System, Washington, DC 20551.

Proposal to approve under OMB delegated authority the extension for three years, with revision, of the following reports:

Report title: Application for Employment with the Board of Governors of the Federal Reserve System

Agency form numbers: FR 28, FR 28s, FR 28i

OMB control number: 7100–0181

Frequency: On Occasion

Reporters: Employment applicants

Annual reporting hours: 3,558 hours

Estimated average hours per response: FR 28: 1 hour; FR 28s: 1 minute; FR 28i: 5 minutes

Number of respondents: FR 28: 3,500; FR 28s: 2,000; FR 28i: 300

General description of report: This information collection is required to obtain a benefit (sections 10(4) and 11(1) of the Federal Reserve Act (12 U.S.C. 244 and 248(1)). Information provided will be kept confidential under exemption (b)(6) of the Freedom of Information Act (FOIA) to the extent that the disclosure of information ''would constitute a clearly unwarranted invasion of personal privacy.'' 5 U.S.C. § 552(b)(6).

Abstract: The Application collects information to determine the qualifications and availability of applicants for employment with the Board. The Application collections information on education and training, employment record, military service record, and other information since the time the applicant left high school.

Current Actions: The Federal Reserve proposes to revise the Application for Employment with the Board of Governors of the Federal Reserve System (FR 28) by (1) deleting the social security number question, (2) expanding the country of citizenship question in the case of non–citizens, (3) adding several criminal background questions, (4) expanding the Notes section to provide more detail about an applicant's rights and responsibilities, and (5) revising the confidentiality status for and treatment of certain information[1] provided on the Application. Board staff also proposes to revise the FR 28i by (1) modifying the areas of interest, (2) adding a more detailed section on software packages used by the candidate, (3) adding a section for the candidate's career objectives, and changing the rating scale format of the survey.

[1] For example, the release of information such as an applicant's date of birth, address, phone number, and personal information regarding any references provided would likely constitute a clearly unwarranted invasion of personal privacy, and would be kept confidential. However, the release of information such as the educational and professional qualifications of applicants would not likely constitute a clearly unwarranted invasion of personal privacy, and would not be kept confidential.

Proposal to approve under OMB delegated authority the extension for three years, without revision of the following report:

Report title: Recordkeeping Requirements Associated with the Real Estate Lending Standards Regulation for State Member Banks

Agency form number: Reg H–5

OMB control number: 7100–0261

Frequency: Aggregate report, quarterly; policy statement, annually

Reporters: State member banks

Annual reporting hours: 17,960 hours

Estimated average hours per response: Aggregate report: 5 hours; Policy statement: 20 hours

Number of respondents: Aggregate report: 888; Policy statement: 10

General description of report: This information collection is mandatory (12 U.S.C. 1828(o)) and is not given confidential treatment. However, information gathered by the Federal Reserve during examinations of state member banks would be deemed exempt from Freedom of Information Act (FOIA) disclosure by exemption 8 of FOIA. 5 U.S.C. § 552(b)(8).

Abstract: State member banks must adopt and maintain a written real estate lending policy. Also, banks must identify their loans in excess of the supervisory loan–to–value limits and report (at least quarterly) the aggregate amount of the loans to the bank's board of directors.

Board of Governors of the Federal Reserve System, December 4, 2007.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. E7–23800 Filed 12–7–07; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank

indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 4, 2007.

A. Federal Reserve Bank of Cleveland (Douglas A. Banks, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101–2566:

1. Milton Bancorp, Inc., Wellston, Ohio; to merge with Community First Financial Bancorp, Inc., and thereby acquire voting shares of The First National Bank of New Holland, both of New Holland, Ohio.

B. Federal Reserve Bank of Kansas City (Todd Offenbacker, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. AMG National Corp.; to become a bank holding company by retaining 100 percent of the voting shares of AMG National Trust Bank, both of Boulder, Colorado, upon its conversion from a trust company to a commerical bank.

Board of Governors of the Federal Reserve System, December 5, 2007.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc.E7–23874 Filed 12–7–07; 8:45 am]

BILLING CODE 6210–01–S

GENERAL SERVICES ADMINISTRATION

[PBS–N02]

Notice of Availability of the Draft Environmental Assessment and Wetland Involvement for the Transformation of Facilities and Infrastructure for the Non-Nuclear Production Activities Conducted at the National Nuclear Security Administration's Kansas City Plant at Kansas City, MI

AGENCY: General Services Administration and National Nuclear Security Administration, Department of Energy.

ACTION: Notice of Availability.

SUMMARY: This notice announces the availability, and opportunity for public review and comment, of a draft environmental assessment (EA), DOE/EA–1592, that examines the impacts of a proposal by the General Services Administration (GSA), as the lead agency, and the National Nuclear Security Administration (NNSA), as a cooperating agency, to procure the construction of a new multistructure facility to house NNSA's non-nuclear component procurement and manufacturing operations.

DATES: The review period for the Draft EA and other NEPA documents ends Monday, January 14th. Comments postmarked after this date will be considered to the extent practicable.

ADDRESSES: Further information, including an electronic copy of the draft EA and other supporting NEPA documents, may be found on the following Web site, *http://www.gsa.gov/kansascityplant.*

Comments, or requests for copies of the draft EA, should be sent to Carlos Salazar, General Services Administration, 1500 East Bannister Road, Room 2191 (6PTA), Kansas City, MO 64131. Comments may also be e-mailed to *NNSA–KC@gsa.gov.*

Requests for copies of the draft EA may also be made by calling 816–823–2305 or via e-mail to *NNSA–KC@gsa.gov.*

SUPPLEMENTARY INFORMATION: The proposed action is for GSA to procure the construction of a new multi-structure facility to house NNSA's non-nuclear component procurement and manufacturing operations. GSA would issue a Solicitation for Offers to the real estate development community. The successful developer would purchase the property, and would partner with GSA and NNSA to design and construct a campus that meets NNSA's needs. GSA would lease the campus on NNSA's behalf, and NNSA would relocate its non-nuclear operations from the existing KCP at the Bannister Federal Complex in Kansas City, Missouri to the new facility and conduct future operations in the new facilities. The proposed new NNSA KCP would be a smaller production facility designed for flexibility to enable rapid reconfiguration to meet changing production requirements, reducing annual operating costs while improving the responsiveness, facility utilization and reliability of the supply of non-nuclear components to NNSA. In addition to these business improvements, the new facility would enable a reduction in the environmental footprint associated with KCP operations including reduced air and water emissions and waste generation.

The EA report examines and evaluates the environmental conditions on a portion of the Bannister Federal Complex located on Bannister Road in Kansas City, Missouri and for a site currently developed for agricultural usage on the northwest corner of Botts Road and Highway 150 in Kansas City, Missouri. The EA evaluates the baseline environmental conditions, environmental consequences, and cumulative impacts of several alternatives.

The relocation would involve moving approximately two-thirds of the existing capital and process equipment to the new facility. The proposed facility would cover approximately 1 to 1.55 million rentable square feet and provide up to 2,900 surface parking spaces. The new campus would be constructed to pursue a Leadership in Energy and Environmental Design (LEED), version 2.2, Gold certification, as defined by the United States Green Building Council. In addition, the campus would meet all executive orders on energy conservation.

The existing KCP is collocated on the Bannister Federal Complex with GSA and shares both individual buildings and utilities. At this time it is anticipated that GSA would also relocate to new office space and vacate the Bannister Federal Complex on approximately the same time schedule as the Kansas City Plant. It is also anticipated that disposal of the DOE-owned portion of the complex would be coordinated with the redeployment of the GSA-owned parcels, and may be managed as a single real property disposition action. Therefore, disposition and cleanup activities for the existing NNSA facility at the KCP are not part of the current proposed action and would be addressed in appropriate future environmental analyses.

GSA and NNSA are also providing notice of wetland involvement for the proposed action. Based upon a preliminary jurisdictional waters determination, less than 1.5 acres of non-jurisdictional wetlands and potential jurisdictional tributaries and wetlands exist onsite. Mitigation of impacts to non-jurisdictional wetlands would take place in accordance with Executive Order 11990, and to jurisdictional waters in accordance with Section 404 Permitting, which requires avoidance of wetlands impacts,

minimization of potential impacts on wetlands, and compensation for any remaining unavoidable impacts. A wetland assessment will be completed in accordance with the requirements of 10 CFR Part 1022 once the proposed site layout is known.

This EA is being prepared pursuant to the National Environmental Policy Act of 1969 (NEPA), and regulations implementing NEPA issued by the Council on Environmental Quality (40 CFR Parts 1500–1508), GSA (ADM 1095.1F), and to the extent not inconsistent with ADM 1095.1F, DOE (10 CFR Part 1021). GSA and NNSA will consider comments received (see **DATES** and **ADDRESSES**, above) in finalizing the EA. Based on the final EA, GSA and NNSA will determine whether to prepare an environmental impact statement or issue a finding of no significant impact if appropriate for the proposed action.

Carlos Salazar,

Regional NEPA Coordinator, GSA Public Buildings Service, Heartland Region.

[FR Doc. E7–23843 Filed 12–7–07; 8:45 a.m.]

BILLING CODE 6820–CG–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day-08–07AJ]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–5960 or send an e-mail to *omb@cdc.gov*. Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395–6974. Written comments should be received within 30 days of this notice.

Proposed Project

Racial and Ethnic Approaches to Community Health Across the U.S. (REACH U.S.) Management Information System—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Racial and Ethnic Approaches to Community Health Across the U.S. (REACH U.S.) is a national, multi-level program that serves as the cornerstone of CDC's efforts to eliminate racial and ethnic disparities in health. Through REACH U.S., CDC currently supports forty local coalitions to establish community-based programs and culturally-appropriate interventions to eliminate racial and ethnic health disparities. REACH U.S. serves communities with African American, American Indian, Hispanic American, Asian American, and Pacific Islander citizens.

The communities served by REACH U.S. are assessing the prevalence of self-reported risk behaviors in the following key health priority areas: Cardiovascular disease; diabetes mellitus; breast and cervical cancer; adult/older adult immunizations, hepatitis B, and/or tuberculosis; asthma; and infant mortality. Guided by logic models, each community is required to articulate goals, objectives, and related activities; track whether goals and objectives are met, ongoing, or revised; and evaluate all program activities.

CDC requests OMB clearance for a new, customized, Internet-based management information system, the REACH U.S. MIS, designed to replace the current REACH Information Network (REACH IN, OMB #0920–0603). The new REACH U.S. MIS will allow REACH grantees to perform remote data entry and retrieval of data, create on-demand graphs and reports of grantees' activities and accomplishments, monitor progress toward the achievement of goals and objectives, and share and synthesize information across grantees' activities. Both quantitative and qualitative analyses can be performed. The REACH U.S. MIS will collect new data elements needed to measure progress toward, or achievement of, newly developed performance indicators, and will allow CDC to monitor, and report on, grantee activities more efficiently. In addition, data reported to CDC through the REACH U.S. MIS will be used by CDC to identify training and technical assistance needs and to obtain information needed to respond to Congressional and other inquiries regarding program activities and effectiveness. Information will be reported to CDC on a semi-annual schedule.

There are no costs to respondents except their time. The total estimated annualized burden hours are 120.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
REACH U.S. Grantees	40	2	90/60

Dated: December 3, 2007.

Maryam I. Daneshvar,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E7–23855 Filed 12–7–07; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

Privacy Act of 1974; Report of a Modified or Altered System

AGENCY: Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS).

ACTION: Notice of a Modified or Altered System of Records (SOR).

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, we are proposing to modify or alter an existing SOR, ''Intern and Resident Information System (IRIS), System No. 09–70–0524, last published at 67 **Federal Register** 48189 (July 23, 2002). We propose to modify existing routine use number 1 that permits disclosure to agency contractors and consultants to include disclosure to CMS grantees who

perform a task for the agency. CMS grantees, charged with completing projects or activities that require CMS data to carry out that activity, are classified separate from CMS contractors and/or consultants. The modified routine use will remain as routine use number 1. We will delete routine use number 5 authorizing disclosure to support constituent requests made to a congressional representative. If an authorization for the disclosure has been obtained from the data subject, then no routine use is needed. The Privacy Act allows for disclosures with the ''prior written consent'' of the data subject. We will broaden the scope of published routine uses number 7 and 8, authorizing disclosures to combat fraud and abuse in the Medicare and Medicaid programs to include combating ''waste'' which refers increasingly more to specific beneficiary or recipient practices that result in unnecessary cost to Federally-funded health benefit programs.

We will delete the section titled ''Additional Circumstances Affecting Routine Use Disclosures,'' that addresses ''Protected Health Information (PHI)'' and ''small cell size.'' The requirement for compliance with HHS regulation ''Standards for Privacy of Individually Identifiable Health Information'' does not apply because this system does not collect or maintain PHI. In addition, our policy to prohibit release if there is a possibility that an individual can be identified through ''small cell size'' is not applicable to the data maintained in this system.

We are modifying the language in the remaining routine uses to provide a proper explanation as to the need for the routine use and to provide clarity to CMS' intention to disclose individual-specific information contained in this system. The routine uses will then be prioritized and reordered according to their usage. We will also take the opportunity to update any sections of the system that were affected by the recent reorganization or by Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Pub. L. 108–173) provisions and to update language in the administrative sections to correspond with language used in other CMS SORs.

The primary purpose of the SOR is to ensure that no interns and residents (IRs) are counted by the Medicare program as more than one full-time equivalent (FTE) employee in the calculation of payments for the costs of direct graduate medical education (GME) and indirect medical education (IME). Information retrieved from this SOR will also be disclosed to: (1) Support regulatory, reimbursement, and policy functions performed within the Agency or by a contractor or consultant, (2) assist another Federal and/or state agency, agency of a state government, an agency established by state law, or its fiscal agent, (3) support providers and suppliers of services, (4) assist third-party contacts where necessary to establish or verify information, (5) support litigation involving the Agency, and (6) combat fraud, waste, and abuse in certain health benefits programs. We have provided background information about the modified system in the ''Supplementary Information'' section below. Although the Privacy Act requires only that CMS provide an opportunity for interested persons to comment on the routine uses, CMS invites comments on all portions of this notice. See ''Effective Dates'' section for comment period.

DATES: *Effective Dates:* CMS filed a modified or altered system report with the Chair of the House Committee on Government Reform and Oversight, the Chair of the Senate Committee on Homeland Security and Governmental Affairs, and the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on December 4, 2007. To ensure that all parties have adequate time in which to comment, the modified system, including routine uses, will become effective 30 days from the publication of the notice, or 40 days from the date it was submitted to OMB and Congress, whichever is later, unless CMS receives comments that require alterations to this notice.

ADDRESSES: The public should address comments to: CMS Privacy Officer, Division of Privacy Compliance, Enterprise Architecture and Strategy Group, Office of Information Services, CMS, Room N2–04–27, 7500 Security Boulevard, Baltimore, Maryland 21244–1850. Comments received will be available for review at this location, by appointment, during regular business hours, Monday through Friday from 9 a.m.–3 p.m., Eastern Time Zone.

FOR FURTHER INFORMATION CONTACT: Milton Jacobson, Division of Provider Audit Operations, Financial Services Group, Office of Financial Management, CMS, Room C3–14–00, 7500 Security Boulevard, Baltimore, Maryland 21244–1850. Mr. Jacobson can be reached by telephone at 410–786–7553 or via e-mail at *Milton.Jacobson@cms.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Description of the Modified or Altered System of Records

A. Statutory and Regulatory Basis for System

Authority for maintenance of the system is given under the provisions of §§ 1886(d)(5)(B) and 1886(h) of the Social Security Act (Title 42 United States Code (U.S.C.) 1395ww(d)(5)(B) and 1395ww(h)).

B. Collection and Maintenance of Data in the System

The system collects and maintains information interns and residents in programs approved under 42 CFR 413.75, working in all areas of the hospital complex, or other freestanding providers, as well as non-hospital or non-provider settings on or after July 1, 1985. The system includes the following information for each IR: name, social security number; name of medical, osteopathic, dental, or podiatric school graduated from and date of graduation, type of residency program for the medical specialty, number of years completed in all types of residency programs, foreign medical school graduation date and certification date, name of employer (e.g., hospital, university, corporation) paying the salary, the percentage of time spent working in either the inpatient areas of the hospital subject to the Prospective Payment System or in the outpatient areas of the hospital or in a non-hospital setting under agreement with the hospital for IME, the percentage of time spent working in any area of the hospital complex or in a non-provider setting under agreement with the hospital for GME, the start and end dates assigned to the hospital and any hospital-based providers (assignment periods) during the hospital's cost reporting period, the start and end dates assigned to any non-hospital or non-provider setting in connection with approved residency programs (assignment periods) during the hospital's cost reporting period, and the full-time or part-time percentage during each assignment period.

II. Agency Policies, Procedures, and Restrictions on the Routine Use

A. The Privacy Act permits us to disclose information without an individual's consent if the information is to be used for a purpose that is compatible with the purpose(s) for which the information was collected. Any such disclosure of data is known as a ''routine use.'' The government will only release IRIS information that can be associated with an individual as provided for under ''Section III.

Proposed Routine Use Disclosures of Data in the System.'' Both identifiable and non-identifiable data may be disclosed under a routine use.

We will only collect the minimum personal data necessary to achieve the purpose of IRIS. CMS has the following policies and procedures concerning disclosures of information that will be maintained in the system. Disclosure of information from this system will be approved only to the extent necessary to accomplish the purpose of the disclosure and only after CMS:

1. Determines that the use or disclosure is consistent with the reason that the data is being collected, e.g., to ensure that no interns and residents (IR) are counted by the Medicare program as more than one full-time equivalent (FTE) employee in the calculation of payments for the costs of GME and IME.

2. Determines:

a. That the purpose for which the disclosure is to be made can only be accomplished if the record is provided in individually identifiable form;

b. That the purpose for which the disclosure is to be made is of sufficient importance to warrant the potential effect and/or risk on the privacy of the individual that additional exposure of the record might bring; and

c. That there is a strong probability that the proposed use of the data would in fact accomplish the stated purpose(s).

3. Requires the information recipient to:

a. Establish administrative, technical, and physical safeguards to prevent unauthorized use of disclosure of the record; and

b. Remove or destroy at the earliest time all patient-identifiable information.

4. Determines that the data are valid and reliable.

III. Proposed Routine Use Disclosures of Data in the System

A. Entities Who May Receive Disclosures Under Routine Use

These routine uses specify circumstances, in addition to those provided by statute in the Privacy Act of 1974, under which CMS may release information from the IRIS without the consent of the individual to whom such information pertains. Each proposed disclosure of information under these routine uses will be evaluated to ensure that the disclosure is legally permissible, including but not limited to ensuring that the purpose of the disclosure is compatible with the purpose for which the information was collected. We are proposing to establish or modify the following routine use disclosures of information maintained in the system:

1. To support agency contractors, consultants, or grantees, who have been engaged by the agency to assist in the performance of a service related to this collection and who need to have access to the records in order to perform the activity.

We contemplate disclosing information under this routine use only in situations in which CMS may enter into a contractual or similar agreement with a third party to assist in accomplishing CMS function relating to purposes for this system.

CMS occasionally contracts out certain of its functions when doing so would contribute to effective and efficient operations. CMS must be able to give a contractor, consultant or grantee whatever information is necessary for the contractor or consultant to fulfill its duties. In these situations, safeguards are provided in the contract prohibiting the contractor, consultant or grantee from using or disclosing the information for any purpose other than that described in the contract and requires the contractor, consultant or grantee to return or destroy all information at the completion of the contract.

2. To another Federal or state agency, agency of a state government, an agency established by state law, or its fiscal agent:

a. To contribute to the accuracy of CMS' proper payment of Medicare benefits,

b. To enable such agency to administer a Federal health benefits program, or as necessary to enable such agency to fulfill a requirement of a Federal statute or regulation that implements a health benefits program funded in whole or in part with federal funds.

Other Federal or state agencies in their administration of a Federal health program may require IRIS information in order to support evaluations and monitoring of reimbursement for services provided.

SSA may require IRIS data to enable it to assist in the implementation and maintenance of the Medicare program.

State licensing boards may require IRIS data to enable them to assist in the review of activities related to IRs in their state.

The Medicare Payment Advisory Commission and Congressional Budget Office may require IRIS data to assist in certain budgetary and planning activities related to IR status.

3. To providers and suppliers of services (and their authorized billing agents) directly or dealing through fiscal intermediaries or carriers, for administration of provisions of Title XVIII of the Social Security Act.

We contemplate disclosing information under this routine use only in situations in which CMS may enter into a contractual agreement with providers and suppliers of services to assist in accomplishing CMS functions relating to purposes for this SOR.

4. To third-party contacts where necessary to establish or verify information provided on or by IR.

We contemplate disclosing information under this routine use only in situations in which CMS may enter into a contractual or similar agreement with a third party to assist in accomplishing CMS functions relating to purposes for this system of records.

5. To the Department of Justice (DOJ), court or adjudicatory body when:

a. The agency or any component thereof, or

b. Any employee of the agency in his or her official capacity, or

c. Any employee of the agency in his or her individual capacity where the DOJ has agreed to represent the employee, or

d. The United States Government

Is a party to litigation or has an interest in such litigation, and by careful review, CMS determines that the records are both relevant and necessary to the litigation and that the use of such records by the DOJ, court or adjudicatory body is compatible with the purpose for which the agency collected the records.

Whenever CMS is involved in litigation, or occasionally when another party is involved in litigation and CMS' policies or operations could be affected by the outcome of the litigation, CMS would be able to disclose information to the DOJ, court or adjudicatory body involved.

6. To a CMS contractor (including, but not limited to FIs and carriers) that assists in the administration of a CMS-administered health benefits program, or to a grantee of a CMS-administered grant program, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud, waste, or abuse in such program.

We contemplate disclosing information under this routine use only in situations in which CMS may enter into a contract or grant with a third party to assist in accomplishing CMS functions relating to the purpose of combating fraud, waste, and abuse.

CMS occasionally contracts out certain of its functions when doing so

would contribute to effective and efficient operations. CMS must be able to give a contractor or grantee whatever information is necessary for the contractor or grantee to fulfill its duties. In these situations, safeguards are provided in the contract prohibiting the contractor or grantee from using or disclosing the information for any purpose other than that described in the contract and requiring the contractor or grantee to return or destroy all information.

7. To another Federal agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States (including any state or local governmental agency), that administers, or that has the authority to investigate potential fraud or abuse in a health benefits program funded in whole or in part by Federal funds, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud, waste, or abuse in such programs.

Other agencies may require IRIS information for the purpose of combating fraud, waste, and abuse in such Federally funded programs.

IV. Safeguards

CMS has safeguards in place for authorized users and monitors such users to ensure against excessive or unauthorized use. Personnel having access to the system have been trained in the Privacy Act and information security requirements. Employees who maintain records in this system are instructed not to release data until the intended recipient agrees to implement appropriate management, operational and technical safeguards sufficient to protect the confidentiality, integrity and availability of the information and information systems and to prevent unauthorized access.

This system will conform to all applicable Federal laws and regulations and Federal, HHS, and CMS policies and standards as they relate to information security and data privacy. These laws and regulations may apply but are not limited to: the Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002, the Clinger-Cohen Act of 1996; the Medicare Modernization Act of 2003, and the corresponding implementing regulations. OMB Circular A–130, Management of Federal Resources, Appendix III, Security of Federal Automated Information Resources also applies. Federal, HHS, and CMS policies and standards include but are not limited to: all pertinent National Institute of Standards and Technology publications; the HHS Information Systems Program Handbook and the CMS Information Security Handbook.

V. Effects of the Modified or Altered System of Records on Individual Rights

CMS proposes to modify this system in accordance with the principles and requirements of the Privacy Act and will collect, use, and disseminate information only as prescribed therein. Data in this system will be subject to the authorized releases in accordance with the routine uses identified in this system of records.

CMS will take precautionary measures to minimize the risks of unauthorized access to the records and the potential harm to individual privacy or other personal or property rights of patients whose data are maintained in the system. CMS will collect only that information necessary to perform the system's functions. In addition, CMS will make disclosure from the proposed system only with consent of the subject individual, or his/her legal representative, or in accordance with an applicable exception provision of the Privacy Act. CMS, therefore, does not anticipate an unfavorable effect on individual privacy as a result of information relating to individuals.

Dated: November 28, 2007.

Charlene Frizzera,

Chief Operating Officer, Centers for Medicare & Medicaid Services.

SYSTEM NO. 09–70–0524

SYSTEM NAME:

''Intern and Resident Information System (IRIS), HHS/CMS/OFM''

SECURITY CLASSIFICATION:

Level Three Privacy Act Sensitive Data

SYSTEM LOCATION:

The Centers for Medicare & Medicaid Services (CMS) Data Center, 7500 Security Boulevard, North Building, First Floor, Baltimore, Maryland 21244–1850 and South Building, Baltimore, Maryland 21244–1850.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Interns and residents (IR) in medical residency programs approved under 42 CFR § 413.75, working in all areas of the hospital complex, or other freestanding providers, as well as non-hospital or non-provider settings on or after July 1, 1985.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system includes the following information for each IR: name, social security number; name of medical, osteopathic, dental, or podiatric school graduated from and date of graduation, type of residency program for the medical specialty, number of years completed in all types of residency programs, foreign medical school graduation date and certification date, name of employer (e.g., hospital, university, corporation) paying the salary, the percentage of time spent working in either the inpatient areas of the hospital subject to the Prospective Payment System or in the outpatient areas of the hospital or in a non-hospital setting under agreement with the hospital for indirect medical education (IME), the percentage of time spent working in any area of the hospital complex or in a non-provider setting under agreement with the hospital for graduate medical education (GME), the start and end dates assigned to the hospital and any hospital-based providers (assignment periods) during the hospital's cost reporting period, the start and end dates assigned to any non-hospital or non-provider setting in connection with approved residency programs (assignment periods) during the hospital's cost reporting period, and the full-time or part-time percentage during each assignment period.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for maintenance of the system is given under the provisions of §§ 1886(d)(5)(B) and 1886(h) of the Social Security Act (Title 42 United States Code (U.S.C.) §§ 1395ww(d)(5)(B) and 1395ww (h)).

PURPOSE(S) OF THE SYSTEM:

The primary purpose of the SOR is to ensure that no interns and residents (IRs) are counted by the Medicare program as more than one full-time equivalent (FTE) employee in the calculation of payments for the costs of direct graduate medical education (GME) and indirect medical education (IME). Information retrieved from this SOR will also be disclosed to: (1) Support regulatory, reimbursement, and policy functions performed within the Agency or by a contractor or consultant, (2) assist another Federal and/or state agency, agency of a state government, an agency established by state law, or its fiscal agent, (3) support providers and suppliers of services, (4) assist third-party contacts where necessary to establish or verify information, (5)

support litigation involving the Agency, and (6) combat fraud, waste, and abuse in certain health benefits programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OR USERS AND THE PURPOSES OF SUCH USES:

A. Entities Who May Receive Disclosures Under Routine Use

These routine uses specify circumstances, in addition to those provided by statute in the Privacy Act of 1974, under which CMS may release information from the IRIS without the consent of the individual to whom such information pertains. Each proposed disclosure of information under these routine uses will be evaluated to ensure that the disclosure is legally permissible, including but not limited to ensuring that the purpose of the disclosure is compatible with the purpose for which the information was collected. We are proposing to establish or modify the following routine use disclosures of information maintained in the system:

1. To support agency contractors, consultants, or grantees, who have been engaged by the agency to assist in the performance of a service related to this collection and who need to have access to the records in order to perform the activity.

2. To another Federal or state agency, agency of a state government, an agency established by state law, or its fiscal agent:

a. To contribute to the accuracy of CMS' proper payment of Medicare benefits,

b. To enable such agency to administer a Federal health benefits program, or as necessary to enable such agency to fulfill a requirement of a Federal statute or regulation that implements a health benefits program funded in whole or in part with federal funds.

3. To providers and suppliers of services (and their authorized billing agents) directly or dealing through fiscal intermediaries or carriers, for administration of provisions of Title XVIII of the Social Security Act.

4. To third-party contacts where necessary to establish or verify information provided on or by IR.

5. To the Department of Justice (DOJ), court or adjudicatory body when:

a. The agency or any component thereof, or

b. Any employee of the agency in his or her official capacity, or

c. Any employee of the agency in his or her individual capacity where the DOJ has agreed to represent the employee, or

d. The United States Government Is a party to litigation or has an interest in such litigation, and by careful review, CMS determines that the records are both relevant and necessary to the litigation and that the use of such records by the DOJ, court or adjudicatory body is compatible with the purpose for which the agency collected the records.

6. To a CMS contractor (including, but not limited to FIs and carriers) that assists in the administration of a CMS-administered health benefits program, or to a grantee of a CMS-administered grant program, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud, waste, or abuse in such program.

7. To another Federal agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States (including any state or local governmental agency), that administers, or that has the authority to investigate potential fraud or abuse in a health benefits program funded in whole or in part by Federal funds, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud, waste, or abuse in such programs.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All records are stored on paper and magnetic disk.

RETRIEVABILITY:

Magnetic media records are retrieved by the name of the employees or other authorized individual and/or card key number. Paper records are retrieved alphabetically by name.

SAFEGUARDS:

CMS has safeguards in place for authorized users and monitors such users to ensure against excessive or unauthorized use. Personnel having access to the system have been trained in the Privacy Act and information security requirements. Employees who maintain records in this system are instructed not to release data until the intended recipient agrees to implement appropriate management, operational and technical safeguards sufficient to protect the confidentiality, integrity and availability of the information and information systems and to prevent unauthorized access.

This system will conform to all applicable Federal laws and regulations and Federal, HHS, and CMS policies and standards as they relate to information security and data privacy. These laws and regulations may apply but are not limited to: the Privacy Act of 1974; the Federal Information Security Management Act of 2002; the Computer Fraud and Abuse Act of 1986; the Health Insurance Portability and Accountability Act of 1996; the E-Government Act of 2002, the Clinger-Cohen Act of 1996; the Medicare Modernization Act of 2003, and the corresponding implementing regulations. OMB Circular A–130, Management of Federal Resources, Appendix III, Security of Federal Automated Information Resources also applies. Federal, HHS, and CMS policies and standards include but are not limited to: all pertinent National Institute of Standards and Technology publications; the HHS Information Systems Program Handbook and the CMS Information Security Handbook.

RETENTION AND DISPOSAL:

Records are maintained in a secure storage area with identifiers. Disposal occurs three years from the last action on the hospital's cost report, and should be coordinated with disposal of the reports.

SYSTEM MANAGER AND ADDRESS:

Director, Division of Provider Audit Operations, Financial Services Group, Office of Financial Management, CMS, 7500 Security Boulevard, C3–14–00, Baltimore, Maryland 21244–1850.

NOTIFICATION PROCEDURE:

For purpose of access, the subject individual should write to the systems manager who will require the system name, SSN, address, date of birth, sex, and for verification purposes, the subject individual's name (woman's maiden name, if applicable). Furnishing the SSN is voluntary, but it may make searching for a record easier and prevent delay.

RECORD ACCESS PROCEDURE:

For purpose of access, use the same procedures outlined in Notification Procedures above. Requestors should also reasonably specify the record contents being sought. (These procedures are in accordance with Department regulation 45 CFR 5b.5(a)(2).)

CONTESTING RECORD PROCEDURES:

The subject individual should contact the system manager named above, and reasonably identify the record and specify the information to be contested.

State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department regulation 45 CFR 5b.7.)

RECORD SOURCE CATEGORIES:

Data for this system is collected from IRIS diskettes/CDs as transmitted by the hospitals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. E7–23877 Filed 12–7–07; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Supporting Healthy Marriage (SHM) Demonstration and Evaluation Project: 12-month Follow-up and Implementation Research Data Collection.

OMB No.: New Collection.

The Administration for Children and Families (ACF), U.S. Department of Health and Human Services, is conducting a demonstration and evaluation called the Supporting Healthy Marriage (SHM) project. SHM is a test of marriage education demonstration programs in eight separate locations that will aim to enroll up to 1,000 couples per location, up to 500 couples participating in SHM programs and 500 control group couples.

SHM is designed to inform program operators and policymakers of the most effective ways to help low-income married couples strengthen and maintain healthy marriages. In particular, the project will measure the effectiveness of marriage education programs by randomly assigning eligible volunteer couples to SHM program groups and control groups.

This data collection request includes three components. First, a survey will be administered to couples 12 months after they are enrolled in the program. The survey is designed to assess the effects of the SHM program on marital status and stability, quality of relationship with spouse, marital expectations and ideals, marital satisfaction, participation in services, parenting outcomes, child outcomes, parental well-being, employment, income, material hardship, and social support characteristics of study participants assigned to both the program and control groups. Second, survey data will be complemented by videotaped observations of couple, co-parenting, and parent-child interactions with a subset of intact and separated couples at the 12-month follow-up. Third, qualitative data will be collected through a process and implementation study in each of the eight SHM demonstration programs across the country.

These data will complement the information gathered by the SHM baseline data collection (OMB Control No. 0970–0299). The information collected at the 12-month follow-up will allow the research team to examine the effects of SHM services on outcomes of interest and to identify mechanisms that might account for these effects. The process and implementation research will consist of a qualitative component that will help ACF to better understand the results from the impact analysis as well as how to replicate programs that prove to be successful.

Respondents: Low-income married couples with children.

ANNUAL BURDEN ESTIMATES

Instrument	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Estimated annual burden hours
12-month survey	10,240	1	0.83	8,499.2
12-month observational study (intact couples)	3,200	1	0.68	2,176
12-month observational study (separated couples)	160	1	0.17	27.2
12-month observational study (children of intact couples)	1,600	1	0.33	528
12-month observational study (children of separated couples)	160	1	0.17	27.2
The process and implementation field research guide	504	1	1	504

Estimated Total Annual Burden Hours: 11,761.6.

Additional Information

Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: *infocollection@acf.hhs.gov*.

OMB Comment

OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Fax: 202–395–6974, Attn: Desk Officer for the Administration for Children and Families.

Dated: November 29, 2007.

Brendan C. Kelly,

OPRE Reports Clearance Officer.

[FR Doc. 07–5978 Filed 12–7–07; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Request for Public Comment: 60-Day Proposed Information Collection: Indian Health Service Customer Satisfaction Survey

AGENCY: Indian Health Service, HHS.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 which requires 60 days advance opportunity for public comment on proposed information collection projects, the Indian Health Service (IHS) in publishing for comment a summary of a proposed information collection to be submitted to the Office

of Management and Budget (OMB) for review.

Proposed Collection: Title: 0917–NEW, ''Indian Health Service Customer Satisfaction Survey.'' *Type of Information Collection Request:* Three year approval of this new information collection, 0917–NEW, ''Indian Health Service Customer Satisfaction Survey.'' *Form(s):* Tribal Homeowner Survey, Tribal Partner Survey, Annual Operator Operation and Maintenance (O&M) Survey, and Post Construction O&M Survey. *Need and Use of Information Collection:* The IHS goal is to raise the health status of the American Indian and Alaska Native people to the highest possible level by providing comprehensive health care and preventive health services. To support the IHS mission, the Sanitation Facilities Construction Program (SFCP) provides technical and financial assistance to American Indian Tribes and Alaska Native villages for cooperative development and continued operation of safe water, wastewater, and solid waste systems and related support facilities.

The Indian Health Service Office of Environmental Health and Engineering (OEHE), SFCP, ''Customer Satisfaction Surveys,'' will provide the information needed to complete these goals. With the information collected from Tribal homeowners, Tribal leaders, and Tribal operation and maintenance operators the Sanitation facilities programs will make improvements that will result in improved quality of services.

Voluntary customer satisfaction surveys will be conducted through phone calls, mail, and the Internet. The information gathered will be used by agency management and staff to identify strengths and weaknesses in current service provision, to plan and redirect resources, to make improvements that are practical and feasible, and to provide vital feedback to partner agencies, Tribal leaders, system operators, health boards, and community members regarding customer satisfaction or dissatisfaction with the SFCP. *Affected Public:* Individuals. *Type of Respondents:* Homeowners who are customers of the OEHE, SFCP.

The table below provides: Types of data collection instruments, Estimated number of respondents, Number of responses per respondent, Annual number of responses, Average burden hour per response, and Total annual burden hour(s).

Data collection instrument(s)	Number of respondents	Responses per respondent	Total annual response	Burden hour per response*	Annual burden hours
Tribal Homeowner Survey	1,300	1	1,300	3	65
Tribal Partner Survey	175	1	175	3	8.75
Annual Operator O&M Survey	125	1	125	3	6.25
Post Construction O&M Survey	200	1	200	3	10
Total	1,800				90

There are no Capital Costs, Operating Costs, and/or Maintenance Costs to report.

Request for Comments: Your written comments and/or suggestions are invited on one or more of the following points: (a) Whether the information collection activity is necessary to carry out an agency function; (b) whether the agency processes the information collected in a useful and timely fashion; (c) the accuracy of public burden estimate (the estimated amount of time needed for individual respondents to provide the requested information); (d) whether the methodology and assumptions used to determine the estimate are logical; (e) ways to enhance the quality, utility, and clarity of the information being collected; and (f) ways to minimize the public burden through the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Send Comments and Requests for Further Information: Send your written comments, requests for more information on the proposed collection, or requests to obtain a copy of the data collection instrument(s) and instructions to: Mrs. Chris Rouleau, IHS Reports Clearance Officer, 801 Thompson Ave., Suite 450, Rockville, MD 20852–1601; call (301) 443–5938; send via facsimile to (301) 443–2316; or send your e-mail requests, comments, and return address to: *Christina.Rouleau@ihs.gov*.

Comment Due Date: Your comments regarding this information collection are best assured of having full effect if received within 60 days of the date of this publication.

Dated: November 29, 2007.

Robert G. McSwain,

Acting Director, Indian Health Service.

[FR Doc. 07–5990 Filed 12–7–07; 8:45 am]

BILLING CODE 4165–16–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Initial Review Group, Clinical and Treatment Subcommittee.

Date: March 4–5, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Katrina L. Foster, PhD, Scientific Review Administrator, National Inst. on Alcohol Abuse & Alcoholism, National Institutes of Health, 5635 Fishers Lane, Rm. 3042, Rockville, MD 20852, 301–443–4032, *katrina@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: December 3, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–5979 Filed 12–7–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Division of Acquired Immunodeficiency Syndrome—AIDS Vaccine Research Working Group; Notice of Meeting

The AIDS Vaccine Research Working Group (AVRWG) will hold a meeting on Wednesday, December 12, 2007, at the William F. Bolger Center, North Building, Benjamin Franklin Hall, 9600 Newbridge Road, Potomac, Maryland 20854, from 8:30 a.m. to approximately 4:30 p.m.

The working group will provide technical input on the (1) results from the STEP trial and their implication for HIV vaccine development, (2) priorities for additional analyses of data and specimens from the trial, and (3) further development of the DNA+Ad5 candidate of the NIAID Vaccine Research Center.

For further information concerning this meeting contact Dr. James Bradac, Division of AIDS, National Institute of Allergy and Infectious Diseases, Room 5116, MSC–7620, 6700–B Rockledge Drive, Bethesda, MD 20892–7620, *Telephone:* (301) 435–3754, *FAX:* (301) 402–3684, *E-mail: jbradac@niaid.nih.gov.*

Dated: November 28, 2007.

James Bradac,

Division of AIDS, NIAID, National Institutes of Health.

[FR Doc. E7–23844 Filed 12–7–07; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

[Docket Nos. TSA—2006–24191; Coast Guard–2006–24196]

Transportation Worker Identification Credential (TWIC); Enrollment Dates for the Ports of Seattle, WA; New York/New Jersey; Wilmington, NC; Jacksonville, FL; Duluth-Superior, MN; and New Orleans, LA

AGENCY: Transportation Security Administration; United States Coast Guard; DHS.

ACTION: Notice.

SUMMARY: The Department of Homeland Security (DHS) through the Transportation Security Administration (TSA) issues this notice of the dates for the beginning of the initial enrollment for the Transportation Worker Identification Credential (TWIC) for the Ports of Seattle, WA; New York/New Jersey; Wilmington, NC; Jacksonville, FL; Duluth-Superior, MN; and New Orleans, LA.

DATES: TWIC enrollment in Seattle will begin on December 13, 2007; New York/New Jersey on December 20, 2007; Wilmington, NC on December 27, 2007; Jacksonville, FL on December 28, 2007; Duluth-Superior, MN on December 28, 2007; and New Orleans, LA on December 28, 2007.

ADDRESSES: You may view published documents and comments concerning the TWIC Final Rule, identified by the docket numbers of this notice, using any one of the following methods.

(1) Searching the Federal Docket Management System (FDMS) Web page at *http://www.regulations.gov;*

(2) Accessing the Government Printing Office's Web page at *http://www.gpoaccess.gov/fr/index.html;* or

(3) Visiting TSA's Security Regulations Web page at *http://www.tsa.gov* and accessing the link for ''Research Center'' at the top of the page.

FOR FURTHER INFORMATION CONTACT: James Orgill, TSA–19, Transportation Security Administration, 601 South 12th Street, Arlington, VA 22202–4220. Transportation Threat Assessment and Credentialing (TTAC), TWIC Program, (571) 227–4545; e-mail: *credentialing@dhs.gov.*

Background

The Department of Homeland Security (DHS), through the United States Coast Guard and the Transportation Security Administration (TSA), issued a joint final rule (72 FR 3492; January 25, 2007) pursuant to the Maritime Transportation Security Act (MTSA), Public Law 107–295, 116 Stat. 2064 (November 25, 2002), and the Security and Accountability for Every Port Act of 2006 (SAFE Port Act), Public Law 109–347 (October 13, 2006). This rule requires all credentialed merchant mariners and individuals with unescorted access to secure areas of a regulated facility or vessel to obtain a TWIC. In this final rule, on page 3510, TSA and Coast Guard stated that a phased enrollment approach based upon risk assessment and cost/benefit would be used to implement the program nationwide, and that TSA would publish a notice in the **Federal Register** indicating when enrollment at a specific location will begin and when it is expected to terminate.

This notice provides the start date for TWIC initial enrollment at the Ports of Seattle, New York/New Jersey, Wilmington, Jacksonville, Duluth-Superior, and New Orleans. Enrollment in Seattle will begin on December 13, 2007; New York/New Jersey on December 20, 2007; Wilmington, NC on December 27, 2007; Jacksonville, FL on December 28, 2007; Duluth-Superior, MN on December 28, 2007; and New Orleans, LA on December 28, 2007. The Coast Guard will publish a separate notice in the **Federal Register** indicating when facilities within the Captain of the Port Zone Puget Sound, including those in the Port of Seattle; Captain of the Port Zone New York, including those in the Port of New York/New Jersey; Captain of the Port Zone Cape Fear River, including those in the Port of Wilmington; Captain of the Port Zone Jacksonville, including those in the Port of Jacksonville; Captain of the Port Zone Duluth, including those in the Port of Duluth-Superior; and Captain of the Port Zone New Orleans, including those in the Port of New Orleans must comply with the portions of the final rule requiring TWIC to be used as an access control measure. That notice will be published at least 90 days before compliance is required.

To obtain information on the pre-enrollment and enrollment process, and enrollment locations, visit TSA's TWIC Web site at *http://www.tsa.gov/twic.*

Issued in Arlington, Virginia, on December 4, 2007.

Stephen Sadler,

Director, Maritime and Surface Credentialing, Office of Transportation Threat Assessment and Credentialing, Transportation Security Administration.

[FR Doc. E7–23903 Filed 12–7–07; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

Announcement of an Additional Public Open House for the Draft Environmental Impact Statement for Construction, Maintenance, and Operation of Tactical Infrastructure, U.S. Border Patrol, Rio Grande Valley Sector, TX

AGENCY: Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of Additional Public Open House.

SUMMARY: This notice supplements information provided in the November 16, 2007, **Federal Register** Notice of Availability and Public Open House Announcement for the Draft Environmental Impact Statement (EIS) for the proposed construction, maintenance, and operation of tactical infrastructure along approximately 70 miles of the U.S./Mexico international border within the U.S. Border Patrol Rio Grande Valley Sector, Texas. In addition to the previously announced public open houses concerning the Draft EIS to be held on December 11, 2007 in McAllen, TX, and December 12, 2007, in Brownsville, TX, Customs and Border Protection (CBP) invites public participation at a third public open house to be held on December 13, 2007, at the Veterans of Foreign Wars (VFW) Post #08526 in Rio Grande City, TX.

DATES: CBP will hold three public open houses to provide information and invite comments on the proposed construction, maintenance and operation of the tactical infrastructure and the Draft EIS. The first public open house will be held on December 11, 2007, at the McAllen Convention Center in McAllen, TX. A second public open house will be held on December 12, 2007, at the Brownsville Events Center in Brownsville, TX. The third public open house will be held on December 13, 2007, at the VFW Post #08526 in Rio Grande City, TX. Each public open house will be held from 4:30 p.m. to 8 p.m. Please refer to the **SUPPLEMENTARY INFORMATION** section below for more information.

ADDRESSES: Copies of the Draft EIS can be downloaded by visiting *http://www.BorderFenceNEPA.com*, or *https://ecso.swf.usace.army.mil/Pages/Publicreview.cfm*, or requested by e-mailing: *information@BorderFenceNEPA.com*. To request a hard copy of the Draft EIS, you may call toll-free 1–877–752–0420. Alternatively, written requests for information may be submitted to: Charles McGregor, U.S. Army Corps of Engineers, Engineering and Construction Support Office, 819 Taylor St., Room 3B10, Fort Worth, Texas 76102; phone: (817) 886–1585; and fax: (757) 282–7697. Hard copies of the Draft EIS can be reviewed at the McAllen Memorial Library (601 N. Main St., McAllen, TX 78501, (956) 688–3300); Speer Memorial Library (801 E. 12th St., Mission, TX 78572, (956) 580–8750); Brownsville Public Library (2600 Central Blvd., Brownsville, TX 78520, (956) 548–1055); Rio Grande City Public Library (591 E. Canales St., Rio Grande City, TX 78582, (956) 487–4389); Weslaco Public Library (525 S. Kansas Ave., Weslaco, TX 78596, (956) 968–4533); Mercedes Memorial Library (434 S. Ohio Ave., Mercedes, TX 78570, (956) 565–2371); Harlingen Public Library (410 76 Dr., Harlingen, TX 78550, (956) 216–5802); and San Benito Public Library (101 W. Rose St., San Benito, TX 78586, (956) 361–3860).

FOR FURTHER INFORMATION CONTACT: Charles McGregor, U.S. Army Corps of Engineers, Engineering and Construction Support Office, 819 Taylor St., Room 3B10, Fort Worth, Texas 76102; phone: (817) 886–1585; and fax: (757) 282–7697.

SUPPLEMENTARY INFORMATION:

Background

On September 24, 2007, Customs and Border Protection (CBP) published a Notice of Intent to Prepare an EIS in the **Federal Register** (72 FR 54276) for the proposed construction, maintenance, and operation of a tactical infrastructure along approximately 70 miles of the U.S./Mexico international border within the U.S. Border Patrol Rio Grande Valley Sector, Texas. On November 16, 2007, CBP published a Notice of Availability of the Draft EIS and Public Open House Announcement in the **Federal Register** (72 FR 64663). Additional information on the Proposed Action can be found in the Notice of Availability or by visiting the Web site *http://www.borderfencenepa.com*.

Public Open Houses

In addition to the two public open houses previously announced in the **Federal Register** on November 16, 2007, members of the public who wish to provide information and comments on the Draft EIS may now also attend a third open house to be held in Rio Grande City, TX. The first public open house will be held on December 11, 2007, at the McAllen Convention Center in McAllen, TX , located at 700 Convention Center Blvd., McAllen, TX. A second public open house will be held on December 12, 2007, at the Brownsville Events Center in Brownsville, TX, located at 1 Event Ctr., Brownsville, TX. The third public open house will be held on December 13, 2007, at VFW Post #08526 in Rio Grande City, TX located at 5123 Veteran's Drive, Rio Grande City, TX. Each public open house will be held from 4:30 p.m. to 8 p.m. Central Standard Time.

Notifications of these open houses were also published in the *Brownsville Herald, Valley Morning Star, The Monitor, La Frontera*, and *El Nuevo Heraldo*.

Anyone wishing to submit comments may do so orally and/or in writing at the open houses. Comments received at the open houses will be recorded and transcribed into the public record for the meeting. Commentors must include their name and address. Spanish language translation will be provided. Those who plan to attend the public open house and will need special assistance such as sign language interpretation or other reasonable accommodations should notify the U.S. Army Corps of Engineers (see **FOR FURTHER INFORMATION**) at least 3 business days in advance. Include contact information, as well as information about specific needs. Those unable to attend may submit comments as described under ''Request for Comments'' below.

Request for Comments

CBP requests public participation in the EIS process. The public may participate by attending public open houses and submitting written comments on the Draft EIS. CBP will consider all comments submitted during the public comment period and subsequently will prepare the Final EIS. CBP will announce the availability of the Final EIS and once again give interested parties an opportunity to review the document.

When submitting comments, please include name and address, and identify comments as intended for the Rio Grande Valley Sector Draft EIS. To avoid duplication, please use only one of the following methods:

(a) Attendance and submission of comments at the public open houses to be held December 11, 2007 at the McAllen Convention Center in McAllen, TX; December 12, 2007 at the Brownsville Events Center in Brownsville, TX; and December 13, 2007 at the VFW Post #08526 in Rio Grande City, TX.

(b) Electronically through the Web site at *http://www.BorderFenceNEPA.com*.

(c) By e-mail to: *RGVcomments@BorderFenceNEPA.com*.

(d) By mail to: Rio Grande Valley Tactical Infrastructure EIS, c/o e²M, 2751 Prosperity Avenue, Suite 200, Fairfax, Virginia 22031.

(e) By fax to: (757) 282–7697.

Comments on the Draft EIS should be submitted by December 31, 2007.

Dated: December 5, 2007.

Eugene H. Schied,

Assistant Commissioner, Office of Finance, Customs and Border Protection.

[FR Doc. E7–23898 Filed 12–7–07; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5162–N–02]

Conformity Determination for the East River Waterfront Esplanade and Piers Project City of New York, New York County, NY

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: In accordance with the federal Clean Air Act General Conformity rule, the Lower Manhattan Development Corporation (LMDC) has prepared a general conformity determination (Conformity Determination) for the East River Waterfront Esplanade and Piers Project (the Selected Project) pursuant to the October 2007 National Environmental Policy Act Record of Decision and Lead Agency Findings Statement (ROD). LMDC is a subsidiary of the Empire State Development Corporation (a political subdivision and public benefit corporation of the State of New York) and is responsible, pursuant to federal statute 42 U.S.C. 5304(g) as the recipient of U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant program funds, for conducting reviews of projects receiving HUD funds in accordance with 24 CFR part 58, as well as other laws and regulations. These responsibilities include compliance with the National Environmental Policy Act and the Clean Air Act, 42 U.S.C. 7401 *et seq.* (particularly sections 7506(c) and (d)), in accordance with 24 CFR 58.4 and 58.5.

The Selected Project will improve a two mile portion of the East River waterfront in Manhattan and create a City-owned public open space. The area of the Selected Project will generally encompass the waterfront, the upland area adjacent to and under the elevated FDR Drive and South Street extending from the Whitehall Ferry Terminal and Peter Minuit Plaza on the South to East River Park on the North, as well as Pier 15, the New Market Building pier, Pier 35, Pier 36, and Pier 42. The Selected Project is fully described in the Final Environmental Impact Statement for the East River Waterfront Esplanade and Piers Project.

The Selected Project is located in Manhattan, New York County, which has been designated by the United States Environmental Protection Agency (EPA) as a moderate non-attainment area for particulate matter less than 10 micrometers in aerodynamic diameter (PM_{10}), a non-attainment area for particulate matter less than 2.5 micrometers in aerodynamic diameter ($PM_{2.5}$), and a moderate non-attainment area for the 8-hour ozone standard. New York County was previously designated by the EPA as a severe non-attainment area for the 1-hour ozone standard. The area is in attainment for all other criteria pollutants: Nitrogen dioxide (NO_2), lead, sulfur dioxide (SO_2), and carbon monoxide (CO). MDC's review has been conducted consistent with the requirements of 40 CFR Part 93, Subpart B: ''Determining Conformity of Federal Actions to State or Federal Implementation Plans'' issued on November 30, 1993 (as amended on July 17, 2006, to address $PM_{2.5}$ emissions). LMDC has determined that, during the peak construction year of 2008, potential emissions for all the criteria pollutants would be below the *de minimis* thresholds established under federal regulations at 40 CFR 93.153(b) which are currently applicable in New York County. Nonetheless, the construction emissions could exceed the 25 tons per year (tpy) annual nitrogen oxides (NO_X) threshold for severe ozone non-attainment areas, which was applicable to New York County under the previous 1-hour ozone standard designation. Accordingly, LMDC has prepared its Conformity Determination to demonstrate that the federally-funded portion of the Selected Project will conform with the 1-hour ozone State Implementation Plan (SIP). Pursuant to the requirements of 40 CFR 93.153(h)(4), this notice lists the activities that are presumed to conform to the New York ozone SIP.

The Draft Conformity Determination for the Proposed East River Waterfront Esplanade and Piers Project was made available for public review beginning May 18, 2007. Notices of its availability were published in the New York State Department of Environmental Conservation *Environmental Notice Bulletin* and newspapers of general circulation on May 30, 2007. The Draft Conformity Determination was also published in the **Federal Register** on July 27, 2007. No comments on the Draft Conformity Determination were received.

ADDRESSES: The Conformity Determination is available at the following location: Lower Manhattan Development Corporation, One Liberty Plaza, 20th Floor, New York, NY 10006. The Conformity Determination is also available on the LMDC Web site at *http://www.renewnyc.com* in the ''Planning, Design & Development'' section and is an exhibit to LMDC's ROD.

FOR FURTHER INFORMATION CONTACT: Christina Hynes, Lower Manhattan Development Corporation, One Liberty Plaza, 20th Floor, New York, NY 10006; Telephone: (212) 962–2300; Fax: (212) 962–2431.

SUPPLEMENTARY INFORMATION:

A. Background

The Clean Air Act (CAA), as amended in 1990, defines a non-attainment area (NAA) as a geographic region that has been designated as not meeting one or more of the National Ambient Air Quality Standards (NAAQS). The Selected Project is located in New York County, which has been designated by the EPA as a moderate NAAQS NAA for PM_{10}, a NAA for $PM_{2.5}$, and a moderate NAA for ozone. The area is in attainment for all other criteria pollutants: Nitrogen dioxide (NO_2), lead, sulfur dioxide (SO_2), and carbon monoxide (CO). EPA had re-designated New York City as in attainment for CO on April 19, 2002 (67 FR 19337); the CAA requires that a maintenance plan ensure continued compliance with the CO NAAQS for former NAAs.

A State Implementation Plan (SIP) is a state's plan on how it will meet the NAAQS under the deadlines established by the CAA. In November 1998, New York State submitted its *Phase II Alternative Attainment Demonstration for Ozone,* which addressed attainment of the 1-hour ozone NAAQS by 2007 (New York submitted subsequent filings to EPA in subsequent years). On February 4, 2002, EPA approved New York's 1-hour ozone SIP (67 FR 5170).

The general conformity requirements in 40 CFR part 93, subpart B, apply to those federal actions that are located in a non-attainment or maintenance area, and that are not subject to transportation conformity requirements at 40 CFR part 51, subpart T, or part 93, subpart A,

where the action's direct and indirect emissions have the potential to emit one or more of the criteria pollutants or precursors, in the case of ozone and $PM_{2.5}$, at emission rates equal to or exceeding the prescribed rates at 40 CFR 93.153(b), or where the action encompasses 10 percent or more of a NAA or maintenance area's total emissions inventory for that pollutant. In the case of New York County, the prescribed annual rates are 50 tons of VOCs and 100 tons of NO_X (ozone precursors in moderate 8-hour ozone NAA and $PM_{2.5}$ precursors in $PM_{2.5}$ NAA), 100 tons of CO (CO maintenance area), 100 tons of PM_{10} (moderate PM_{10} NAA), 100 tons of $PM_{2.5}$ ($PM_{2.5}$ NAA), and 100 tons of SO_2 ($PM_{2.5}$ precursor in $PM_{2.5}$ NAA).

LMDC has determined that the total annual direct and indirect emissions of all such criteria pollutants from the Selected Project are less than the *de minimis* rates prescribed in 40 CFR 93.153(b), as currently in effect, that would trigger the requirement to conduct a general conformity determination. Therefore, a general conformity determination is not necessarily required by current federal regulations. Nonetheless, temporarily, during construction, annual NO_X emissions are predicted to exceed the threshold of 25 tons per year that would apply to a severe ozone non-attainment area under the former 1-hour ozone NAAQS. Accordingly, LMDC prepared a Conformity Determination to demonstrate the Selected Project's conformity with the ozone SIP.

B. Requirements of the Conformity Determination

The purpose of the conformity analysis is to establish that the Selected Project will conform to the New York ozone SIP, thereby demonstrating that total direct and indirect emissions of the ozone precursors, in this case NO_X, from the Selected Project, will not:

- Cause or contribute to any new violation of any standard in the area,
- Interfere with provisions in the applicable SIP for maintenance of any standard,
- Increase the frequency or severity of any existing violation of any standard in any area, or
- Delay timely attainment of any standard or any required interim emission reductions or other milestones in the SIP for purposes of—

1. A demonstration of reasonably further progress (RFP),
2. A demonstration of attainment, or
3. A maintenance plan.

For the purposes of a general conformity determination, direct and indirect emissions are defined as follows (40 CFR 93.152):

- *Direct Emissions:* Those emissions of a criteria pollutant or its precursors that are caused or initiated by the Federal action and occur at the same time and place as the action;
- *Indirect Emissions:* Those emissions of a criteria pollutant or its precursors that—

1. Are caused by the federal action, but may occur later in time and/or may be further removed in distance from the action itself but are still reasonably foreseeable; and
2. The federal agency can practicably control and will maintain control over due to a continuing program responsibility of the federal agency.

LMDC has determined that the predicted emissions due to the Selected Project during construction that should be subject to its general conformity review include direct emissions from (1) non-road engines operating on-site during construction, (2) marine vessels carrying materials to and from the site and conducting other work along the waterfront, and (3) emissions from construction-related vehicles traveling to and from the site.

C. Presumption of Conformity

The Selected Project will be located in an area previously designated as a severe ozone non-attainment area under the 1-hour ozone NAAQS. The NO_X emissions during two years of construction were predicted to potentially exceed the prescribed level for severe ozone non-attainment areas (25 tons per year). Therefore, LMDC has determined the following:

- The methods for estimating direct and indirect emissions from the Selected Project meet the requirements of 40 CFR 93.159.
- The Selected Project was predicted to result in the emission of up to 70.5 tons and 31.2 tons of NO_X per year in 2008 and 2009, respectively.
- All construction-related NO_X emissions, including those from the Selected Project, are included in the emissions budget specified in the New York State Implementation Plan for Ozone—Phase II Alternative Attainment Demonstration.
- The Selected Project does not cause or contribute to any new violation, or increase the frequency or severity of any existing violation, of the standards for the pollutants addressed in 40 CFR 93.158.
- The Selected Project does not violate any requirements or milestones in the ozone SIP.

Based on these determinations, the Selected Project is presumed to conform to the ozone SIP for the project area. The activities that are presumed to conform include all construction-related activities that will receive federal funding for the East River Waterfront Esplanade and Piers Project.

Dated: November 30, 2007.

Nelson R. Bregón,

General Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. E7–23832 Filed 12–7–07; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5130–N–17]

Privacy Act of 1974; Notice of a Computer Matching Program Between the Department of Housing and Urban Development (HUD) and the United States Department of Agriculture (USDA)

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice of a computer matching program between the HUD and the USDA.

SUMMARY: In accordance with the Privacy Act of 1974 (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100–503), and the Office of Management and Budget (OMB) Guidelines on the Conduct of Matching Programs (June 19, 1989, 54 FR 25818), and OMB Bulletin 89–22, ''Instructions on Reporting Computer Matching Programs to the Office of Management and Budget (OMB), Congress and the Public,'' HUD is issuing a public notice of its intent to conduct a recurring computer matching program with the USDA to utilize a computer information system of HUD, the Credit Alert Interactive Voice Response System (CAIVRS), with the USDA's debtor files. Additionally, the record to be matched section was updated to reflect HUD's new Privacy Act Systems of Records involved in the CAIVRS matching program. This update does not change the authority and the objectives of the existing HUD and USDA computer matching program.

DATES: *Effective Date:* The effective date of the matching program shall begin *January 9, 2008* or 40 days from the date copies of the signed (by both HUD and USDA's Data Integrity Boards (DIBs)) computer matching agreement is sent to both Housing of Congress and the Office of Management and Budget (OMB), whichever is later, providing no

comments are received which will result in a contrary determination.

Comments Due Date: January 9, 2008.

ADDRESSES: Interested persons are invited to submit comments regarding this notice to the Rules Docket Clerk, Office of General Counsel, HUD, 451 Seventh Street, SW., Room 10276, Washington, DC 20410. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address.

FOR FURTHER INFORMATION CONTACT: From the ''Recipient Agency'' contact the Departmental Privacy Act Officer, HUD, 451 Seventh Street, SW., Room 4156, Washington, DC 20410, telephone number (202) 619–9057. From the ''Source Agency'' contact Joyce Baumgartner, Debt/Credit Management Coordinator, USDA, 14th and Independence Avenue, SW., Washington, DC 20250, telephone number (202) 720–9984. (These are not toll-free numbers.) A telecommunication device for hearing- and speech-impaired individuals (TTY) is available at (800) 877–8339 (Federal Information Relay Service).

SUPPLEMENTARY INFORMATION: HUD's data in the CAIVRS database includes delinquent debt information from the Department of Education, Veterans Affairs, Justice, and the Small Business Administration. This match will allow prescreening of applicants for debts owed or loans guaranteed by the Federal government to ascertain if the applicant is delinquent in paying a debt owed to or insured by the federal government for HUD or USDA direct or guaranteed loans. Before granting a loan, the lending agency and/or the authorized lending institution will be able to interrogate the CAIVRS debtor files which contains the Social Security Numbers (SSNs) of HUD's delinquent debtors and defaulters and defaulted debtor records of the USDA and verify that the loan applicant is not in default or delinquent on a direct or guaranteed loans of participating federal programs of either agency. As a result of the information produced by this match, the authorized users may not deny, terminate, or make a final decision of any loan assistance to an applicant or take other adverse action against such applicant, until an officer or employee of such agency has independently verified such information.

Reporting of a Matching Program

In accordance with the Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100–503), as amended, and Office of Management and Budget (OMB), Congress and the Public;'' copies of this notice and report are being provided to the Office of Management and Budget (OMB), the Senate Committee on Homeland Security and Governmental Affairs, and the House Committee on Oversight and Government Reform.

Authority

The matching program will be conducted pursuant to ''The Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100–503),'' as amended, and OMB Circular A–129 (Revised January 1993), Policies for Federal Credit Program and Non-Tax Receivables. One of the purposes of all Executive departments and agencies—including HUD—is to implement efficient management practices for Federal credit programs. OMB Circular A–129 was issued under the authority of the Budget and Accounting Act of 1921, as amended; the Budget and Accounting Act of 1950, as amended; the Debt Collection Act of 1982, as amended; and, the Deficit Reduction Act of 1984, as amended.

Objectives To Be Met by the Matching Program

The matching program will allow USDA access to a system which permits prescreening of applicants for loans owed or guaranteed by the federal government to ascertain if the applicant is delinquent in paying a debt owed to or insured by the Government. In addition, HUD will be provided access to USDA debtor data for prescreening purposes.

Records To Be Matched

HUD will use records from its systems of records entitled, Single Family Insurance System CLAIMS Subsystem (HUD/SFH–02); Single Family Default Monitoring System (HUD/SFH–03); Single Family Mortgage Notes (HUD/HS–57); and Debt Collection Asset Management System (HUD/HS–55). The debtor files for programs involved are included in these systems of records. HUD's debtor files contain information on borrowers and co-borrowers who are currently in default (at least 90 days delinquent on their loans) or who have had their partial claim subordinate mortgage called due and payable and it has not been repaid in full or who have any outstanding claims paid during the last three years on a Title I insured or guaranteed home mortgage loan. The USDA will provide HUD with debtors files contained in its system of records entitled, Applicant/Borrower of Grantee File (USDA/FmHA1). HUD is maintaining USDA's records only as a ministerial action on behalf of USDA, not as a part of HUD's systems of records noted above. USDA's data contain information on individuals who have defaulted on their guaranteed loans. The USDA will retain ownership and responsibility for their system of records that they place with HUD. HUD serves only as a record location and routine use recipient for USDA's data.

Notice Procedures

HUD and the USDA will notify individuals at the time of application (ensuring that routine use appears on the application form) for guaranteed or direct loans that their records will be matched to determine whether they are delinquent or in default on a federal debt. HUD and USDA will also publish notices concerning routine use disclosures in the **Federal Register** to inform individuals that a computer match may be performed to determine a loan applicant's credit status with the federal government.

Categories of Records/Individuals Involved

The debtor records include these data elements: SSN, claim number, program code, and indication of indebtedness. Categories of records include: Records of claims and defaults, repayment agreements, credit reports, financial statements, and records of foreclosures. Categories of individuals include: Former mortgagors and purchasers of HUD-owned and home improvement loan debtors who are delinquent or default on their loans or who have had their partial claim subordinate mortgage called due and payable and it has not been repaid in full.

Period of the Match

Matching is expected to begin at least 40 days from the date copies of the signed (by both HUD and USDA's Data Integrity Boards) computer matching agreement are sent to both Houses of Congress or at least 30 days from the date this notice is published in the **Federal Register**, whichever is later, providing no comments are received which would result in a contrary determination. The matching program will be in effect and continue for 18 months with an option to renew for 12 additional months unless one of the parties to the agreement advises the other in writing to terminate or modify the agreement.

Dated: November 29, 2007.

Walter Harris,

Acting Chief Information Officer.

[FR Doc. E7–23846 Filed 12–7–07; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5130–C–14]

Privacy Act of 1974; Amendment to Existing System of Records, Debt Collection Asset Management System; Correction

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice of an amendment to existing System of Records; correction.

SUMMARY: On November 13, 2007, HUD published notice of its intent to amend an existing Privacy Act System of Records (System of Records), the Debt Collection Asset Management System (DCAMS). HUD inadvertently stated in the ''action line'' that it would be amending two Systems of Records. This statement was made in error and this notice corrects that error.

FOR FURTHER INFORMATION CONTACT: The Departmental Privacy Act Officer, 451 Seventh St., SW., Room 4156, Washington, DC 20410, telephone number (202) 619–9057. (This is not a toll-free number.) A telecommunication device for hearing- and speech-impaired individuals (TTY) is available at (800) 877–8339 (Federal Information Relay Service).

SUPPLEMENTARY INFORMATION: On November 13, 2007, HUD issued public notice of its intent to amend an existing Privacy Act Systems of Records, the Debt Collection Asset Management System. Subsequent to publication of this notice HUD discovered that the ''subject line'' of this notice inadvertently stated incorrect information. This notice corrects that information.

In the **Federal Register** on November 13, 2007, in FR Doc. E7–22077, on page 63919, the third column, this notice corrects the ''Action'' caption to read: Amendment to an Existing Privacy Act System of Records, Debt Collection Management System (DCAMS).

Dated: November 29, 2007.

Walter Harris,

Acting Chief Information Officer.

[FR Doc. E7–23833 Filed 12–7–07; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Final Comprehensive Conservation Plan for Souris River Basin National Wildlife Refuges, North Dakota

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces that the final Comprehensive Conservation Plan (CCP) and Environmental Assessment (EA) for the Souris River basin national wildlife refuges (Refuges) is available. This final CCP/EA describes how the Service intends to manage the refuges for the next 15 years.

ADDRESSES: Please provide written comments to Toni Griffin, Planning Team Leader, Division of Refuge Planning, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225, or electronically to *toni_griffin@fws.gov*. A copy of the CCP may be obtained by writing to U.S. Fish and Wildlife Service, Division of Refuge Planning, 134 Union Boulevard, Suite 300, Lakewood, Colorado 80228; or by download from <*http://mountain-prairie.fws.gov/planning*>.

FOR FURTHER INFORMATION CONTACT: Toni Griffin, 303–236–4378 (phone); 303–236–4792 (fax); or *toni_griffin@fws.gov* (e-mail).

SUPPLEMENTARY INFORMATION: The Souris River Basin is home to three national wildlife refuges, known collectively as the ''Souris River basin refuges:''

- Des Lacs National Wildlife Refuge, along 28 miles of the Des Lacs River.
- J. Clark Salyer National Wildlife Refuge, along 50 miles of the Souris River.
- Upper Souris National Wildlife Refuge, along 35 miles of the upper Souris River.

The Souris River basin refuges were established by executive order in 1935; the purpose of each refuge is for a ''refuge and breeding ground for migratory birds and other wildlife.''

The Souris River basin refuges are located in a critical area of the Central Flyway, providing nesting and breeding habitat for migrating and nesting waterfowl. The J. Clark Salyer National Wildlife Refuge, in particular, has developed into one of the most important duck production areas in the United States.

The American Bird Conservancy recognizes all three refuges as ''Globally Important Bird Areas.'' In addition, J. Clark Salyer National Wildlife Refuge is designated as a regional shorebird site in the ''Western Hemisphere Shorebird Reserve Network.'' Lake Darling at Upper Souris National Wildlife Refuge is designated critical habitat for the federally threatened piping plover.

Representing a comprehensive collection of all North Dakota plant communities, these refuges could contain the only remaining representatives of drift plain prairie, considered a threatened resource.

The draft CCP/EA was made available to the public for a 30-day review and comment period following the announcement in the **Federal Register** on February 2, 2007 (72 FR 5080–5081). The draft CCP/EA identified and evaluated four alternatives for managing the refuges for the next 15 years.

Alternative A, the No Action alternative, reflects the current management of the Souris River basin refuges. It provides the baseline against which to compare the other alternatives. Refuge habitats would continue to be managed on an opportunistic schedule that may maintain—or most likely would result in further decline in—the diversity of vegetation and wildlife species. Des Lacs National Wildlife Refuge and J. Clark Salyer National Wildlife Refuge would continue to perform only limited research and would monitor only long-term vegetation change. Upper Souris National Wildlife Refuge would continue to perform no scientific research or monitoring. Outreach, partnerships, and priority public uses (fishing, hunting, wildlife observation, wildlife photography, environmental education, and interpretation) would continue at present levels.

Alternative B is the Service's proposed action and basis for the CCP. This alternative will prioritize habitats with high probability of restoration for management. Other habitats may only be partially restored or minimally managed. Research and monitoring will increase and scientific knowledge required to restore upland and wetland plant and animal communities will be shared (with the public and other resource managers). Some visitor services are expected to decrease as some staff and funding shifts to habitat restoration. Environmental education will increase.

In Alternative C, waterfowl habitat management and waterfowl production would be emphasized over other refuge programs. Research and monitoring would focus on actions that enhance waterfowl habitat, increase waterfowl nest densities, and increase nest and brood survival. Visitor service programs that use or enhance waterfowl-related

activities such as hunting, wildlife viewing, or environmental education would be emphasized over other activities.

Management under Alternative D would restore, to the fullest extent, ecological processes, vegetation communities, and wildlife characteristic of the presettlement period. Research and monitoring efforts would focus on strategies that enhance native plant and animal communities. Public uses that are compatible with or that support restoration efforts would be emphasized. Interpretation and environmental education would be expanded, with an emphasis on natural plant and animal communities, ecological processes, and restoration.

The Service is furnishing this notice to advise other agencies and the public of the availability of the final CCP, to provide information on the desired conditions for the refuges, and to detail how the Service will implement management strategies. Based on the review and evaluation of the information contained in the EA, the Regional Director has determined that implementation of the final CCP does not constitute a major Federal action that would significantly affect the quality of the human environment within the meaning of section 102(2)(c) of the National Environmental Policy Act. Therefore, an Environmental Impact Statement will not be prepared. Future site-specific proposals discussed in the final CCP will be addressed in separate planning efforts with full public involvement.

Dated: September 12, 2007.

Gary G. Mowad,

Acting Deputy Regional Director, Denver, Colorado.

[FR Doc. E7–23867 Filed 12–7–07; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of an Application for an Incidental Take Permit for Residential Construction in Charlotte County, FL

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: We, the Fish and Wildlife Service (Service), announce the availability of an incidental take permit (ITP) and Habitat Conservation Plan (HCP). Bertha Pauwels and Anna Angellotti (applicants) request an ITP pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The applicants anticipate taking about 0.46 acre of Florida scrub-jay (*Aphelocoma coerulescens*) (scrub-jay) foraging and sheltering habitat incidental to lot preparation for the construction of a multiple-family residence and supporting infrastructure in Charlotte County, Florida (project). The applicants' HCP describes the mitigation and minimization measures proposed to address the effects of the project on the scrub-jay.

DATES: We must receive your written comments on the ITP application and HCP on or before January 9, 2008.

ADDRESSES: See the **SUPPLEMENTARY INFORMATION** section below for information on how to submit your comments on the ITP application and HCP. You may obtain a copy of the ITP application and HCP by writing the South Florida Ecological Services Office, Attn: Permit number TE169281–0, U.S. Fish and Wildlife Service, 1339 20th Street, Vero Beach, FL 32960–3559. In addition, we will make the ITP application and HCP available for public inspection by appointment during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Trish Adams, Fish and Wildlife Biologist, South Florida Ecological Services Office (see **ADDRESSES**); telephone: (772) 562–3909, ext. 232.

SUPPLEMENTARY INFORMATION: If you wish to comment on the ITP application and HCP, you may submit comments by any one of the following methods. Please reference permit number TE169281–0 in such comments.

1. Mail or hand-deliver comments to our South Florida Ecological Services Office address (see **ADDRESSES**).

2. E-mail comments to *trish_adams@fws.gov*. If you do not receive a confirmation that we have received your e-mail message, contact us directly at the telephone number listed under **FOR FURTHER INFORMATION CONTACT**.

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

Multiple-family residential construction for the applicants' HCP will take place within Section 09, Township 40, Range 23, Punta Gorda, Charlotte County, Florida, at 26471 Explorer Road. This lot is within scrub-jay-occupied habitat.

The lot encompasses about 0.46 acre, and the footprint of the multiple-family residence, infrastructure, and landscaping preclude retention of scrub-jay habitat on this lot. In order to minimize take on site, the applicants propose to mitigate for the loss of 0.46 acre of scrub-jay habitat by contributing a total of $25,599 to the Florida Scrub-jay Conservation Fund administered by The Nature Conservancy. Funds in this account are earmarked for use in the conservation and recovery of scrub-jays and may include habitat acquisition, restoration, and/or management.

We have determined that the applicants' proposal, including the proposed mitigation and minimization measures, will have a minor or negligible effect on the species covered in the HCP. Therefore, the ITP is a ''low-effect'' project and qualifies as a categorical exclusion under the National Environmental Policy Act (NEPA), as provided by the Department of the Interior Manual (516 DM 2 Appendix 1 and 516 DM 6 Appendix 1). Low-effect HCPs are those involving (1) minor or negligible effects on federally listed or candidate species and their habitats and (2) minor or negligible effects on other environmental values or resources. Based on our review of public comments that we receive in response to this notice, we may revise this preliminary determination.

We will evaluate the HCP and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Act (16 U.S.C. 1531 *et seq.*). If we determine that the application meets the requirements, we will issue the ITP for incidental take of the scrub-jay. We will also evaluate whether issuance of the section 10(a)(1)(B) ITP complies with section 7 of the Act by conducting an intra-Service section 7 consultation. We will use the results of this consultation, in combination with the above findings, in the final analysis to determine whether or not to issue the ITP.

Authority: We provide this notice pursuant to Section 10 of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and NEPA regulations (40 CFR 1506.6).

Dated: November 6, 2007.

Paul Souza,

Field Supervisor, South Florida Ecological Services Office.

[FR Doc. E7–23876 Filed 12–7–07; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Final Permit Conditions for Abatement Activities Using Raptors

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: We, the U.S. Fish and Wildlife Service, have finalized permit conditions to allow the use of raptors protected by the Migratory Bird Treaty Act for abatement activities. We will authorize the use of these raptors for this purpose under our Special Purpose permits. Allowing the use of captive-bred raptors to conduct abatement activities is consistent with ensuring the long-term conservation of these species and will serve a public need.

FOR FURTHER INFORMATION CONTACT: Shauna Hanisch, U.S. Fish and Wildlife Service, Division of Migratory Bird Management, 4401 North Fairfax Drive, Mail Stop MBSP–4107, Arlington, VA 22203–1610; *Shauna_Hanisch@fws.gov*; (703) 358–1714.

SUPPLEMENTARY INFORMATION: The U.S. Fish and Wildlife Service (FWS or Service) is the Federal agency with primary responsibility for managing migratory birds. Our authority is the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 *et seq.*), which implements conventions with Great Britain (for Canada), Mexico, Japan, and the Soviet Union (Russia). The MBTA authorizes us to issue regulations governing permits for migratory bird use. They are found in title 50, Code of Federal Regulations, parts 10, 13, 21, and 22.

The Service has implemented a series of migratory bird permit memoranda to ensure consistent implementation of our regulations and policies pertaining to migratory birds. Our latest memorandum in the series (''this memorandum'') provides guidance that the Service will use in issuing Special Purpose permits (50 CFR 21.27) to authorize the possession and use of raptors protected by the MBTA to abate depredation problems. For purposes of this memorandum, ''abatement'' means the training and use of raptors to flush, haze, or take birds (or other wildlife where allowed) to mitigate depredation and nuisance problems, including threats to human health and safety. Permit holders may be paid for providing abatement services. We developed this memorandum in response to growing interest in the use of raptors to conduct commercial abatement activities and have determined that authorizing such use is consistent with the MBTA and with the long-term conservation of raptor species.

In a January 12, 2007, **Federal Register** notice (72 FR 1556–1557), we published draft permit conditions for Special Purpose-Abatement (SPA) permits and we requested public comment on those draft conditions. Comments from the approximately 85 letters and emails we received were grouped into 58 categories. The four most frequent comments made were: support for the abatement policy, not putting a limit on the number of raptors authorized under an SPA permit, allowing all raptor species currently used in falconry to be used for abatement, and amending the language in Condition I to account for situations where it wouldn't be safe to leave a carcass in the field. Six State wildlife agencies (AK, AR, AZ, NJ, NM, WY) and 2 USDA Animal and Plant Health Inspection Service Wildlife Services state programs (IL and NJ) sent us comments on the permit conditions. In response to public comments, we clarified what the requirements are to obtain an SPA permit and who may be a subpermittee under an SPA permit; we clarified the requirements for raptors that will be used for both abatement and falconry; and we specified situations where it is not appropriate to leave dead birds in the field. We have also added to the final permit conditions language stating that hybrid raptors are required to be attached with two radio transmitters so that they can be tracked and recovered if they become lost. The final permit conditions are presented below.

Applicants for a SPA permit will use FWS Form 3–200–10f, the Migratory Bird Special Purpose—Miscellaneous application form until we complete and obtain approval for an SPA permit application form. The application fee is $100, which is the fee for Special Purpose-Miscellaneous permits, the category under which abatement permits for public safety at airports have been issued. If we determine that the application meets our requirements, we will issue an SPA permit containing the proposed conditions listed below (items A through K). The first three conditions (A, B, and C) are standard for all Special Purpose permits. The remaining conditions (D through K) are specific to SPA permits.

Special Purpose-Abatement Permit Conditions

A. General conditions set out in Subpart D of 50 CFR 13, and specific conditions contained in federal regulations cited in block 2 above, are hereby made a part of this permit. All activities authorized by this permit must be carried out in accordance with and for the purposes described in the application submitted. Continued validity, or renewal, of this permit is subject to complete and timely compliance with all applicable conditions.

B. The validity of this permit is conditioned upon strict observance of all applicable state, local or other federal law.

C. Valid for use by permittee named above.

D. You are authorized to acquire (including purchase and sell), possess, and train captive-bred raptors, in any quantity and species combination, to include hybrids from those species, of the following migratory bird species for the purpose of conducting abatement activities.

[*List species common and scientific name.*]

All raptors must be marked on the metatarsus with a seamless numbered band issued by the U.S. Fish and Wildlife Service. Hybrid raptors must be fitted with two radio transmitters and you are responsible for tracking and retrieving the raptors if they become lost.

E. You may not take species protected by the Migratory Bird Treaty Act unless such take is authorized under a federal depredation permit that identifies you as a subpermittee or under a federal depredation order. You do not need a federal permit to scare or herd depredating birds (except for Bald and Golden Eagles or species protected by the Endangered Species Act). You do not need a federal permit to take species that are not protected by the Migratory Bird Treaty Act or any other applicable federal law.

F. If you have a falconry permit in addition to an abatement permit, you may use a raptor held under the falconry permit for abatement without transferring the raptor to this abatement permit. However, a raptor held under this abatement permit may only be used for falconry if it is transferred from this abatement permit to a falconry permit.

G. Subpermittees: Unless otherwise authorized by the issuing office, a person under your direct control or employed by you, or under contract to you for purposes authorized by this permit, may carry out the permitted activities only if he or she holds a valid falconry permit. An apprentice falconer operating under your permit may fly any species of raptor you hold under this permit when conducting abatement activities. When conducting abatement

activities under this permit, each of your subpermittees must have a copy of your abatement permit and a dated letter from you identifying him or her (name, address, falconry permit number) as your subpermittee.

H. You must submit a Service form 3–186A (Migratory Bird Acquisition and Disposition Report) completed in accordance with the instructions on the form for each acquisition and disposition of a raptor.

I. If your raptor takes an MBTA-protected bird in the course of conducting abatement and that take is not authorized by a federal depredation order or federal depredation permit, the bird must be left in the field (or the raptor may be allowed to feed on it in the field), except at locations (e.g., airports or airfields) where human safety considerations preclude the bird being left in the field.

J. All facilities and equipment must meet standards described in 50 CFR 21.29 and all birds must be maintained under humane and healthful conditions at all times.

K. Acceptance of this permit authorizes inspection in accordance with 50 CFR 13.47.

Authority: The Migratory Bird Treaty Act, 16 U.S.C. 703–712.

Dated: August 22, 2007.

Todd Willens,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. E7–23797 Filed 12–7–07; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved Tribal—State Class III gaming compact.

SUMMARY: This notice publishes the Approval of the Tribal—State Compact between the State of Montana and the Fort Belknap Tribe.

DATES: *Effective Date:* December 10, 2007.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: Under Section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA) Public Law 100–497, 25 U.S.C. § 2710, the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal—State compacts for the purpose of engaging in Class III gaming activities on Indian lands. The Compact allows Class III gaming as a means of promoting tribal economic development, self-sufficiency and strong tribal governments, and also honors the policy of the State of Montana to maintain a uniform regulatory climate that assures players, owners, tourists, citizens and others that gambling in Montana is fair and protected from corrupt influences.

Dated: November 16, 2007.

Carl J. Artman,

Assistant Secretary—Indian Affairs.

[FR Doc. E7–23885 Filed 12–7–07; 8:45 am]

BILLING CODE 4310–4N–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of amendment to approved Tribal—State Class III gaming compact.

SUMMARY: This notice publishes the Approval of the Tribal—State Compact between the State of Washington and the Tulalip Tribe.

DATES: *Effective Date:* December 10, 2007.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: Under Section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA) Public Law 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal—State compacts for the purpose of engaging in Class III gaming activities on Indian lands. The Amendment allows for a technical amendment of an alternative standard to allow recall of cash and cash equivalent requirements for a player terminal.

Dated: November 16, 2007.

Carl J. Artman,

Assistant Secretary—Indian Affairs.

[FR Doc. E7–23886 Filed 12–7–07; 8:45 am]

BILLING CODE 4310–4N–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–060–08–1610–DR]

Notice of Availability of the Record of Decision for the Casper Resource Management Plan/Environmental Impact Statement, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969 and the Federal Land Policy and Management Act of 1976, and the Bureau of Land Management (BLM) management policies, the BLM announces the availability of the Record of Decision (ROD)/Approved Resource Management Plan (RMP) for the Casper Field Office located in Converse, Goshen, Natrona, and Platte counties, Wyoming. The Wyoming State Director signed the ROD, which constitutes the final decision of the BLM and makes the Approved RMP effective immediately.

ADDRESSES: Copies of the ROD/Approved RMP are available upon request from the Field Manager, Casper Field Office, Bureau of Land Management, 2987 Prospector Drive, Casper, WY 82604 or via the Internet at *http://www.blm.gov/rmp/casper/*.

FOR FURTHER INFORMATION CONTACT: Linda Slone, RMP Project Manager, Bureau of Land Management, 2987 Prospector Drive, Casper, WY 82604; telephone (307) 261–7520; fax (307) 261–7587; e-mail *CRMP_wymail@blm.gov* with Casper RMP in the subject line.

SUPPLEMENTARY INFORMATION: The Approved Casper RMP was developed with broad public participation through a 4 year collaborative planning process. The Approved RMP addresses management on approximately 1.4 million acres of BLM-administered public land surface and 4.7 million acres of Federal mineral estate in east-central Wyoming. The ROD/Approved Casper RMP replaces the 1985 Platte River ROD/RMP.

The Approved RMP is designed to achieve or maintain desired future conditions developed through the planning process. It includes a series of management actions to meet the desired resource conditions for physical, biological, and heritage resources while providing opportunities for various resource uses: i.e. livestock grazing; energy and mineral exploration and development; rights-of-way and corridors; and recreation and off-highway vehicle use.

The Preferred Alternative (Alternative E) presented in the Draft RMP/EIS was carried forward in the Proposed RMP/Final EIS published on June 8, 2007. In response to the 30 day protest period that ended on July 9, 2007, two protest letters were received and responded to by the BLM.

In response to the additional 60 day public review and comment period on supplemental information regarding proposed ACECs that ended on August 7, 2007, no ACEC related comments were received, but seven public response documents were received on the PRMP/FEIS. The BLM reviewed and responded to all submittals. No inconsistencies with State or local plans, policies, or programs were identified during the Governor's consistency review of the Proposed RMP/Final EIS. As a result, only minor editorial modifications were made in preparing the Approved RMP. These modifications provided further clarification for some of the decisions.

Any implementation decisions that incorporate this document may be appealed pursuant to 43 CFR, part 4. Any party who believes that they are adversely affected by the BLM's proposed action(s) may appeal within 30 days of the publication of this Notice. The appeal should clearly identify the specific actions being appealed. Please consult 43 CFR, part 4 for further information on the IBLA appeals process.

Dated: October 12, 2007.

Robert A. Bennett,

State Director.

[FR Doc. E7–23897 Filed 12–7–07; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–840–08–1610–DQ–241A]

Southwest Resource Advisory Council; Canyons of the Ancients National Monument Subgroup Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Southwest Resource Advisory Committee (RAC) Canyons of the Ancients National Monument (Monument) Subgroup, will meet as directed below.

DATES: The Southwest RAC Canyons of the Ancients National Monument (Monument) Subgroup will meet on January 25, 2008 at the Anasazi Heritage Center in Dolores, Colorado. The meeting will begin at 9 a.m. Two public comment periods are planned and will begin at approximately 11:30 a.m. and 2:30 p.m. The meeting will adjourn at approximately 3:30 p.m.

ADDRESSES: The Southwest RAC Canyons of the Ancients National Monument (Monument) Subgroup meeting will be held at the Anasazi Heritage Center, located at 27501 Highway 184, in Dolores, Colorado.

FOR FURTHER INFORMATION CONTACT: LouAnn Jacobson, Monument Manager or Heather Musclow, Monument Planner, Anasazi Heritage Center, 27501 Hwy 184, Dolores, Colorado 81323; Telephone (970) 882–5600.

SUPPLEMENTARY INFORMATION: The 11-member Subgroup provides counsel and advice to the full Council for its consideration and deliberation concerning development and implementation of a management plan developed in accordance with FLPMA, for public lands within the Monument. The content of the Monument's Draft Resource Management Plan/Draft Environmental Impact Statement and other issues as appropriate will be discussed.

The meeting is open to the public and includes a time set aside for public comment. Interested persons may make oral statements at the meeting or submit written statements at any meeting. Per-person time limits for oral statements may be set to allow all interested persons an opportunity to speak.

Summary minutes of all Subgroup meetings will be maintained at the Anasazi Heritage Center in Dolores, Colorado. They are available for public inspection and reproduction during regular business hours within thirty (30) days of the meeting. In addition, minutes and other information concerning the Subgroup can be obtained from the Monument planning Web site at: *http://www.blm.gov/rmp/canm* which will be updated following each Subgroup meeting.

Dated: December 3, 2007.

LouAnn Jacobson,

Monument Manager, Canyons of the Ancients National Monument.

[FR Doc. E7–23863 Filed 12–7–07; 8:45 am]

BILLING CODE 4310–$$;–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

States' Decisions on Participating in Accounting and Auditing Relief for Federal Oil and Gas Marginal Properties

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of states' decisions to participate or not participate in accounting and auditing relief for Federal oil and gas marginal properties located in their state for calendar year 2008.

SUMMARY: The Minerals Management Service (MMS) published final regulations on September 13, 2004 (69 FR 55076), codified at 30 CFR 204.200–215, to provide accounting and auditing relief for marginal Federal oil and gas properties. The rule requires MMS to publish in the **Federal Register** the decisions of the states concerned to allow or not to allow one or both forms of relief in their state. As required in the rule, MMS provided states receiving a portion of the Federal royalties with a list of qualifying marginal Federal oil and gas properties located in their state so that each affected state could decide whether to participate in one or both relief options. This notice provides the decisions by the states concerned to allow one or both types of relief.

DATES: Effective January 1, 2008.

FOR FURTHER INFORMATION CONTACT: Mary Williams, Manager, Federal Onshore Oil and Gas Compliance and Asset Management, telephone (303) 231–3403, FAX (303) 231–3744, e-mail to *mary.williams@mms.gov,* or mail to P.O. Box 25165, MS 392B2, Denver Federal Center, Denver, Colorado 80225–0165.

SUPPLEMENTARY INFORMATION: The rule implemented certain provisions of Section 7 of the Federal Oil and Gas Royalty Simplification and Fairness Act of 1996 and provides two options for relief: (1) Notification-based relief for annual reporting, and (2) other requested relief, as proposed by industry and approved by MMS and the state concerned. The rule requires that MMS publish by December 1 of each year, a list of the states and their decisions regarding marginal property relief.

To qualify for the first option of relief (notification-based relief) for calendar year 2008, properties must have produced less than 1,000 barrels-of-oil-equivalent (BOE) per year for the base period (July 1, 2006, through June 30, 2007). Annual reporting relief will begin

on January 1, 2008, with the annual report and payment due February 28, 2009; or March 31, 2009, if you have an estimated payment on file. To qualify for the second option of relief (other requested relief), properties must have produced less than 15 BOE per well per day for the base period.

The following table shows the states that have marginal properties, where a portion of the royalties are shared between the state and MMS, and the states' decisions to allow one or both forms of relief.

State	Notification-based relief (less than 1,000 BOE per year)	Request-based relief (less than 15 BOE per well per day)
Alabama	No	No.
Arkansas	Yes	Yes.
California	No	No.
Colorado	No	No.
Kansas	No	No.
Louisiana	No	No.
Michigan	No	No.
Mississippi	No	No.
Montana	No	No.
Nebraska	No	No.
Nevada	No	No.
New Mexico	No	No.
North Dakota	Yes	Yes.
Oklahoma	No	No.
South Dakota	No	No.
Utah	No	No.
Wyoming	Yes	No.

Federal oil and gas properties located in all other states, where a portion of the royalties is not shared with the state, are eligible for relief if they qualify as marginal under this rule. For information on how to obtain relief, please refer to the rule, which can be viewed on the MMS Web site at *http://www.mrm.mms.gov/Laws_R_D/FRNotices/AC30.htm*.

All correspondence, records, or information received in response to this notice are subject to disclosure under the Freedom of Information Act. All information provided will be made public unless the respondent identifies which portions are proprietary. Please highlight the proprietary portions, including any supporting documentation, or mark the page(s) that contain proprietary data. Proprietary information is protected by the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1733), the Freedom of Information Act (5 U.S.C. 552(b)(4)), the Indian Mineral Development Act of 1982 (25 U.S.C. 2103), and Department regulations (43 CFR part 2).

Dated: November 7, 2007.

Shirley M. Conway,

Acting Associate Director for Minerals Revenue Management.

[FR Doc. E7–23889 Filed 12–7–07; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before November 24, 2007. Pursuant to section 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW., 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St. NW., 8th floor, Washington DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by December 26, 2007.

J. Paul Loether,

Chief, National Register of Historic Places/National Historic Landmarks Program.

ARIZONA

Gila County

Our Lady of the Blessed Sacrament Church, 914 Sullivan St., Miami, 07001332.

Maricopa County

Frankenberg House, 2222 S Price Rd., Tempe, 07001333.

Phoenix Towers, 2201 N Central Ave., Phoenix, 07001334.

Pima County

El Montevideo Historic District (Boundary Increase), Roughly bounded by 5th St., Broadway Blvd., Alvernon Way & Ridge Dr., Tucson, 07001335.

GEORGIA

Houston County

Warner Robins Depot, 1st St., Warner Robins, 07001336.

Rabun County

Powell, William E. and Sarah Dillard House, 219 Boxwood Terrace, Dillard, 07001337.

MISSOURI

Adair County

Trinity Episcopal Church, 124 N Mulanix St., Kirksville, 07001338.

Holt County

St. John's Evangelical Lutheran Church and Parochial School, 112 Walters St., Corning, 07001339.

Randolph County

Moberly Junior High School, 101 N Johnson St., Moberly, 07001340.

NORTH DAKOTA

Barnes County

Valley City Municipal Auditorium, 320 Central Ave. S., Valley City, 07001341.

RHODE ISLAND

Providence County

Broadway—Armory Historic District, 144–146, 148, 150, 156–158 Broadway & 226, 230 Dean St., Providence, 07001342.

Greystone Historic District, 1–16 Beckside Rd., 1–29 Greystone Ave., 1–24 Oakleigh Ave., 1–40, Langsberries Ave., 2–20 Larchmount Ave N, 1–16 S., North Providence, 07001343.

VERMONT

Caledonia County

Fairbanks Museum, 1302 Main St., St. Johnsbury, 07001344.

Union Meeting House, (Religious Buildings, Sites and Structures in Vermont MPS), 2614 Burke Hollow Rd., Burke, 07001345.

Windham County

Rockingham Village Historic District, Meeting House Rd., Rockingham Hill Rd., Rockingham, 07001346.

WISCONSIN

Milwaukee County

Spencerian Business College, 2800 W Wright St., Milwaukee, 07001347.

A request for removal has been made for the following resources:

OREGON

Multnomah County

Ladd Carriage House, 1331 SW Broadway, Portland, 8003369.

Parker, C.W., Four-Row Park Carousel, 1492 Jantzen Beach Center, Portland, 87001381.

Trinity Lutheran Church and School, 108 NE Ivy, Portland, 80003377.

[FR Doc. 07–5995 Filed 12–7–07; 8:45 am]

BILLING CODE 4312–51–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—American Society of Mechanical Engineers

Notice is hereby given that, on November 2, 2007, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301, *et seq.* (''the Act''), American Society of Mechanical Engineers (''ASME'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, since July 10, 2007, ASME has published one new standard and initiated one new standards activity within the general nature and scope of ASME's standards development activities, as specified in its original notification. More details regarding these changes can be found at *http://www.asme.org.*

On September 15, 2004, ASME filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on October 13, 2004 (69 FR 60895).

The last notification was filed with the Department on July 11, 2007. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on September 11, 2007 (72 FR 51839).

Patricia A. Brink,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 07–5996 Filed 12–7–07; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Joint Development Under ATP Award No. 70NANB7H7007

Notice is hereby given that, on October 17, 2007, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301, *et seq.* (''the Act''), Joint Development under ATP Award No. 70NANB7H7007 has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the venture and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to Section 6(b) of the Act, the identities of the parties to the venture are: Caterpillar Inc., Mossville, IL and The Lubrizol Corporation, Wickliffe, OH. The general area of Joint Development under ATP Award No. 70NANB7H7007's planned activity is to perform research in the field of integrated surface technologies for 21st century drive trains. The activity of this joint development project will be partially funded by an award from the Advanced Technology Program, National Institute of Standards and Technology, U.S. Department of Commerce.

Patricia A. Brink,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 07–5997 Filed 12–7–07; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) number and alternative trade adjustment assistance (ATAA) by (TA–W) number issued during the period of November 13 through November 23, 2007.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of section 222(a) of the Act must be met.

I. Section (a)(2)(A) all of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. The sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. Increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a)(2)(B) both of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. There has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

C. One of the following must be satisfied:

1. The country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

2. The country to which the workers' firm has shifted production of the

articles to a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. There has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

Also, in order for an affirmative determination to be made for secondarily affected workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of section 222(b) of the Act must be met.

(1) Significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and such supply or production is related to the article that was the basis for such certification; and

(3) Either—

(A) The workers' firm is a supplier and the component parts it supplied for the firm (or subdivision) described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) A loss or business by the workers' firm with the firm (or subdivision) described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for the Division of Trade Adjustment Assistance to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of section 246(a)(3)(A)(ii) of the Trade Act must be met.

1. Whether a significant number of workers in the workers' firm are 50 years of age or older.

2. Whether the workers in the workers' firm possess skills that are not easily transferable.

3. The competitive conditions within the workers' industry (i.e., conditions within the industry are adverse).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

None.

The following certifications have been issued. The requirements of section 222(a)(2)(B) (shift in production) of the Trade Act have been met.

TA–W–62,364; Cellular Express, Inc., d/b/a/ Boston Communications Group, Inc., Bedford, MA: October 25, 2006.

The following certifications have been issued. The requirements of section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

None.

The following certifications have been issued. The requirements of section 222(b) (downstream producer for a firm whose workers are certified eligible to apply for TAA based on increased imports from or a shift in production to Mexico or Canada) of the Trade Act have been met.

None.

Affirmative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of section 222(a)(2)(A) (increased imports) and section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA–W–62,279; Titan Tool, Inc., Including On-Site Leased Workers from Assurance, Oakland, NJ: October 9, 2006.

TA–W–62,280; UCO Spinning, L.P., A Subsidiary of UCO Fabrics, Inc., Snyder, TX: October 9, 2006.

TA–W–62,435; Huffman Finishing Company, Inc., Granite Falls, NC: November 5, 2006.

TA–W–62,082; LexaMar Corporation, Decoma International Division, On-Site Leased Workers from Northern Staffing; Boyne City, MI: August 29, 2006.

TA–W–62,200; Plum Creek, Ksanka Sawmill, Fortine, MT: September 21, 2006.

TA–W–62,223; Bodine Corporation; Bridgeport, CT: September 28, 2006.

TA–W–62,246; Aristech Chemical Corporation; Neville Island Plant, Neville Island, PA: October 1, 2006.

TA–W–62,269; Norwalk Furniture Corporation of Tennessee, Cookeville, TN: October 5, 2006.

TA–W–62,029; Foxcroft Sportswear, Fall River, MA: August 21, 2006.

TA–W–62,109; FabCare International, LLC, Celina, TN: September 4, 2006.

TA–W–62,237; Linzhi Fashion, Inc., New York, NY: September 30, 2006.

TA–W–62,383; Jasper C. Fashion, Inc., New York, NY: October 15, 2006.

The following certifications have been issued. The requirements of section 222(a)(2)(B) (shift in production) and section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA–W–62,324; Flynn Enterprises Inc., LLC; Distribution Warehouse; Hopkinsville, KY: October 17, 2006.

TA–W–62,352; Weyerhaeuser Company, ilevel Division; Ironton, MN: October 23, 2006.

TA–W–62,360; GE Aviation; Formerly Smiths Aerospace LLC, Motor Winding Group; Corona, CA: October 24, 2006.

TA–W–62,379; Federal Mogul Ignition Company, Burlington, IA: October 15, 2006.

TA–W–62,387; SAF Holland USA, Inc., Warrenton Division; Warrenton, MO: October 22, 2006.

TA–W–62,393; American Axle and Manufacturing, Inc., Buffalo Gear and Axle Facility, Buffalo, NY: October 18, 2006.

TA–W–62,396; Atreum-Brighton; Decoma Int'l Div., Qualified Staffing, Aerotek, Brighton, MI: October 30, 2006.

TA–W–62,398; Federal Mogul Corporation; Wiper Product Division; Michigan City, IN: November 1, 2006.

TA–W–61,989; Yellow Book USA; Formerly MacGregor Publishing Co., Mount Vernon, WA: August 10, 2006.

TA–W–62,428; Home Products International, Mooresville, NC: November 6, 2006.

The following certifications have been issued. The requirements of section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) and section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA–W–62,186; TRW Automotive U.S. LLC; Commercial Steering Division; Lebanon, TN: September 20, 2006.

TA–W–62,227; Plastech Engineered Products, Inc., Fowlerville Division, Fowlerville, MI: September 17, 2006.

TA–W–62,295; Temple Inland—Hope Forest Products Division; Hope, AR: October 11, 2006.

The following certifications have been issued. The requirements of section

222(b) (downstream producer for a firm whose workers are certified eligible to apply for TAA based on increased imports from or a shift in production to Mexico or Canada) and section 246(a)(3)(A)(ii) of the Trade Act have been met.

None.

Negative Determinations for Alternative Trade Adjustment Assistance

In the following cases, it has been determined that the requirements of 246(a)(3)(A)(ii) have not been met for the reasons specified.

The Department has determined that criterion (1) of section 246 has not been met. The firm does not have a significant number of workers 50 years of age or older.

None.

The Department has determined that criterion (2) of section 246 has not been met. Workers at the firm possess skills that are easily transferable.

None.

The Department has determined that criterion (3) of section 246 has not been met. Competition conditions within the workers' industry are not adverse.

TA–W–62,364; Cellular Express, Inc., d/b/a/ Boston Communications Group, Inc., Bedford, MA.

Negative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

Because the workers of the firm are not eligible to apply for TAA, the workers cannot be certified eligible for ATAA.

The investigation revealed that criteria (a)(2)(A)(I.A.) and (a)(2)(B)(II.A.) (employment decline) have not been met.

TA–W–62,272; Flint Group, Inc., Plymouth, MI.

TA–W–62,293; Truck Specialty Center (TSC), International Truck and Engine Corporation; Springfield, OH.

TA–W–62,414; Consistent Textile Industries, Inc., Dallas, NC.

The investigation revealed that criteria (a)(2)(A)(I.B.) (Sales or production, or both, did not decline) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

None.

The investigation revealed that criteria (a)(2)(A)(I.C.) (increased imports) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

TA–W–62,247; Soller, LLC, Bennettsville, SC.

TA–W–62,255; Liqui-Box Corporation; Upper Sandusky, OH.

TA–W–62,358; Pelican and Company Manufacturing Group, LLC; Winnsboro, LA.

TA–W–62,052; Freescale Semiconductor, Inc., New Product Introduction (NPI), CS1 Factory, Tempe, AZ.

TA–W–62,325; Triton Operations, d/b/a Webster Hardwoods LLC; Bangor, WI.

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–62,290; Wachovia Corp., Disbursement Dept., Retirement Service Div., Charlotte, NC.

TA–W–62,326; Kasper LTD., Secaucus, NJ.

TA–W–62,333; Liberty Fibers Corporation; Lowland, TN.

TA–W–62,347; Alliance Title Company; Campbell, CA.

TA–W–62,361; Kantar Operations, Rock Island, IL.

TA–W–62,366; Curves; Berlin, NH.

TA–W–62,378; Concentra Health Solutions, Workers Employed at Continental Tire North America; Charlotte, NC.

TA–W–62,421; RCN Telecom Services, Wilkes-Barre, PA.

TA–W–62,449; Newburgh Hardwood Co., Inc., Newburgh, IN.

The investigation revealed that criteria of Section 222(b)(2) has not been met. The workers' firm (or subdivision) is not a supplier to or a downstream producer for a firm whose workers were certified eligible to apply for TAA.

None.

I hereby certify that the aforementioned determinations were issued during the period of November 13 through November 23, 2007. Copies of these determinations are available for inspection in Room C–5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: November 28, 2007.

Ralph DiBattista,

Director, Division of Trade Adjustment Assistance.

[FR Doc. E7–23795 Filed 12–7–07; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–62,340]

Commonwealth Land Title Co., Northern CA Production Center, a Division of LandAmerica Financial Group, Inc., Martinez, California; Notice of Negative Determination Regarding Application for Reconsideration

By application dated November 16, 2007, the petitioner requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on October 26, 2007 and published in the **Federal Register** on November 6, 2007 (72 FR 62682).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

The negative TAA determination issued by the Department for workers of Commonwealth Land Title Co., Northern CA Production Center, a division of LandAmerica Financial Group, Inc., Martinez, California was based on the finding that the worker group does not produce an article within the meaning of Section 222 of the Trade Act of 1974. The investigation revealed that workers of the subject firm are engaged in research, data entry, analysis, and writing services. The investigation further revealed that no production of article(s) occurred within the firm or appropriate subdivision within the Commonwealth Land Title Co. and LandAmerica Financial Group, Inc. during the relevant time period.

The petitioner contends that the Department erred in its interpretation of the work performed by the workers of the subject firm. The petitioner states that the Preliminary Title Report cited in the initial determination document is ''only a by-product of the process'' and that the ''real Article is the Title Insurance Policy''. The petitioner further clarifies that the process of

issuing this Title Policy involves reviewing of the legal documentation, taxes, easements, etc., which is followed by the Preliminary Title Report, which in its turn, becomes the basis for the Title Insurance Policy.

The Title Insurance Policy and Preliminary Title Reports are documents used by the subject firm as incidentals to the purpose of the services provided by workers of the subject firm. The investigation revealed that workers of Commonwealth Land Title Co., Northern CA Production Center, a division of LandAmerica Financial Group, Inc., Martinez, California are engaged in data entry, faxing and scanning, telephone services, research of the records systems, data analysis, writing various reports, and maintaining company data. These services, as described above, are not considered production of an article within the meaning of Section 222 of the Trade Act. No production took place at the subject facility and the workers did not support production of articles at any affiliated firm in the relevant time period.

The petitioner also alleges that ''the Title Examination function has been outsourced to India.''

The allegation of a shift to another country might be relevant if it was determined that workers of the subject firm produced an article. However, the investigation determined that workers of Commonwealth Land Title Co., Northern CA Production Center, a division of LandAmerica Financial Group, Inc., Martinez, California do not produce an article within the meaning of Section 222 of the Trade Act of 1974.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed in Washington, DC., this 28th day of November, 2007.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E7–23796 Filed 12–7–07; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than December 20, 2007.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than December 20, 2007.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C–5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC., this 29th day of November 2007.

Ralph DiBattista,

Director, Division of Trade Adjustment Assistance.

APPENDIX

[TAA petitions instituted between 11/19/07 and 11/23/07]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
62476	Elixir Industries (Comp)	Crossville, TN	11/19/07	11/09/07.
62477	Magnetics (State)	Booneville, AR	11/19/07	11/19/07.
62478	Option One Mortgage Corporation (Wkrs)	Providence, RI	11/19/07	11/15/07.
62479	Grand Knitting (State)	North Amityville, NY	11/19/07	11/16/07.
62480	Carrier Corporation (AFL–CIO)	Collierville, TN	11/20/07	11/16/07.
62481	W. R. Hosiery (State)	Fort Payne, AL	11/20/07	11/19/07.
62482	Specialty Minerals Mississippi, Inc. (Comp)	Brookhaven, MS	11/20/07	11/19/07.
62483	Vaisala Inc. (Comp)	Tucson, AZ	11/20/07	11/19/07.
62484	Halmode/Kellwood Division (UNITE)	New York, NY	11/20/07	11/19/07.
62485	Mountain Surf, Inc. (Wkrs)	Friendsville, MD	11/20/07	11/19/07.
62486	Flextronics International USA Inc. (Comp)	Youngsville, NC	11/20/07	11/07/07.
62487	Tru Die Cast Corporaton (Comp)	New Troy, MI	11/20/07	11/09/07.
62488	Aleris International/Wabash Alloys (USW)	Dickson, TN	11/21/07	11/20/07.
62489	CHF Industries, Inc. (Wkrs)	Loris, SC	11/21/07	11/07/07.
62490	Lear Corporation—Morristown TN (UAW)	Morristown, TN	11/21/07	11/20/07.
62491	Westchester Narrow Fabrics, Inc. (Wkrs)	Milton, PA	11/21/07	09/20/07.
62492	Thule Towing Systems d/b/a Titan (Comp)	Wyandotte, MI	11/23/07	11/21/07.
62493	Electronic Data Systems/Contingency Management Services (Wkrs).	Flint, MI	11/23/07	11/12/07.

[FR Doc. E7–23794 Filed 12–7–07; 8:45 am]
BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2007–0011]

Federal Advisory Council on Occupational Safety and Health

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for nominations.

SUMMARY: The Assistant Secretary of Labor for Occupational Safety and Health invites interested parties to submit nominations for membership on the Federal Advisory Council on Occupational Safety and Health (FACOSH).

DATES: Nominations for FACOSH must be received by January 9, 2008: You may submit nominations for FACOSH, identified by Docket No. OSHA–2007–0011, by any of the following methods:

Electronically: Nominations, including attachments, may be submitted electronically at *http://www.regulations.gov*, the Federal eRulemaking Portal. Follow the online instructions for submitting nominations.

Facsimile: If your nomination, including attachments, does not exceed 10 pages, you may fax it to the OSHA Docket Office at (202) 693–1648.

Mail, express delivery, hand delivery, messenger or courier service: Submit three copies of your nomination to the OSHA Docket Office, Room N–2625, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–2350 (TTY number (877) 889–5627). Deliveries (hand, express mail, messenger and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m.–4:45 p.m., e.t.

Instructions: All nominations for FACOSH must include the Agency name and docket number for this **Federal Register** notice (Docket No. OSHA–2007–0011). All submissions in response to this **Federal Register** notice, including personal information provided, will be posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions interested parties about submitting personal information such as social security numbers and birth dates. Because of security-related procedures, submitting nominations by regular mail may result in a significant delay in their receipt. Please contact the OSHA Docket Office, at the address above, for information about security procedures for submitting nominations by hand delivery, express delivery, and messenger or courier service. For additional information on submitting nominations, see the **SUPPLEMENTARY INFORMATION** section below.

Docket: To read or download submissions, go to *http://www.regulations.gov.* All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some documents (e.g., copyrighted material) are not publicly available to read or download through *http://www.regulations.gov.* All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office at the address above.

FOR FURTHER INFORMATION CONTACT: Ms. Diane Brayden, Director, OSHA, Office of Federal Agency Programs, Room N–3622, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–2122; fax (202) 693–1685; e-mail *ofap@dol.gov.*

SUPPLEMENTARY INFORMATION: The Assistant Secretary of Labor for Occupational Safety and Health invites interested parties to submit nominations for membership on FACOSH. FACOSH is authorized to advise the Secretary of Labor on all matters relating to the occupational safety and health of Federal employees (Occupational Safety and Health Act of 1970 (29 U.S.C. 668), 5 U.S.C. 7902, Executive Order 13446). This includes providing advice on how to reduce and keep to a minimum the number of injuries and illnesses in the Federal workforce and how to encourage the establishment and maintenance of effective occupational safety and health programs in each Federal department and agency.

FACOSH is comprised of 16 members, who the Secretary of Labor appoints, and is chaired by the Assistant Secretary. The composition of FACOSH and the number of new members to be appointed at this time are as follows:

- Eight members are management representatives from Federal departments or agencies. Three management representatives will be appointed; and
- Eight members are representatives of labor organizations representing Federal employees. Three labor representatives will be appointed.

FACOSH members serve staggered three-year terms, unless the member becomes unable to serve, resigns, ceases to be qualified to serve, or is removed by the Secretary. The Secretary may appoint FACOSH members to successive terms. FACOSH meets between two and six times annually for one-day meetings.

Interested parties may nominate one or more qualified persons for membership. Others are invited and encouraged to submit endorsements in support of particular nominees. Nominations must include the nominee's name, occupation, current position, and contact information. The nomination also must identify the category of membership for which the nominee is qualified and a resume of the nominee's background, experience and qualifications for membership. In addition, the nomination must include a statement that the nominee is aware of the nomination, willing to serve a three-year term, and attend meetings regularly.

The information received through the nomination process, along with other relevant sources of information, will assist the Secretary in making appointments to FACOSH. In selecting FACOSH members, the Secretary will consider individuals nominated in response to this **Federal Register** notice, as well as other qualified individuals. OSHA will publish the new FACOSH membership list in the **Federal Register**.

Public Participation—Submission of Nominations and Access to Docket

You may submit nominations (1) electronically at *http://www.regulations.gov;* (2) by facsimile (FAX); or (3) by hard copy. All comments, attachments and other materials must identify the Agency name and the OSHA docket number for this **Federal Register** notice (Docket No. OSHA 2007–0011). You may supplement electronic nominations by uploading document files electronically. If, instead, you wish to submit hard copies of any additional material in reference to an electronic submission, you must submit three copies to the OSHA Docket Office following the instructions in the **ADDRESSES** section. The additional material must clearly identify your electronic submission by name, date, and docket number so OSHA can attach them to your nomination.

Because of security-related procedures, the use of regular mail may result in a significant delay in the receipt of nominations. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger or courier service, please contact the OSHA Docket Office (see **ADDRESSES** section).

Submissions in response to this **Federal Register** notice are posted

without change at *http://www.regulations.gov.* Therefore, OSHA cautions interested parties about submitting personal information such as social security numbers and birth dates. Although all submissions are listed in the *http://www.regulations.gov* index, some documents (e.g., copyrighted material) are not publicly available to read or download through *http://www.regulations.gov.* All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office.

Information on using the *http://www.regulations.gov* website to make submissions and to access the docket and exhibits is available at the Web site's User Tips link. Contact the OSHA Docket Office for information about materials not available through *http://www.regulations.gov* and for assistance in using the Internet to locate submissions and other documents in the docket.

Electronic copies of this **Federal Register** notice are available at *http://www.regulations.gov.* This notice, as well as news releases and other relevant information, is available at OSHA's webpage at *http://www.osha.gov.*

Authority and Signature

Edwin G. Foulke, Jr., Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice under the authority granted by section 19 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 668), 5 U.S.C. 7902, section 1(c) of Executive Order 13446, 29 CFR part 1960 (Basic Program Elements of Federal Employee Occupational Safety and Health Programs), and Secretary of Labor's Order 5–2007 (72 FR 31160).

Signed at Washington, DC, this 5th day of December 2007.

Edwin G. Foulke, Jr.,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. E7–23882 Filed 12–7–07; 8:45 am]

BILLING CODE 4510–26–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 030–37435; License No. 09–31230–01; EA–07–101, 07–104]

In the Matter of MC Squared, Inc., Tampa, FL; Order Imposing Civil Monetary Penalty

I

MC Squared, Inc. (licensee) is the holder of a materials license issued by the State of Florida, an NRC Agreement State. Most of the licensee's work is conducted under the State's jurisdiction. MC Squared, Inc. also obtained license No. 09–31230–01 (license) issued by the Nuclear Regulatory Commission (NRC or Commission) on April 5, 2007. This license expires on April 30, 2017. The license authorizes the licensee to possess and use certain byproduct materials in accordance with the conditions specified therein.

II

Although MC Squared, Inc. possessed an Agreement State license from the State of Florida, the NRC inspected and processed enforcement against the licensee because their temporary job site, which was located at the Seminole Tribe Indian Reservation, is under NRC jurisdiction. The inspection of the licensee's activities at the temporary job site in Clewiston, Florida, was completed on March 29, 2007.

The results of this inspection concluded that the licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was served upon the licensee by letter dated September 13, 2007. The Notice states the nature of the violations, the provision of the NRC's requirements that the licensee violated, and the amount of the civil penalty proposed for the violations. The licensee responded to the Notice in a letter dated October 11, 2007. In its response, the licensee requested that the NRC negate or significantly reduce the civil penalty.

III

After consideration of the licensee's response and argument for mitigation contained therein, the NRC has determined, the violations occurred as stated in the Notice, that the licensee did not provide an adequate basis for negating or significantly reducing the civil penalty, and that the penalty proposed for the violations designated in the Notice should be imposed.

IV

In view of the foregoing and pursuant to the Atomic Energy Act of 1954, as amended, § 234, 42 U.S.C. 2282 (1988) (''Act''), and 10 CFR 2.205, *it is hereby ordered that*:

MC Squared, Inc. pay a civil penalty in the amount of $3,250 within 30 days of the date of this Order, in accordance with NUREG/BR–0254. In addition, at the time payment is made MC Squared, Inc. shall submit a statement indicating when and by what method payment was made, to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852–2738.

V

In accordance with 10 CFR 2.202, MC Squared, Inc. must, and any other person adversely affected by this Order may, submit an answer to this Order within 20 days of the date of this Order. In addition, the licensee and any other person adversely affected by this Order may request a hearing on this Order within 20 days of the date of this Order. Where good cause is shown, consideration will be given to extending the time to answer or request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, and include a statement of good cause for the extension.

The answer shall, under oath or affirmation, specifically admit or deny each allegation or charge made in this Order and shall set forth the matters of fact and law on which the licensee or other person relies, and, if the order is not consented to, the reasons as to why the order should not have been issued. The answer may also demand a hearing.

A request for a hearing must be filed in accordance with the NRC E-Filing rule, which became effective on October 15, 2007. The NRC E-Filing Final Rule was issued on August 28, 2007 (72 Fed. Reg. 49,139), and codified in pertinent part at 10 CFR Part 2, Subpart B. The E-Filing process requires participants to submit and serve documents over the internet or, in some cases, to mail copies on electronic optical storage media. Participants may not submit paper copies of their filings unless they seek a waiver in accordance with the procedures described below.

If a person other than the licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309(d).

If a hearing is requested by a licensee or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearings. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained. In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions Specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall

be final when the extension expires if a hearing request has not been received. If payment has not been made by that time, the matter may be referred to the Attorney General, for collection. In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) Whether the licensee was in violation of the Commission's requirements as set forth in violations of the Notice referenced in Section II above, and

(b) whether, on the basis of such violations and the additional violations set forth in the Notice of Violation that the licensee admitted, this Order should be sustained.

To comply with the procedural requirements associated with E-Filing, at least five (5) days prior to the filing deadline the requestor must contact the Office of the Secretary by e-mail at *HEARINGDOCKET@NRC.GOV* or by calling (301) 415–1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any NRC proceeding in which it is participating; and/or (2) creation of an electronic docket for the proceeding (even in instances when the requestor (or its counsel or representative) already holds an NRC-issued digital ID certificate). Each requestor will need to download the Workplace Forms Viewer™ to access the Electronic Information Exchange (EIE), a component of the E-Filing system. The Workplace Forms Viewer™ is free and is available at *http://www.nrc.gov/site-help/e-submittals/install-viewer.html*. Information about applying for a digital ID certificate also is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html*.

Once a requestor has obtained a digital ID certificate, had a docket created, and downloaded the EIE viewer, it can then submit a request for a hearing through EIE. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html*. A filing is considered complete at the time the filer submits its document through EIE. To be timely, electronic filings must be submitted to the EIE system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The EIE system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, any others who wish to participate in the proceeding (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request is filed so that they may obtain access to the document via the E-Filing system.

A person filing electronically may seek assistance through the ''Contact Us'' link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html* or by calling the NRC technical help line, which is available between 8:30 a.m. and 4:15 p.m., Eastern Time, Monday through Friday. The help line number is (800) 397–4209 or locally, (301) 415–4737.

Participants who believe that they have good cause for not submitting documents electronically must file a motion, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by (1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, *Attention:* Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, *Attention*: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at *http://ehd.nrc.gov/EHD_Proceeding/home.asp*, unless excluded pursuant to an order of the Commission, an Atomic Safety and Licensing Board, or a Presiding Officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their works.

For the Nuclear Regulatory Commission.
Dated this 30th day of November, 2007.

Cynthia A. Carpenter,

Director, Office of Enforcement.

Appendix—Evaluations and Conclusion

On September 13, 2007, a Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was issued to MC Squared (MC^2), Inc. (Licensee) for two violations identified during the NRC review of the circumstances associated with the theft of a portable nuclear density gauge containing licensed material (ML072560013). The theft occurred sometime between March 2 and March 7, 2007. The licensee responded to the Notice in a letter dated October 11, 2007 (ML073030076). The licensee requested that the NRC negate or significantly reduce the proposed civil penalty. The NRC's evaluation and conclusion regarding the licensee's requests are contained herein.

Restatement of the Violations

A. 10 CFR 150.20(b) requires, in part, that an Agreement State licensee shall, at least three days prior to engaging in each licensed activity within NRC jurisdiction for the first time in a calendar year, file a submittal with the NRC containing an NRC Form 241, a copy of its Agreement State specific license, and the appropriate fee as prescribed in 10 CFR 170.31.

Contrary to the above, the licensee failed to file NRC Form 241 at least three days prior to engaging in licensed activities within NRC jurisdiction. Specifically, from January 1, 2006, through at least March 12, 2007, the licensee stored or used a Troxler Model 3411–B portable gauge containing byproduct material (americium-241 and cesium-137) at two Indian Reservations located in the State of Florida, sites that are within NRC jurisdiction, and did not file NRC Form 241 prior to using the material at these sites.

B. 10 CFR 30.34(i) requires that each portable gauge licensee use a minimum of two independent physical controls that form tangible barriers to secure portable gauges from unauthorized removal, whenever portable gauges are not under the control and constant surveillance of the licensee.

Contrary to the above, between March 2, 2007 and March 7, 2007, at a job site on a Seminole Indian Reservation, in Clewiston, Florida, the licensee did not use a minimum of two independent physical controls that form tangible barriers to secure a Troxler moisture/density gauge from unauthorized removal when the portable gauge was not under the control and constant surveillance of the licensee. Specifically, the licensee stored the gauge in a trailer that was unlocked and in an unrestricted area when an authorized user was not present. Although the gauge was in a locked container, there were no physical controls that formed tangible barriers to secure the gauge from unauthorized removal, because the gauge container was not secured to the trailer, and access to the trailer was not controlled. The licensee notified the NRC on March 7, 2007, that the portable gauge had been stolen.

These two violations represent a Severity Level III problem (Supplement VI). Civil Penalty—$3,250

Summary of the Licencee's Response Regarding the Violations

In its response, the licensee stated that it believed its license in the State of Florida allowed it to use and store the nuclear density gauge anywhere within Florida. The licensee stated that it did not know that the Indian Reservations of the Seminole Tribe of Florida are not under the State of Florida's jurisdiction and that it was required to file for reciprocity or obtain a separate license under NRC jurisdiction for storing and using a portable gauge on an Indian Reservation. The licensee also stated it immediately took corrective actions to file for a Federal license and paid the required fees. Further, the licensee stated that the management team understands the seriousness of the violations and described the corrective actions immediately taken to ensure two independent physical controls exist for securing the portable gauge from unauthorized removal. The actions included having the RSO or a member of the management team perform random checks to ensure the method of protection is strictly adhered to.

NRC'S Evaluation of the Licensee's Response Regarding the Violations

The NRC has evaluated the licensee's statements regarding the violations. The NRC recognizes that these are the licensee's first violations of this type and that corrective actions were taken immediately to address the violations; however, not being aware that the Indian Reservations of the Seminole Tribe of Florida are under NRC jurisdiction is not a valid reason for not having filed for reciprocity nor obtaining an NRC license. NRC may not cite the licensee when a portable gauge is stolen under the condition that the licensee was in full compliance with all regulatory requirements regarding physical security, including the requirement to secure the gauge with two independent physical controls that form tangible barriers to secure the gauge from unauthorized removal. However, MC^2 was not in full compliance with all regulatory requirements and therefore, an adequate basis did not exist to not cite the violations.

Summary of Licensee's Request for Negation or Significant Reduction of the Civil Penalty

In its response, the licensee requested negating or significantly reducing the civil penalty, contending that specific mitigating circumstances surrounding the violations should be considered by the NRC, and that the fine will impose a significant financial hardship on their small company. The mitigating circumstances provided by the licensee included: (1) This is its first violation; (2) it did not know the Indian Reservations are separate entities; and, (3) immediate measures were taken to rectify the situation and prevent future violations. The licensee noted that the senior management team and the employees of MC^2 are committed to health and safety and place significant importance on supporting their Radiation Safety Officer and providing the tools necessary to achieve safe operation of nuclear devices.

NRC Evaluation of Licensee's Request for Negation or Signficant Reduction of the Civil Penalty

In accordance with section VI.C.2 of the Enforcement Policy, the base civil penalty amount for a Severity Level (SL) III violation involving the loss of this type of radioactive material is $3,250. The licensee, while contending that a financial loss occurred, did not provide any evidence that payment of the civil penalty would create a financial hardship. Also, while the NRC acknowledges that the licensee took prompt and comprehensive corrective actions, a civil penalty was nonetheless warranted, consistent with the NRC Enforcement Policy, because the violation of 10 CFR 30.34(i) contributed to the theft of a gauge containing radioactive material. Issuance of this civil penalty is consistent with one of the purposes of the Enforcement Policy, which is to deter noncompliance, including for lost sources, by emphasizing to the licensee and other licensees the importance of compliance with NRC safety and security requirements. In addition, the NRC recognized that a contributing factor for these two violations was that MC^2 did not fully understand the NRC regulations regarding 10 CFR 150.20(b) and 10 CFR 30.34(i). The NRC took this into consideration and processed the two violations as one SL III problem, rather than citing two separate SL III violations, which could have each been individually considered for a civil penalty.

NRC Conclusion

The NRC has concluded that these violations occurred as stated in the Notice and that an adequate basis was not provided by the licensee for the NRC to negate or significantly reduce the civil penalty. Consequently, the proposed civil penalty in the amount of $3,250 should be imposed.

[FR Doc. E7–23904 Filed 12–7–07; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 030–19921]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment To Byproduct Materials License No. 52–13508–03 for Termination of the License and Unrestricted Release of the Pontifical Catholic University of Puerto Rico Facility in Ponce, Puerto Rico

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of Environmental Assessment and Finding of No Significant Impact for License Amendment.

FOR FURTHER INFORMATION CONTACT: Dennis Lawyer, Health Physicist, Commercial and R&D Branch, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, Pennsylvania; telephone 610–337–5366; fax number 610–337–5393; or by e-mail: *drl1@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. 52–13508–03. This license is held by Pontifical Catholic University of Puerto Rico (the Licensee), for its Ferré Science Building located near Avenue Las Americas in Ponce, Puerto Rico (the Facility). Issuance of the amendment would authorize release of the Facility for unrestricted use and termination of the NRC license. The Licensee requested this action in a letter dated June 16, 2006, and provided additional information in letters dated November 16, 2006, and 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 June 16, 2006, license amendment request, resulting in release of the Facility for unrestricted use and the termination of its NRC materials license. License No. 52–13508–03 was issued on July 26, 1983, pursuant to 10 CFR Part 30, and has been amended periodically since that time. This license authorized the Licensee to use unsealed byproduct material for purposes of conducting research and development activities on laboratory bench tops and in hoods.

The Facility is a building containing 13,274 square feet of classroom, office, and laboratory space. Within the Facility, use of licensed materials was confined to rooms Fe-119 and Fe-120. The area of use totaled 468 square feet. The Facility is located in a mixed residential/commercial area.

In 1989, the Licensee ceased licensed activities at the Facility and initiated a survey and decontamination actions there. The request to release the facility

and terminate the license was delayed due to the difficulty in finding a waste vendor. Based on the Licensee's historical knowledge of the site and the conditions of the Facility, the Licensee determined that only routine decontamination activities, in accordance with their NRC-approved, operating radiation safety procedures, were required. The Licensee was not required to submit a decommissioning plan to the NRC because worker cleanup activities and procedures are consistent with those approved for routine operations. The Licensee conducted surveys of the Facility and provided information to the NRC to demonstrate that it meets the criteria in Subpart E of 10 CFR Part 20 for unrestricted release and for license termination.

Need for the Proposed Action

The Licensee has ceased conducting licensed activities at the Facility, and seeks the unrestricted use of its Facility and the termination of its NRC materials license. Termination of its license would end the Licensee's obligation to pay annual license fees to the NRC.

Environmental Impacts of the Proposed Action

The historical review of licensed activities conducted at the Facility 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 of the Facility affected by these radionuclides.

The Licensee conducted final status surveys on March 26 and during May 2007. This survey covered rooms Fe-119 and Fe-120. The Licensee elected to demonstrate compliance with the radiological criteria for unrestricted release as specified in 10 CFR 20.1402 by using the screening approach described in NUREG–1757, ''Consolidated NMSS Decommissioning Guidance,'' Volume 2. The Licensee used the radionuclide-specific derived concentration guideline levels (DCGLs), developed there by the NRC, which comply with the dose criterion in 10 CFR 20.1402. These DCGLs define the maximum amount of residual radioactivity on building surfaces, equipment, and materials, that will satisfy the NRC requirements in Subpart E of 10 CFR Part 20 for unrestricted release. The Licensee's final status survey results were below these DCGLs and are in compliance with the As Low As Reasonably Achievable (ALARA) requirement of 10 CFR 20.1402. The NRC thus finds that the Licensee's final status survey results are acceptable. Based on its review, the staff has determined that the affected environment and any environmental impacts associated with the proposed action are bounded by the impacts evaluated by the ''Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC–Licensed Nuclear Facilities'' (NUREG–1496) Volumes 1–3 (ML042310492, ML042320379, and ML042330385). The staff finds there were no significant environmental impacts from the use of radioactive material at the Facility. The NRC staff reviewed the docket file records and the final status survey report to identify any non-radiological hazards that may have impacted the environment surrounding the Facility. No such hazards or impacts to the environment were identified. The NRC has identified no other radiological or non-radiological activities in the area that could result in cumulative environmental impacts.

The NRC staff finds that the proposed release of the Facility for unrestricted use and the termination of the NRC materials license is in compliance with 10 CFR 20.1402. Based on its review, the staff considered the impact of the residual radioactivity at the Facility and concluded that the proposed action will not have a significant effect on the quality of the human environment.

Environmental Impacts of the Alternatives to the Proposed Action

Due to the largely administrative nature of the proposed action, its environmental impacts are small. Therefore, the only alternative the staff considered is the no-action alternative, under which the staff would leave things as they are by simply denying the amendment request. This no-action alternative is not feasible because it conflicts with 10 CFR 30.36(d), requiring that decommissioning of byproduct material facilities be completed and approved by the NRC after licensed activities cease. The NRC's analysis of the Licensee's final status survey data confirmed that the Facility meets the requirements of 10 CFR 20.1402 for unrestricted release and for license termination. 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 Commonwealth of Puerto Rico for review on October 9, 2007. On November 26, 2007, the Division de Salud Radiologica responded by electronic mail. The Commonwealth 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. NUREG–1757, ''Consolidated NMSS Decommissioning Guidance;''
2. Title 10 Code of Federal Regulations, Part 20, Subpart E, ''Radiological Criteria for License Termination;''

3. Title 10, Code of Federal Regulations, Part 51, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions;''

4. NUREG–1496, ''Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities.''

5. Pontifical Catholic University of Puerto Rico Termination Request dated June 16, 2006 [ML072630543].

6. Pontifical Catholic University of Puerto Rico Additional Information letter dated August 22, 2007 [ML072420457].

7. Pontifical Catholic University of Puerto Rico Additional Information letter dated November 16, 2006 [ML070590570].

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 Region I, 475 Allendale Road, King of Prussia, PA, this 3rd day of December 2007.

For the Nuclear Regulatory Commission.

James P. Dwyer,

Chief, Commercial and R&D Branch, Division of Nuclear Materials Safety, Region I.

[FR Doc. E7–23902 Filed 12–7–07; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

NUREG–1556, Volume 13, Revision 1, ''Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Commercial Radiopharmacies''

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability.

SUMMARY: The Nuclear Regulatory Commission (NRC) is announcing the completion and availability of NUREG–1556, Volume 13, Revision 1, ''Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Commercial Radiopharmacies,'' dated November 2007.

ADDRESSES: Copies of NUREG–1556, Volume 13, Revision 1, may be purchased from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20402–9328; *http://www.access.gpo.gov/su_docs*; 202–512–1800 or The National Technical Information Service, Springfield, Virginia 22161–0002; *www.ntis.gov;* 1–800–533–6847 or, locally, 703–805–6000.

A copy of the document is also available for inspection and/or copying for a fee in the NRC Public Document Room (PDR), 11555 Rockville Pike, Rockville, Maryland. Publicly available documents created or received at the NRC after November 1, 1999, are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/NRC/ADAMS/index.html.* From this site, the public can gain entry into the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of the NRC's public documents. The ADAMS Accession Number for NUREG–1556, Volume 13, Revision 1, is ML073180179. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC PDR Reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov*. The document will also be posted on NRC's public Web site at: *http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/* on the ''Consolidated Guidance About Materials Licenses (NUREG–1556)'' Web site page, and on the Office of Federal and State Materials and Environmental Management Programs' NARM (Naturally-Occurring and Accelerator-Produced Radioactive Material) Toolbox Web site page at: *http://nrc-stp.ornl.gov/narmtoolbox.html* under the heading of ''Licensing Guidance.'' Some publications in the NUREG series that are posted at NRC's Web site address *http://www.nrc.gov* are updated regularly and may differ from the last printed version.

A free single copy, to the extent of supply, may be requested by writing to the Office of the Chief Information Officer, Reproduction and Distribution Services, U.S. Nuclear Regulatory Commission, Printing and Graphics Branch, Washington, DC 20555–0001; facsimile: 301–415–2289; e-mail: *Distribution@nrc.gov.*

FOR FURTHER INFORMATION CONTACT: Torre Taylor, Division of Intergovernmental Liaison and Rulemaking, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–7900, e-mail: *tmt@nrc.gov;* or Duane White, Division of Materials Safety and State Agreements, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6272, e-mail: *dew2@nrc.gov.*

SUPPLEMENTARY INFORMATION: On August 8, 2005, the President signed into law the Energy Policy Act of 2005 (EPAct). Among other provisions, Section 651(e) of the EPAct expanded the definition of byproduct material as defined in Section 11e. of the Atomic Energy Act of 1954 (AEA), placing additional byproduct material under the NRC's jurisdiction, and required the Commission to provide a regulatory framework for licensing and regulating these additional byproduct materials.

Specifically, Section 651(e) of the EPAct expanded the definition of byproduct material by: (1) Adding any discrete source of radium-226 that is produced, extracted, or converted after extraction, before, on, or after the date of enactment of the EPAct for use for a commercial, medical, or research activity; or any material that has been made radioactive by use of a particle accelerator and is produced, extracted, or converted after extraction, before, on, or after the date of enactment of the EPAct for use for a commercial, medical, or research activity (Section 11e.(3) of the AEA); and (2) adding any discrete source of naturally occurring radioactive material, other than source material, that the Commission, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of the Department of Energy, the Secretary of the Department of Homeland Security, and the head of any other appropriate Federal agency, determines would pose a threat similar to the threat posed by a discrete source of radium-226 to the public health and safety or the common defense and security; and is extracted or converted after extraction before, on, or after the date of enactment of the EPAct for use in a commercial, medical, or research activity (Section 11e.(4) of the AEA).

NRC revised its regulations to provide a regulatory framework that includes these newly added radioactive materials. See **Federal Register** notice 72 FR 55864, dated October 1, 2007. As part of the rulemaking effort to address the mandate of the EPAct, the NRC also evaluated the need to revise certain licensing guidance to provide necessary guidance to applicants in preparing license applications to include the use of the newly added radioactive materials as byproduct material. Two

NUREG–1556 documents are being revised to provide additional guidance to licensees: (1) NUREG–1556, Volume 13, Revision 1, ''Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Commercial Radiopharmacy Licenses,'' and (2) NUREG–1556, Volume 9, Revision 2, ''Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Medical Use Licenses.'' Additionally, a new NUREG–1556 volume was developed to address production of radioactive material using an accelerator. This NUREG–1556 volume is entitled: Volume 21, ''Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Possession Licenses for Production of Radioactive Material Using an Accelerator.''

Volume 13, Revision 1, provides guidance for applicants for commercial radiopharmacy licenses in preparing their license applications. Volume 13 is being revised primarily to provide additional guidance related to positron emission tomography (PET) radiopharmaceuticals for medical use. The guidance in Section 8.7.2, ''Authorized Nuclear Pharmacist,'' has been updated to reflect current 10 CFR Part 35 requirements. Additionally, other minor changes are being made that are administrative in nature, such as updating the Agreement State section and updating references. Also, information related to identifying and protecting sensitive information is being updated.

NUREG–1556, Volume 13, Rev. 1, ''Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Commercial Radiopharmacy Licenses,'' was noticed on July 3, 2007 (72 FR 36526) for public comment.

The remaining two NUREG–1556 volumes were noticed separately for public comment: (1) NUREG–1556, Volume 21, on May 29, 2007 (72 FR 29555), and (2) NUREG–1556, Volume 9, Revision 2, on August 2, 2007 (72 FR 42442). NUREG–1556, Vol. 21 was finalized and published in November 2007. NUREG–1556, Vol. 9, Rev. 2, is being finalized and will be available in the near future.

Dated at Rockville, Maryland, this 3rd day of December 2007.

For the Nuclear Regulatory Commission.

Dennis K. Rathbun,

Division Director, Division of Intergovernmental Liaison and Rulemaking, Office of Federal and State Materials and Environmental Management Programs.

[FR Doc. E7–23905 Filed 12–7–07; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF MANAGEMENT AND BUDGET

Draft Joint Report on the Review of the Application of European Union and United States Regulatory Impact Assessment Guidelines on the Analysis of Impacts on International Trade and Investment

AGENCY: Office of Management and Budget, Executive Office of the President.

ACTION: Notice of availability and request for comments.

SUMMARY: The Office of Management and Budget (OMB) requests comments on the Draft Joint Report on the Review of the Application of European Union (EU) and United States (U.S.) Regulatory Impact Assessment Guidelines on the Analysis of Impacts on International Trade and Investment. The full Draft Report is available at *http://www.whitehouse.gov/omb/inforeg/regpol.html#opp.* This joint draft report was prepared by the Secretariat General of the European Commission and the OMB's Office of Information and Regulatory Affairs (OIRA) as part of an EC-OMB dialogue on methodological issues for consideration at the November 9th, 2007 meeting in Washington, DC of the U.S.–EU Transatlantic Economic Council.

DATES: To ensure consideration of comments as OMB and the EC prepare the final version of this report, comments must be in writing and received by February 8, 2008.

ADDRESSES: We are still experiencing delays in the regular mail, including first class and express mail. To ensure that your comments are received, we recommend that comments on this draft report be electronically mailed to *OIRA_BC_RPT@omb.eop.gov*, or faxed to (202) 395–6974. You may also submit comments to Carolyn Swinney, Office of Information and Regulatory Affairs, Office of Management and Budget, NEOB, Room 10235, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Dominic Mancini, Office of Information and Regulatory Affairs, Office of Management and Budget, NEOB, Room 10235, 725 17th Street, NW., Washington, DC 20503. Telephone: (202) 395–7316.

SUPPLEMENTARY INFORMATION: This draft report was prepared by the Secretariat General of the European Commission and the U.S. Office of Management and Budget as part of the dialogue between the European Commission services and the Office of Management and Budget on methodological issues as agreed in the ''Framework for Advancing Transatlantic Economic Integration between the European Union and the United States of America,'' signed at the EU–US summit on 30 April 2007.

It reviews the application of the Office of Management and Budget's Circular A–4, regulatory analysis guidance, and the European Commission's Impact Assessment Guidelines, with the goal of ensuring that assessment of future regulations takes due account of their impacts on international trade and investment.

It contains two separate reports on existing methodology and practices on both sides, and suggests possible ways forward in the concluding chapter.

Susan E. Dudley,

Administrator, Office of Information and Regulatory Affairs.

[FR Doc. E7–23856 Filed 12–7–07; 8:45 am]

BILLING CODE 3110–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collections; Comment Request

Upon Written Request; Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extensions:

Rule 163; OMB Control No. 3235–0619; SEC File No. 270–556.

Rule 173; OMB Control No. 3235–0618; SEC File No. 270–557.

Rule 433; OMB Control No. 3235–0617; SEC File No. 270–558.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (''Commission'') is soliciting comments on the collections of information summarized below. The Commission plans to submit these existing collections of information to the Office of Management and Budget for approval.

Rule 163 (17 CFR 230.163) provides an exemption from section 5(c) under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) for certain communications by on behalf of a well-known seasoned issuer. The information filed under Rule 163 that is filed with the Commission is publicly available. We estimate that it takes approximately .24 burden hours per response to provide the information required under Rule 163 and that the information is filed by 53 respondents for a total annual reporting burden of 13

hours. We estimate that 25% of .24 hours per response (.06 hours) is prepared by the company for a total annual burden of 3 hours (.06 hours per response × 53 responses).

Rule 173 (17 CFR 230.173) provides a notice of registration to investors who purchased securities in a registered offering under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*). The Rule 173 notice must be provided by each underwriter or dealer to each purchaser of securities. It is not publicly available. We estimate that it takes approximately .01 hour per response to provide the information required under Rule 173 and that the information is filed by 5,338 companies approximately 43,546 times a year for a total of 232,448,548 responses. We estimate that the total annual reporting burden for Rule 173 is 2,324,485 hours (.01 hours per response × 232,448,548 responses).

Rule 433 (17 CFR 230.433) governs the use and filing of free writing prospectuses under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*). The purpose of Rule 433 is to reduce restrictions on communications that companies can make to investors during a registered offering, while still maintaining a high level of investor protection. A free writing prospectus meeting the conditions of Rule 433(d)(1) must be filed with the Commission and is publicly available. We estimate that it takes approximately 1.3 burden hours per response to prepare a free writing prospectus and that the information is filed by 2,906 companies approximately 1.25 times a year for a total of 3,633 responses. We estimate that 25% of the 1.3 burden hours per response (.32 hours) is prepared by the company for total annual reporting burden of 1,163 hours (.32 hours × 3,633 responses).

Written comments are invited on: (a) Whether these proposed collections of information are necessary for the performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collections of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comment to R. Corey Booth, Director/Chief Information Officer, Securities and Exchange Commission, C/O Shirley Martinson, 6432 General Green Way, Alexandria, Virginia 22312; or send an e-mail to: *PRA_Mailbox@sec.gov*.

November 27, 2007.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–23873 Filed 12–7–07; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of Roanoke Technology, Corp.; Order of Suspension of Trading

December 6, 2007.

It appears to the Securities and Exchange Commission (''Commission'') that there is a lack of current and accurate information concerning the securities of Roanoke Technology, Corp. (''Roanoke''), because it is delinquent in its periodic filing obligations under Section 13(a) of the Securities Exchange Act of 1934 (''Exchange Act'') and Rules 13a–1 and 13a–13 thereunder, having not filed a periodic report after its Form 10–Q for the quarter ended July 31, 2005.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above listed company.

Therefore, *it is ordered* pursuant to Section 12(k) of the Exchange Act, that trading in the above listed company is suspended for the period from 9:30 a.m. EST on Thursday, December 6, 2007, through 11:59 p.m. EST on Wednesday, December 19, 2007.

By the Commission.

Nancy M. Morris,

Secretary.

[FR Doc. 07–6005 Filed 12–6–07; 10:04 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56889; File No. SR–BSE–2007–49]

Self-Regulatory Organizations; Boston Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change and Amendment No. 1 Thereto Relating to Position and Exercise Limits

December 3, 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 Boston Stock Exchange, Inc. (''BSE'' 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 BSE. On November 20, 2007, BSE submitted Amendment No. 1 to the proposed rule change. The Exchange has filed the proposal pursuant to section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to eliminate position and exercise limits for options on the Russell 2000 Index (''RUT''), to increase the standard position and exercise limits for options on the Russell 2000 Growth Index (''IWO''), and to specify that reduced-value options on broad-based security indices for which full-value options have no position and exercise limits will similarly have no position and exercise limits. The text of the proposed rule change is available at BSE, the Commission's Public Reference Room, and *http://www.bostonstock.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, BSE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. BSE has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes changes to section 5 (Position Limits for Broad-Based Index Options) and section 7

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

(Exemptions from Position Limits) of Chapter XIV of the Boston Options Exchange (''BOX'') Trading Rules. The purpose of the proposed changes is to eliminate position and exercise limits for options on RUT, a broad-based securities index that is multiply-listed and heavily traded,[5] to increase the standard position and exercise limits for options on IWO,[6] and to amend Section 5 of Chapter XIV of the BOX Trading Rules to specify that reduced-value options on broad-based security indices for which full-value options have no position and exercise limits will similarly have no position and exercise limits.

Currently, the Full Size Nasdaq 100 Index Options (''NDX'') has no position limits for option contracts overlying NDX. In this regard, the Exchange proposes to eliminate position limits on the Mini Nasdaq 100 Index Options (''MNX'').

Eliminate Position and Exercise Limits for RUT Options

The Exchange believes that the circumstances and considerations relied upon in approving the elimination of position and exercise limits for other heavily traded broad-based index options (*e.g.*, options on NDX) equally apply to the current proposal relating to RUT position and exercise limits.[7]

In approving the elimination of position limits for NDX options, the Commission considered the capitalization of this index and the deep and liquid markets for the securities underlying the index significantly reduced concerns of market manipulation or disruption in the underlying markets. The Commission also noted the active trading volume for options on the index. The Exchange believes that RUT shares these factors in common with NDX. As of July 31, 2007, the approximate market capitalization of NDX was $2.28 trillion, the average daily trading volume (''ADTV'') for the components of NDX was 572 million, and the ADTV for options on NDX was 64,003 contracts per day. The Exchange believes RUT has very comparable characteristics. The market capitalization for RUT is $1.73 trillion dollars, the ADTV for the underlying securities is 535 million shares, and the ADTV for the option is 79,000 contracts.

In approving the elimination of position and exercise limits for NDX, the Commission also noted the financial requirements imposed by both the Exchange and the Commission serve to address any concerns that an Exchange Participant or its customer(s) may try to maintain an inordinately large unhedged position in options on NDX. The Exchange notes that these financial requirements also apply to RUT options. Under Exchange rules, the Exchange also has the authority to impose additional margin upon accounts maintaining underhedged positions, and is further able to monitor account to determine when such action is warranted. As noted in the Exchange's rules, the clearing firm carrying such an account would be subject to capital charges under Rule 15c3–1 under the Act[8] to the extent of any resulting margin deficiency.[9]

In approving the elimination of position and exercise limits for NDX, the Commission relied heavily on the Exchange's ability to provide surveillance and reporting safeguards to detect and deter trading abuses arising from the elimination of position and exercise limits in options on the index. The Exchange represents that it monitors the trading in RUT options in the same manner as trading in NDX options and that the current BOX surveillance procedures are adequate to continue monitoring RUT options. In addition, the Exchange intends to impose a reporting requirement on Exchange Participants who trade RUT or NDX options. This reporting requirement will require Participants who maintain in excess of 100,000 RUT option contracts on the same side of the market, for their own accounts or for the account of customers, to report information as to whether the positions are hedged and provide documentation as to how such contracts are hedged, in a manner and form required by the Exchange. The Exchange may also specify other reporting requirements, as well as the limit at which the reporting requirement may be triggered.

The Exchange believes that eliminating position and exercise limits for RUT options is consistent with rules relating to similar broad-based indices and also allows Exchange Participants and their customers greater hedging and investment opportunities.

Elimination of Position Limits for Reduced-Value Options on Broad-Based-Indices for Which There Are No Position and Exercise Limits for Full-Value Options

The Exchange lists and trades reduced-value options on broad-based indices for which the Exchange also lists and trades full-value options (*e.g.*, MNX Options). When the Exchange received approval to list and trade MNX options, the proscribed position and exercise limits were equivalent to the reduced-value contract factor (*e.g.*, 10) multiplied by the applicable position and exercise limits for the full-value options on the same broad-based index on other exchanges.[10] For example, when the Exchange received approval to list and trade NDX and MNX options,[11] the position and exercise limits for MNX (1/10th NDX value) options were 750,000 contracts, which was equal to the applicable factor (10) multiplied by the original position limit for NDX options (75,000 contracts) on other exchanges. However, since position and exercise limits do not apply for NDX,[12] the Exchange now proposes to eliminate position and exercise limits for MNX. The Exchange further proposes to amend section 5 of Chapter XIV of the BOX Trading Rules to state that reduced-value options on broad-based security indices for which full-value options have no position and exercise limits, will similarly have no position and exercise limits.

In addition, because position and exercise limits for reduced-value options are aggregated with full-value options for purposes of determining compliance with position and exercise limits, the Exchange proposes amending section 7, Subsection 13 of Chapter XIV of the BOX Trading Rules to reflect that such aggregation will apply when calculating reporting requirements (*e.g.*, 10 MNX options equal 1 NDX full-value contract). Further, the Exchange proposes to delete rule text from Section 7(a)(5) of Chapter XIV of the BOX Trading Rules because, pursuant to this proposed rule change, there is no longer a need for an exemption from position limits for MNX options.

Increase Position and Exercise Limits for IWO Options

The Exchange believes that increasing position and exercise limits for IWO options is consistent with Exchange rules relating to similar broad-based indices. According to Chapter XIV, Section 5 of the BOX Trading Rules, the

[5] The current position and exercise limits under Chapter XIV, Sections 5 and 7, respectively, of the BOX Trading Rules for RUT options are 25,000 contracts.

[6] The current position and exercise limits under Chapter XIV, Sections 5 and 7, respectively, of the BOX Trading Rules for IWO options are 25,000 contracts.

[7] *See* Securities Exchange Act Release No. 54397 (August 31, 2006), 71 FR 53142 (September 8, 2006) (SR–BSE–2005–11) (''NDX/MNX Approval Order'').

[8] 17 CFR 240.15c3–1.

[9] *See* Chapter XIV, Section 7(a)(14) of the BOX Trading Rules.

[10] *See* NDX/MNX Approval Order, *supra* note 7.

[11] *Id.*

[12] *Id.*

position limit for a broad-based index option shall be 25,000 contracts on the same side of the market unless specified otherwise. The proposed change will increase these limits for IWO to 50,000 contracts, with no more than 30,000 near-term. Such a change will allow Exchange Participants and their customers greater hedging and investment opportunities. In addition, an increase in the position and exercise limits for IWO creates uniformity with such limits for IWO on other exchanges [13] and is necessary to eliminate any confusion among members of multiple exchanges regarding which position and exercise limits apply to them.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act,[14] in general, and furthers the objectives of section 6(b)(5) of the Act,[15] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling and processing information with respect to, and facilitating transactions in securities, 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. Further, the Exchange notes that this proposed rule change is similar to proposals filed by the American Stock Exchange LLC (''Amex'') and the Chicago Board Options Exchange, Incorporated (''CBOE'') that were recently approved by the Commission.[16]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the forgoing rule change does not: (1) Significantly affect the protection of investors or the public interest; (2) impose any significant burden on competition; and (3) become operative for 30 days after the date of this filing, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [17] and Rule 19b–4(f)(6) thereunder.[18]

A proposed rule change filed under 19b–4(f)(6) normally may not become operative prior to 30 days after the date of filing.[19] However, Rule 19b–4(f)(6)(iii) [20] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because such waiver will allow BSE members and their customers greater hedging and investment opportunities in RUT and IWO options without further delay. The Commission notes that it recently approved similar proposals filed by CBOE and Amex to eliminate position and exercise limits for RUT options.[21] Moreover, the Commission previously approved position and exercise limits of 50,000 contracts, with no more than 30,000 contracts near-term, for IWO options on other exchanges. [22] The Commission believes that BSE's proposal to eliminate position and exercise limits for RUT options and to increase position and exercise limits for IWO options raises no new issues. For these reasons, the Commission designates the proposed rule change to be operative upon filing with the Commission.[23]

At any time within 60 days of the filing of such proposed rule change the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of the Act.[24]

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–BSE–2007–49 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–BSE–2007–49. 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

[13] *See, e.g.,* International Securities Exchange Rule 2004(a); Chicago Board Options Exchange Rule 24.4(a); and American Stock Exchange Rule 904C.

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] *See* Securities Exchange Act Release Nos. 56351 (September 4, 2007), 72 FR 51875 (September 11, 2007) (SR–Amex–2007–81); and 56350 (September 4, 2007), 72 FR 51878 (September 11, 2007) (SR–CBOE–2007–79).

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(6).

[19] 17 CFR 240.19b–4(f)(6)(iii). In addition, Rule 19b–4(f)(6)(iii) requires that a self-regulatory organization submit to the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has requested the Commission to waive this five-day pre-filing notice requirement. The Commission hereby grants this request.

[20] *Id.*

[21] *See supra* note 16.

[22] *See supra* note 13.

[23] For the purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[24] 15 U.S.C. 78s(b)(3)(C). For purposes of calculating the 60-day period within which the Commission may summarily abrogate the proposal, the Commission considers the period to commence on November 20, 2007, the date on which the Exchange submitted Amendment No. 1.

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 BSE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BSE–2007–49 and should be submitted on or before December 31, 2007.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–23816 Filed 12–7–07; 8:45 am]

BILLING CODE 8011–01–P

SOCIAL SECURITY ADMINISTRATION

Privacy Act of 1974, as Amended; Alteration to Existing Systems of Records

AGENCY: Social Security Administration (SSA).

ACTION: Proposed New Routine Use for Existing Systems of Records.

SUMMARY: As mandated by the Office of Management and Budget (OMB) in Memorandum M–07–16, recommended by the President's Identity Theft Task Force, and in accordance with the Privacy Act (5 U.S.C. 552a(e)(4) and (11)), we are issuing public notice of our intent to establish a new routine use disclosure applicable to SSA's systems of records listed below under section I of the Supplementary Information section. The proposed routine use specifically permits the disclosure of SSA information in connection with response and remediation efforts in the event of an unintentional release of Agency information, otherwise known as a ''data security breach.'' Such a routine use would serve to protect the interests of the people whose information is at risk by allowing us to take appropriate steps to facilitate a timely and effective response to a data breach. It would also help us to improve our ability to prevent, minimize, or remedy any harm that may result from a compromise of data maintained in our systems of records. We invite public comment on this proposal.

DATES: We filed a report of the proposed new routine use disclosure with the Chairman of the Senate Committee on Homeland Security and Governmental Affairs, the Chairman of the House Committee on Oversight and Government Reform, and the Director, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on November 19, 2007. The proposed routine use will become effective on December 24, 2007, unless we receive comments warranting it not to become effective.

ADDRESSES: Interested individuals may comment on this publication by writing to the Executive Director, Office of Public Disclosure, Office of the General Counsel, Social Security Administration, Room 3–A–6 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235–6401. All comments received will be available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Margo Wagner, Social Insurance Specialist, Disclosure Policy Development and Services Division 2, Office of Public Disclosure, Office of the General Counsel, Social Security Administration, Room 3–A–6 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235–6401, telephone: (410) 965–1482, e-mail: *margo.wagner@ssa.gov* or Mr. Neil Etter, Social Insurance Specialist, Disclosure Policy Development and Services Division 1, Office of Public Disclosure, Office of the General Counsel, Social Security Administration, Room 3–A–6 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235–6401, telephone: (410) 965–8028, e-mail: *neil.etter@ssa.gov.*

SUPPLEMENTARY INFORMATION:

I. Discussion of the Proposed New Routine Use

OMB has mandated and the President's Identity Theft Task Force recommended that Federal agencies develop and publish a routine use for appropriate systems of records that allows for the disclosure of information in connection with the response and remedial efforts in the event of a data breach.

Subsection (b)(3) of the Privacy Act provides that information from an agency's system of records may be disclosed without a subject individual's consent if the disclosure is ''for a routine use as defined in subsection (a)(7) of this section and described under subsection (e)(4)(D) of this section.'' 5 U.S.C. 552a(b)(3). Subsection (a)(7) of the Act states that ''the term 'routine use' means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.'' 5 U.S.C. 552a(a)(7). Providing information to help respond to and remediate a breach of Federal data qualifies as a necessary and proper use of information. Such a use is in the best interest of both the individual whose record is at issue and the public.

The Privacy Act requires that agencies publish notification in the **Federal Register** of ''each routine use of the records contained in the system, including the categories of users and the purpose of such use.'' 5 U.S.C. 552a(e)(4)(D). Based on OMB's recommended language, we have developed the following routine use that we will apply to nearly all of our Privacy Act systems of records,[1] and that will allow for disclosure to appropriate agencies, entities, and persons under the following circumstances:

> We may disclose information to appropriate Federal, State, and local agencies, entities, and persons when (1) we suspect or confirm that the security or confidentiality of information in this system of records has been compromised; (2) we determine that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs of SSA that rely upon the compromised information; and (3) we determine that disclosing the information to such agencies, entities, and persons is necessary to assist in our efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm. SSA will use this routine use to respond only to those incidents involving an unintentional release of its records.

In nearly all cases, we will immediately notify affected individuals before informing any other entity. In the rare event that law enforcement needs require us to delay consumer notification, this delay will be limited to the minimum amount of time needed. Timely notification allows individuals the opportunity to minimize or prevent the occurrence of harm.

SSA will establish a new routine use to be included in the following systems of records:

[25] 17 CFR 200.30–3(a)(12).

[1] Our Privacy Act systems of records that contain data protected under the Internal Revenue Code (IRC) will not contain this routine use as the IRC does not contain a provision that permits disclosure for this purpose.

System No. and name	New routine use	**Federal Register** publication date/citation No.
60–0001—Assignment and Correspondence Tracking Act (ACT)	No. 7	71 FR 1800, 01/11/06.
60–0002—Optical System for Correspondence Analysis and Response	No. 8	71 FR 1802, 01/11/06.
60–0003—Attorney Fee File	No. 9	71 FR 1803, 01/11/06.
60–0004—Working File of the Appeals Council	No. 6	70 FR 60383, 10/17/05.
60–0005—Administrative Law Judge Working File on Claimant Cases	No. 8	70 FR 60383, 10/17/05.
60–0006—Storage of Hearing Records: Tape Cassettes and Audiograph Discs	No. 8	71 FR 1805, 01/11/06.
60–0009—Hearings and Appeals Case Control System	No. 4	65 FR 46997, 08/01/00.
60–0010—Hearing Office Tracking System of Claimant Cases	No. 6	71 FR 1806, 01/11/06.
60–0012—Listing and Alphabetical Name File (Folder) of Vocational Experts, Medical Experts, and Other Health Care/Non-Health Care Professionals Experts (Medicare).	No. 7	71 FR 1807, 01/11/06.
60–0013—Records of Usage of Medical Experts, Vocational Experts, and Other Health Care/Non-Health Care Professionals Experts (Medicare).	No.7	71 FR 1809, 01/11/06.
60–0014—Curriculum Vitae and Professional Qualifications of Medical Advisors, and Resumes of Vocational Experts.	No. 8	59 FR 46439, 09/08/94.
60–0038—Employee Building Pass Files	No. 7	59 FR 46439, 09/08/94.
60–0040—Quality Review System	No. 14	65 FR 46997, 08/01/00.
60–0042—Quality Review Case Files	No. 14	65 FR 46997, 08/01/00.
60–0044—National Disability Determination Services	No. 11	71 FR 11810, 01/11/06.
60–0045—Black Lung Payment System	No. 14	68 FR 15784, 04/01/03.
60–0046—Disability Determination Service Consultant's File	No. 7	71 FR 1812, 01/11/06.
60–0050—Completed Determination Record—Continuing Disability Determinations	No. 10	71 FR 1814, 01/11/06.
60–0057—Quality Evaluation Data Records	No. 6	65 FR 46997, 08/01/00.
60–0058—Master Files of Social Security Number Holders and SSN Applications	No. 42	71 FR 1818, 01/11/06.
60–0063—Resource Accounting System	No. 6	59 FR 46439, 09/08/94.
60–0077—Congressional Inquiry File	No. 7	71 FR 1823, 01/11/06.
60–0078—Public Inquiry Correspondence File	No. 8	71 FR 1825, 01/11/06.
60–0089—Claims Folders System	No. 36	71 FR 1829, 01/11/06.
60–0090—Master Beneficiary Record	No. 38	71 FR 1829, 01/11/06.
60–0094—Recovery of Overpayments, Accounting and Reporting	No. 9	70 FR 49354, 08/23/05.
60–0103—Supplemental Security Income Record	No. 37	71 FR 1829, 01/11/06.
60–0118—Non-Contributory Military Service Reimbursement System	No. 6	71 FR 18334, 01/11/06.
60–0159—Continuous Work History Sample (Statistics)	No. 5	65 FR 46997, 08/01/00.
60–0186—SSA Litigation Tracking System New Routine Use No.	No. 6	70 FR 60383, 10/17/05.
60–0196—Disability Studies, Surveys, Records and Extracts (Statistics)	No. 4	65 FR 46997, 08/01/00.
60–0199—Extramural Surveys (Statistics)	No. 4	71 FR 1835, 01/11/06.
60–0200—Retirement and Survivors Studies, Surveys, Records and Extracts (Statistics)	No. 4	65 FR 46997, 08/01/00.
60–0202—Old Age, Survivors and Disability Beneficiary and Worker Records and Extracts (Statistics)	No. 5	69 FR 11693, 03/11/04.
60–0203—Supplemental Security Income Studies, Surveys, Records and Extracts (Statistics)	No. 5	65 FR 46997, 08/01/00.
60–0210—Record of Individuals Authorized Entry to Secured Automated Data Processing Area	No. 7	59 FR 46439, 09/08/94.
60–0211—Beneficiary, Family and Household Surveys, Records and Extracts System (Statistics)	No. 5	69 FR 11693, 03/11/04.
60–0213—Quality Review of Hearing/Appellate Process	No. 7	65 FR 46997, 08/01/00.
60–0214—Personal Identification Number File (PINFile)	No. 5	59 FR 46441, 09/08/94.
60–0218—Disability Insurance and Supplemental Security Income Demonstration Projects and Experiments System.	No. 7	71 FR 1837, 01/11/06.
60–0219—Representative Disqualification/Suspension Information System	No. 8	71 FR 1839, 01/11/06.
60–0220—Kentucky Birth Records System	No. 5	59 FR 46439, 09/08/94.
60–0221—Vocational Rehabilitation Reimbursement Case Processing System	No. 10	71 FR 1841, 01/11/06.
60–0222—Master Representative Payee File	No. 18	71 FR 5399, 02/01/06.
60–0224—SSA-Initiated Personal Earnings and Benefit Estimate Statement (SIPEBES) History File	No. 7	59 FR 54004, 10/27/94.
60–0225—SSA Initiated Personal Earnings and Benefit Estimate Statement Address System for Certain Territories.	No. 6	59 FR 54004, 10/27/94.
60–0228—Safety Management Information System (SSA Accident, Injury and Illness Reporting System).	No. 7	71 FR 1844, 01/11/06.
60–0230—Social Security Administration Parking Management Record System	No. 5	71 FR 1846, 01/11/06.
60–0231—Financial Transactions of SSA Accounting and Finance Offices	No. 19	71 FR 1847, 01/11/06.
60–0232—Central Registry of Individuals Doing Business With SSA (Vendor File)	No. 11	71 FR 1849, 01/11/06.
60–0234—Employee Assistance Program (EAP) Records	No. 7	71 FR 1850, 01/11/06.
60–0236—Employee Development Program Records	No. 13	71 FR 1853, 01/11/06.
60–0237—Employees' Medical Records	No. 8	71 FR 1854, 01/11/06.
60–0238—Pay, Leave and Attendance Records	No. 25	71 FR 1856, 01/11/06.
60–0239—Personnel Records in Operating Offices	No. 17	71 FR 1859, 01/11/06.
60–0241—Employee Suggestion Program Records New Routine Uses	No. 6	71 FR 1861, 01/11/06.
60–0244—Administrative Grievances Filed Under Part 771 of 5 CFR	No. 19	71 FR 1862, 01/11/06.
60–0245—Negotiated Grievance Procedure Records	No. 21	71 FR 1864, 01/11/06.
60–0250—Equal Employment Opportunity (EEO) Counselor and Investigator Personnel Records	No. 13	71 FR 1866, 01/11/06.
60–0255—Plans for Achieving Self-Support (PASS) Management Information System	No. 19	71 FR 1867, 01/11/06.
60–0259—Claims Under the Federal Tort Claims Act and Military Personnel and Civilian Employees' Claim Act.	No. 8	71 FR 1869, 01/11/06.
60–0262—Attorney Applicant Files	No. 7	71 FR 1871, 01/11/06.
60–0268—Medicare Part B Buy-In Information System	No. 9	64 FR 10173, 03/02/99.
60–0269—Prisoner Update Processing System (PUPS)	No. 12	64 FR 11076, 03/08/99.
60–0270—Records of Individuals Authorized Entry into Secured Areas by Digital Lock Systems, Electronic Key Card Systems or Other Electronic Access Devices.	No. 5	65 FR 77953, 12/13/00.

System No. and name	New routine use	Federal Register publication date/citation No.
60–0273—Social Security Title VIII Special Veterans Benefits Claims Development and Management Information System.	No. 15	65 FR 13803, 03/14/00.
60–0274—Litigation Docket and Tracking System	No. 11	71 FR 1872, 01/11/06.
60–0275—Civil Rights Complaints Filed by Members of the Public	No. 9	71 FR 1874, 01/11/06.
60–0276—Social Security Administration's (SSA's) Talking and Listening to Customers (TLC)	No. 6	65 FR 48272, 08/07/00.
60–0279—Social Security Administration's (SSA's) Mandate Against Red Tape (SMART)	No. 7	65 FR 49047, 08/10/00.
60–0280—SSA Administrative Sanctions	No. 6	65 FR 54595, 09/08/00.
60–0290—Social Security Administration's Customer PIN/Password (PPW) Master File System	No. 7	71 FR 1874, 01/11/06.
60–0295—Ticket-to-Work and Self-Sufficiency Program Payment Database	No. 8	66 FR 17985, 04/04/01.
60–0300—Ticket-to-Work Program Manager (PM) Management Information System	No. 8	66 FR 32656, 06/15/01.
60–0305—SSA Mass Transportation Subsidy Program System	No. 12	67 FR 44658, 07/03/02.
60–0310—Medicare Savings Programs Information System	No. 8	69 FR 17019, 03/31/04.
60–0315—Reasonable Accommodation for Persons with Disabilities (RAPD)	No. 11	70 FR 62157, 10/28/05.
60–0318—Representative Payee/Misuse Restitution Control System (RP/MRCS)	No. 8	70 FR 12774, 3/15/05.
60–0320—Electronic Disability Claim File (eDib)	No. 31	68 FR 71210, 12/22/03.
60–0321—Medicare Part D and Part D Subsidy File	No. 17	69 FR 77816, 12/28/04.
60–0328—National Docketing Management Information System (NDMIS)	No. 16	70 FR 34515, 06/14/05.
60–0330—eWork	No. 10	68 FR 54037, 09/15/03.
60–0340—eFOIA	No. 11	70 FR 3571, 01/25/03.
60–0350—Visitor Intake Process/Customer Service Record (VIP/CSR) System	No. 9	70 FR 59795, 10/13/05.
60–0355—The Non-Attorney Representative Prerequisites Process File (NARPPF)	No. 11	69 FR 77823, 12/28/04.
60–0361—Identity Management System (IDMS)	No. 15	71 FR 213, 11/03/06.
60–0370—The Representative Payee and Beneficiary Survey Data System	No. 6	71 FR 16399, 3/31/06.

We are not republishing in their entirety the notices of the systems of records to which we are adding the proposed new routine use disclosures. Instead, we are republishing only the identification number, the name of the system of record, the number of the new routine use and the issue of the **Federal Register** in which the system notice was last published, including the publication date and page number.

II. Compatibility of Proposed Routine Use

As mandated by OMB, as recommended by the President's Identity Theft Task Force, and in accordance with the Privacy Act (5 U.S.C. 552a(a)(7) and (b)(3)) and our disclosure regulation (20 CFR part 401), we are permitted to release information under a published routine use for a purpose that is compatible with the purpose for which we collected the information. Section 401.120 of our regulations provides that we will disclose information required by law. Since OMB has mandated the publication of this routine use, the proposed routine use is appropriate and meets the relevant statutory and regulatory criteria. In addition, disclosures to other agencies, entities and persons when needed to respond to an unintentional release are compatible with the reasons we collect the information, as helping to prevent and minimize the potential for harm is consistent with taking appropriate steps to protect information entrusted to us. See 5 U.S.C. 552a(e)(10).

III. Effect of the Proposed Routine Use Disclosure on the Rights of Individuals

The proposed routine use would serve to protect the interests of the people whose information is at risk. We would achieve this protection by taking appropriate steps to facilitate a timely and effective response to a security breach of our data, thereby improving our ability to prevent, minimize, or remedy any harm that may result from a compromise of data maintained in our systems of records. We do not anticipate that the proposed new routine use will have any unwarranted adverse effect on the rights of individuals about whom data will be disclosed.

Dated: November 13, 2007.

Michael J. Astrue,

Commissioner.

[FR Doc. E7–23875 Filed 12–7–07; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 6011]

Exchange Visitor Program—Au Pair Requirements

ACTION: Notice with request for comments.

DATES: The Department will accept comments from the public up to 60 days from date of publication in the **Federal Register**.

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

- Persons with access to the Internet may view this notice and provide comments by going to the regulations.gov Web site at: *http://www.regulations.gov/index.cfm.*
- *Mail (paper, disk, or CD–ROM submissions):* U.S. Department of State, Office of Exchange Coordination and Designation, SA–44, 301 4th Street, SW., Room 734, Washington, DC 20547
- *E-mail: jexchanges@state.gov.* You must include the Public Notice number in the subject line of your message.

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; 202–203–5096 or e-mail at *jexchanges@state.gov.*

SUMMARY: As a component of its Public Diplomacy and people to people exchanges, the Department of State oversees the Au pair Program whereby foreign nationals are afforded the opportunity to live with an American host family and participate directly in the home life of the host family. All au pair participants provide child care services to the host family and attend a U.S. post-secondary educational institution. Au pair participants provide up to forty-five hours of child care services per week and pursue not less than six semester hours of academic credit or its equivalent during their year of program participation. Some au pairs participate in the EduCare program. These au pairs provide up to thirty hours of child care services per week and pursue not less than twelve semester hours of academic credit or its equivalent during their year of program participation. Approximately 15,000

foreign nationals begin participation in this program each year.

In February 2004, the Department announced a pilot program whereby Department designated au pair sponsors could request the extension of program participation beyond the original 12-month maximum period afforded au pair participants. In June of 2006, following a review of the two-year pilot program, the Department amended program regulations to permit designated sponsors to submit requests to the Department for consideration of program extensions for six, nine or 12 month durations for first-year au pair participants beyond the maximum duration of participation allowed under the existing regulations.

As the au pair program enters its twentieth year of operation, the Department has been asked to consider amending the age eligibility requirement for au pair participants by increasing the age limitation from 26 to 30. Further, the Department has been asked to consider permitting foreign nationals who previously participated in the au pair program to repeat program participation.

The Department hereby solicits comments from the general public and other interested parties regarding these two issues. This certification will be published in the **Federal Register**.

Dated: November 26, 2007.

Stanley S. Colvin,

Director, Office of Exchange Coordination and Designation, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. E7–23883 Filed 12–7–07; 8:45 am]

BILLING CODE 4710–05–P

TENNESSEE VALLEY AUTHORITY

Paperwork Reduction Act of 1995, as Amended by Pubic Law 104–13; Proposed Collection; Comment Request

AGENCY: Tennessee Valley Authority.

ACTION: Proposed Collection; comment request.

SUMMARY: The proposed information collection described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended). The Tennessee Valley Authority is soliciting public comments on this proposed collection as provided by 5 CFR 1320.8(d)(1). Requests for information, including copies of the information collection proposed and supporting documentation should be directed to the Agency Clearance Officer: Alice D. Witt, Tennessee Valley Authority, 1101 Market Street (EB–5B), Chattanooga, TN 37402–2801; (423) 751–6832. (SC: 0003D1Z) Comments should be sent to the Agency Clearance Officer no later than *February 8, 2008.*

SUPPLEMENTARY INFORMATION:

Type of Request: Regular submission; proposal for a reinstatement of a previously approved collection (OMB control number 3316–0009).

Title of Information Collection: Salary Surveys for Engineering Association (EA) and Law Enforcement Employee Association (LEEA) Bargaining Unit Employees.

Frequency of Use: Annually.

Type of Affected Public: State or local governments, Federal agencies, non-profit institutions, businesses, or other for-profit.

Small Businesses or Organizations Affected: EA: 45; LEEA: 30.

Federal Budget Functional Category Code: 999.

Estimated Number of Annual Responses: EA: 30; LEEA: 20.

Estimated Total Annual Burden Hours: EA: 120; LEEA: 60.

Estimated Average Burden Hours Per Response: EA: 4; LEEA: 3.

Need For and Use of Information: TVA conducts an annual salary survey for employee compensation and benefits as a basis for labor negotiations in determining prevailing rates of pay and benefits for represented salary policy employees. TVA surveys firms, and Federal, State, and local governments whose employees perform work similar to that of TVA's salary policy employees.

Steven A. Anderson,

Senior Manager, IT Planning & Governance, Information Services.

[FR Doc. E7–23828 Filed 12–7–07; 8:45 am]

BILLING CODE 8120–08–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Hawai'i County, HI

AGENCY: Federal Highway Administration (FHWA)—Central Federal Lands Highway Division (CFLHD), DOT.

ACTION: Notice of intent.

SUMMARY: FHWA–CFLHD is issuing this notice to advise the public that a supplemental environmental impact statement will be prepared for a proposed highway project in Hawai'i County, Hawai'i.

FOR FURTHER INFORMATION CONTACT: Ricardo Suarez, Division CFLHD Engineer, 12300 West Dakota Avenue, Lakewood, CO 80228 and/or Ronald F. Tsuzuki, State Department of Transportation, Highways Division, Planning Branch, 869 Punchbowl Street, Honolulu, HI 96813.

SUPPLEMENTARY INFORMATION: The FHWA, in consultation with the Hawaii Department of Transportation (HDOT), will prepare a supplemental environmental impact statement (SEIS) for an ongoing project to improve and realign the Saddle Road (State Highway 200), an existing highway in Hawai'i County, Hawai'i. The purpose of the project is to provide a safe and efficient route for access to land uses along Saddle Road and for cross-island traffic between East and West Hawai'i. The ongoing and planned improvements to Saddle Road would also address five general types of needs: Roadway deficiencies, conflicts and hazards with military operations, capacity, safety, and social demand and economic development. The final environmental impact statement (EIS) for the project was completed August 9, 1999, and the Record of Decision (ROD) was signed on October 30, 1999. The project began construction in 2004 and approximately 30% of the project has been completed or is now under construction. In 2006, the Department of the Army (Army) purchased a Parker Ranch property known as the Ke'āmuku parcel. This property included the area planned for the selected alternative (W–3) for western section of the Saddle Road. On September 6, 2006, the U.S. Army Garrison, Hawai'i, requested that HDOT and FHWA consider relocating the highway about a mile southwest towards the southern boundary of Ke'āmuku. This would allow the Army to maximize its training opportunities and minimize conflict with the traveling public. This request meets one of the original purposes of the Saddle Road EIS, which was to minimize conflict between civilian and military uses in the area, and FHWA and HDOT thus have determined that it is prudent to re-examine the alternatives for the western section of the EIS. Alternatives under consideration at this time include (1) taking no action; (2) using the alternative for the western section of the project that was recommended in the Final EIS and selected in the ROD; and (3) relocating this segment of the highway nearer the southern boundary of the Ke'āmuku parcel. The SEIS will also reconfirm the reasons that alternatives for the western section were dropped from consideration in the

original EIS, and reconsider them, if appropriate.

Because public scoping meetings for the Saddle Road Improvements project were held in Hilo, Kona and Waimea during the development of the original EIS, no additional scoping is required for an ongoing project, where an SEIS is prepared that does not involve a reassessment of the entire action. However, letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. Public hearings will be held in both West and East Hawai'i. Public notice will be given of the time and place of the hearings. The draft SEIS will be available for public and agency review and comment prior to the public hearing. To ensure that the full range of issues related to this proposed action are addressed and that all significant issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the SEIS should be directed to the FHWA–CFLHD or the HDOT at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal Programs and activities apply to this program)

Issued on: November 27, 2007.

Ricardo Suarez, P.E.,

Division Engineer, CFLHD.

[FR Doc. 07–5988 Filed 12–7–07; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Denial of Motor Vehicle Defect Petition

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Denial of petition for a defect investigation.

SUMMARY: This notice sets forth the reasons for the denial of a petition submitted pursuant to 49 U.S.C. 30162 by Mr. Richard H. McSwain of McSwain Engineering Inc. to NHTSA's Office of Defects Investigation (ODI), received June 29, 2007, requesting that the agency commence a proceeding to determine the existence of a defect related to motor vehicle safety with respect to the manual seatback recliner mechanism in model year 1989–1992 Ford Probe vehicles (subject vehicles). After a review of the petition and other information, NHTSA has concluded that further expenditure of the agency's investigative resources on the issues raised by the petition does not appear to be warranted. The agency accordingly has denied the petition. The petition is hereinafter identified as DP07–001.

FOR FURTHER INFORMATION CONTACT: Mr. Steve Chan, Safety Defects Engineer, Defects Assessment Division, Office of Defects Investigation, NHTSA, 1200 New Jersey Avenue, SE., Washington, DC 20590. Telephone: (202) 366–8537.

SUPPLEMENTARY INFORMATION: On June 29, 2007, NHTSA received a petition from Mr. Richard H. McSwain of McSwain Engineering Inc., requesting that the agency investigate the failure of the seatback recliner mechanisms in the subject vehicles. The petition is based on an examination of a passenger side front seat recliner mechanism from a subject vehicle involved in a multi-vehicle collision, of an exemplar seat, as well as mechanical testing of a seat from a subject vehicle. The petitioner identified a failure mode involving bypass of the seatback stop pin (inside the recliner mechanism) during forward movement of the seatback, such as when entering and exiting the rear seat. The petition stated that stop pin bypass allows the recliner mechanism sector gear to over-travel with respect to the pawl. Return of the seatback to the upright position may then bend the first tooth of the pawl, resulting in a false or partial engagement of the sector and pawl teeth. This false engagement condition is transmitted to the opposing recliner mechanism via a mechanical communication cable. According to the petition, the ultimate result is the inability of the recliner mechanism to support the seatback during a collision event. The petitioner concluded that the stop pin bypass that initiated the failure mode is a result of inadequate height of the pin and the resulting inadequate contact between the pin and seatback stop.

The Federal Motor Vehicle Safety Standard (FMVSS) No. 207 ''Seating Systems,'' specifies that seats in passenger cars, multipurpose passenger vehicles, trucks, and buses must meet certain static force test requirements. However, for seats that hinge on folding seatbacks, the restraining device, once engaged, shall not release when a force equal to twenty times the weight of the seatback is applied through the center of gravity for the seat in the direction the seat is facing. It is not uncommon to see the seatbacks of new vehicles moved from their initial positions after a FMVSS simulated vehicular collision.

The identified failure mode may be the result of progressive wear and tear of the seatback stop pin, the seatback stop, and other seat components in vehicles that are, on average, 17 years old. Available data do not suggest that this has occurred with a notable frequency. ODI reviewed its consumer complaint data received over the last nineteen years and found no complaints of seatback collapse (with or without a vehicle collision) in the subject vehicles.

In view of the foregoing, and considering the advanced age of the subject vehicles, it is unlikely that NHTSA would issue an order for the notification and remedy of the alleged defect as defined by the petitioner at the conclusion of the investigation requested in the petition. The statutory requirement that the manufacturer provide a free remedy does not apply if the vehicle was bought by the first purchaser more than 10 calendar years before an order is issued. Therefore, in view of the need to allocate and prioritize NHTSA's limited resources to best accomplish the agency's safety mission, the petition is denied.

Authority: 49 U.S.C. 30162(d); delegations of authority at CFR 1.50 and 501.8.

Issued on: December 4, 2007.

Daniel C. Smith,

Associate Administrator for Enforcement.

[FR Doc. E7–23853 Filed 12–7–07; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2007–0042; Notice 1]

General Motors Corporation, Receipt of Petition for Decision of Inconsequential Noncompliance

General Motors Corporation (GM) has determined that certain model year 2005, 2006 & 2007 Cadillac STS passenger cars equipped with sunroofs do not fully comply with paragraph S4(e) of 49 CFR 571.118, Federal Motor Vehicle Safety Standard (FMVSS) No. 118 Power-Operated Window, Partition, and Roof Panel Systems. GM has filed an appropriate report pursuant to 49 CFR Part 573, Defect and Noncompliance Responsibility and Reports.

Pursuant to 49 U.S.C. 30118(d) and 30120(h), GM has petitioned for an exemption from the notification and

remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of GM's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Affected are approximately 60,042 model year 2005, 2006 & 2007 Cadillac STS passenger cars.

Paragraph S4(e) of 49 CFR 571.118 requires:

> S4. Operating requirements. * * * power operated window, partition, or roof panel systems may be closed only in the following circumstances: * * *
>
> (e) During the interval between the time the locking device which controls the activation of the vehicle's engine is turned off and the opening of either of a two-door vehicle's doors or, in the case of a vehicle with more than two doors, the opening of either of its front doors;

GM explains that for 60 seconds after the vehicles are started, if the engine is turned off and a front door is opened, the sunroof module software allows the sunroof to be closed if someone in the vehicle activates the control switch. If more than 60 seconds elapses from the starting of the vehicle, this condition will not occur.

GM stated that it is not aware of any incidents or injury related to the subject condition.

GM included an analysis of the risk associated with the subject condition and a detailed explanation of the reasons why it believes the noncompliance to be inconsequential to motor vehicle safety.

In summary, GM states that for all of the subject vehicles:

- The subject condition affects only the sunroof, not the power windows.
- The subject condition requires multiple actions that must occur within a 60 second time period. First, the following sequence of actions must occur: Driver starts engine, driver turns off engine, and driver or front passenger opens a front door. After this sequence of actions and still within the 60 second time frame, occupants must take additional actions: Push the sunroof close switch and position an occupant to create the risk of sunroof entrapment. All of these actions must occur within one 60 second time frame.
- If the sunroof switch is pushed steadily and then released, the sunroof promptly stops moving.
- The sunroof incorporates an auto-reverse system. This system will activate whenever the sunroof is closing in the express close mode. Therefore, sunroof entrapment requires the completion of the initial sequence of engine start/engine stop/front door open actions, and also requires an occupant to press and hold the sunroof closure switch and position an occupant within the sunroof—all within the 60 second window and in such a manner that the auto-reverse is not effective in preventing sunroof entrapment.
- The Agency has granted similar petitions in the past.
- GM is not aware of any injuries or incidents related to the subject condition.

GM states that it believes that because the noncompliance is inconsequential to motor vehicle safety that no further corrective action is warranted. GM has also informed NHTSA that it has corrected the problem that caused these errors so that they will not be repeated in future production.

Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods:

a. By mail addressed to: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

b. By hand delivery to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.

c. Electronically: By logging onto the Federal Docket Management System (FDMS) Web site at *http://www.regulations.gov/*. Follow the online instructions for submitting comments. Comments may also be faxed to 1–202–493–2251.

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: January 9, 2008.

Authority: (49 U.S.C. 30118, 30120: Delegations of authority at CFR 1.50 and 501.8)

Issued on: December 4, 2007.

Claude H. Harris,

Director, Office of Vehicle Safety Compliance.

[FR Doc. E7–23841 Filed 12–7–07; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–364 (Sub-No. 13X)]

Mid-Michigan Railroad, Inc.—Abandonment Exemption—in Muskegon County, MI

Mid-Michigan Railroad, Inc. (MMRR), has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* to abandon a 3.35-mile line of railroad between milepost 191.40 and milepost 194.75, at the end of the line, in Muskegon County, MI. The line traverses United States Postal Service Zip Codes 49441, 49442, and 49444.

MMRR has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on January 9, 2008, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1]

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any

formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by December 20, 2007. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by December 31, 2007, with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to MMRR's representative: Louis E. Gitomer, Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

MMRR has filed a combined environmental report and historic report which addresses the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by December 14, 2007. Interested persons may obtain a copy of the EA by writing to SEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or by calling SEA, at (202) 245–0305. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), MMRR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by MMRR's filing of a notice of consummation by December 10, 2008, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: November 30, 2007.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. E7–23838 Filed 12–7–07; 8:45 am]

BILLING CODE 4915–01–P

request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each OFA must be accompanied by the filing fee, which currently is set at $1,300. *See* 49 CFR 1002.2(f)(25).

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

FEDERAL RESERVE SYSTEM

FEDERAL DEPOSIT INSURANCE CORPORATION

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

NATIONAL CREDIT UNION ADMINISTRATION

FEDERAL TRADE COMMISSION

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

AGENCIES: Office of the Comptroller of the Currency (OCC), Treasury; Board of Governors of the Federal Reserve System (Board), the Federal Deposit Insurance Corporation (FDIC); Office of Thrift Supervision (OTS), Treasury; National Credit Union Administration (NCUA); and the Federal Trade Commission (FTC or Commission) (collectively, the Agencies).

ACTION: Joint information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995 (PRA).

SUMMARY: Pursuant to the Paperwork Reduction Act, the OCC, FDIC, OTS, NCUA, and FTC are submitting for Office of Management and Budget (OMB) review the information collection associated with a proposed study that will use a written survey to be completed by financial institutions and other persons who are creditors or users of consumer reports. The Board has approved this information collection under its delegated authority from OMB. The Agencies will use the Survey responses to prepare the initial report to the Congress (the Report) on information sharing practices by financial institutions, creditors, or users of consumer reports with their affiliates. The Agencies are statutorily required to jointly submit the Report with any recommendations for legislative or regulatory action. To conduct the Survey, the OCC, FDIC, OTS, NCUA, and FTC first seek additional public comment regarding this notice, which is the second of two notices required by the PRA, and will seek OMB review of, and clearance for, the collection of information discussed herein.

DATES: Comments must be submitted on or before January 9, 2008.

FOR FURTHER INFORMATION CONTACT: Please contact any of the individuals named below. In addition, copies of the Board's draft Survey instrument and related instructions will be made available on the Board's public Web site at: *http://www.federalreserve.gov/boarddocs/reportforms/review.cfm* under ''Recently Approved and Pending Implementation'' (see entry for FR 3214e). Please contact the other agencies to request a copy of their draft Survey instrument and instructions.

OCC: Mary Gottlieb, OCC Clearance Officer, Legislative and Regulatory Activities Division, (202) 874–5090, *mary.gottlieb@occ.treas.gov.*

Board: Kathleen Conley, Supervisory Consumer Financial Services Analyst, Division of Consumer and Community Affairs, (202) 452–2389; or Michelle Shore, Federal Reserve Clearance Officer, Division of Research and Statistics, (202) 452–3829; Telecommunications Device for the Deaf (TDD) users may call (202) 263–4869.

FDIC: Richard M. Schwartz, Counsel, (202) 898–7424; or Leneta G. Gregorie, Counsel, (202) 898–3719.

OTS: Ira L. Mills, OTS Clearance Officer, (202) 906–6531; or Suzanne McQueen, Consumer Regulations Analyst, Compliance and Consumer Protection Division, (202) 906–6459.

NCUA: Regina M. Metz, Staff Attorney, Office of General Counsel, (703) 518–6540; or Matthew Biliouris, Program Officer, Examination and Insurance, (703) 518–6394.

FTC: Sandra McCarthy, Attorney, Division of Privacy and Identity Protection, Bureau of Consumer Protection, (202) 326–2252; or Margaret Patterson, Economist, Bureau of Economics, (202) 326–3472.

SUPPLEMENTARY INFORMATION:

Title: Survey of Information Sharing Practices with Affiliates (''Survey'').

Frequency of Response: Every three years.

Affected Public: Business or other for profit.

Type of Review: New collection.

OCC

OMB Number: 1557–NEW.

Form Number: N/A.

Estimated Number of Respondents: 40.

Estimated Average Time per Response: 10 hours.

Estimated Total Annual Burden: 400 hours.

Board

OMB Number: 7100–NEW.
Form Number: FR 3214e.
Estimated Number of Respondents: 60.
Estimated Average Time per Response: 10 hours.
Estimated Total Annual Burden: 600 hours.

FDIC

OMB Number: 3064–NEW.
Form Number: N/A.
Estimated Number of Respondents: 100.
Estimated Average Time per Response: 10 hours.
Estimated Total Annual Burden: 1,000 hours.

OTS

OMB Number: 1550–NEW.
Form Number: N/A.
Estimated Number of Respondents: 30.
Estimated Average Time per Response: 10 hours.
Estimated Total Annual Burden: 300 hours.

NCUA

OMB Number: 3133–NEW.
Form Number: N/A.
Estimated Number of Respondents: 50.
Estimated Average Time per Response: 10 hours.
Estimated Total Annual Burden: 500 hours.

FTC

OMB Number: 3084–NEW.
Form Number: N/A.
Estimated Number of Respondents: 20.
Estimated Average Time per Response: 10 hours.
Estimated Total Annual Burden: 200 hours.

General Description of Report

This information collection is voluntary for financial institution respondents and authorized pursuant to 12 U.S.C. 481 and 484 (national banks); 12 U.S.C. 248(a)(1) (state member banks); 12 U.S.C. 1463 and 1464 (savings associations); 12 U.S.C. 1766(a) and 1789(a) (credit unions); and 12 U.S.C. 1819(a) (Eighth) (state non-member banks and state branches of any foreign bank). The FTC's authority to collect this information is 15 U.S.C. 46(b). Under this section, the FTC may issue compulsory process to persons, partnerships, and corporations from which it seeks to collect information. Confidentiality will be determined on a case-by-case basis under applicable Federal law. Confidentiality for respondents under the FTC's jurisdiction will be protected in accordance with the Federal Trade Commission Act, 15 U.S.C. 41 *et seq.* (''FTC Act''), and the FTC's Rules of Practice.

Abstract

The Agencies will gather information by means of a survey to be completed by financial institutions and other persons that are creditors or users of consumer reports (''respondents'').[1] The Agencies will use the Survey responses to prepare the Report on the information sharing practices by financial institutions, creditors, or users of consumer reports with their affiliates. The Agencies are required to jointly submit the Report together with any recommendations for legislative or regulatory action, pursuant to Section 214(e) of the Fair and Accurate Credit Transactions Act of 2003 (''FACT Act'' or the ''Act'') Pub. L. 108–159, 117 Stat. 1952.

Summary of Comments

On August 31, 2006, pursuant to the PRA, 44 U.S.C. 3501–3521, the Agencies published a notice in the **Federal Register** (71 FR 51888) requesting public comment for 60 days on a proposed information collection concerning the Survey. The comment period for this notice expired on October 30, 2006. The Agencies received five comment letters from four trade associations and one individual. Currently, the OCC, FDIC, OTS, NCUA, and FTC are soliciting comment on the implementation of the proposed information collection. The Board has approved this information collection under its delegated authority from OMB.

Survey Methodology

One commenter requested that the Agencies describe the methods they would use to conduct the Survey and the methods they would use to analyze the results. Each Agency will conduct a non-statistical, qualitative survey of a limited number of regulated entities under its supervision.

Commenters also requested clarification as to: (i) Which institution or affiliate in an organization would be asked to respond to the Survey and (ii) whether that respondent would be asked to provide information regarding not only the sharing of information with, but also the receipt of information from, its affiliates.

Respondents will not be asked to provide data regarding information sharing practices on a combined basis for it, its affiliates, and its corporate parent; rather the Survey will ask only about sharing for that particular respondent.[2] The Agencies note that the Survey will focus on a respondent's general practices and will ask a respondent to provide information not only about its sharing of information with its affiliates, but also about its receipt of information from its affiliates.

Survey Information

Some commenters stated that the Survey should include definitions and instructions. The commenters also noted that the draft Survey assumes that an organization has only one policy on information sharing practices with all affiliates, when in fact such practices might vary by affiliate, by product, or by state. For example, one commenter noted that the draft did not take into account numerous variations in affiliate sharing practices within a single firm and, as a result, in many cases, the response options provided were inapplicable, inaccurate, or incomplete.

One commenter suggested the Survey include definitions of important terms, such as affiliate, consumer, customer, personally identifiable transaction or experience information, and purposes related to employment or hiring, because some of these are terms of art with which Survey respondents will be unfamiliar.

In many cases where commenters specified the need for specific definitions or instructions, the Agencies have incorporated such suggestions. Additional space will be provided on the Survey instrument for supplemental responses, such as information on varying practices by affiliate or state.

A commenter noted that questions do not specify the time frame to be used for completing the Survey, and asked if the Agencies intend to capture a snapshot. The instructions will be specific and direct respondents to provide information on their current information sharing practices with affiliates.

Some commenters suggested collecting additional information, such as information to determine whether the perceived risks of information sharing (for example, increased level of identity theft) in fact exist. Commenters noted

[1] *See* section 214(e) of the FACT Act for a description of the type of information that will be collected.

[2] The OCC, however, because of the way some national banks are structured, may collect information from a single respondent regarding more than one affiliated national bank.

that the Survey should focus on the underlying purpose for affiliate sharing practices. One commenter suggested the primary purpose for which companies share information with affiliates is to provide benefits to consumers, including providing them with an array of products and services at as low a cost as possible. In general, the Agencies will limit the Survey to the information that section 214(e) of the FACT Act requires to be included in the Report. For that reason, the Agencies do not plan to collect other information, such as data regarding the benefits, or perceived risks of information sharing with affiliates.

Confidential and Voluntary Status

Commenters indicated that the Agencies should guarantee confidential treatment to respondents, in all cases and not merely provide it on a case-by-case basis, in order to encourage voluntary and informative responses. In addition, some commenters noted that certain requested survey information is proprietary (*e.g.*, the percentage of customers that opt out and the use of shared information for underwriting) and thus should receive confidential treatment. Finally, while commenters commended the financial regulatory agencies for conducting a voluntary survey, they asked that the FTC also conduct a voluntary survey instead of using its compulsory authority to gather information.

In cases where questions of confidentiality arise, as mentioned in the initial notice, the Agencies will grant confidential treatment on a case-by-case basis under applicable Federal law. Responses to survey questions that institutions are already required to publicly disclose would not be protected from disclosure under the Freedom of Information Act, 5 U.S.C. 552 (FOIA). However, it is possible that some information collected on this Survey may be exempt from disclosure. To the extent an institution can establish the potential for substantial competitive harm, those responses would be protected by FOIA Exemption 4, 5 U.S.C. 552(b)(4) (exempting from disclosure ''trade secrets and commercial or financial information obtained from a person and privileged and confidential''). Further, section 6(f) of the FTC Act, 15 U.S.C. 46(f), bars the Commission from publicly disclosing trade secrets or confidential commercial or financial information it receives from persons pursuant to, among other methods, special orders authorized by section 6(b) of the FTC Act.

In the event of a FOIA request for information, an Agency may claim Exemption 4 or other protections to the extent legally permissible as a basis for withholding the information. OTS will follow Treasury Department Rule, which is 31 CFR 1.6 contained in the Department's rule on Disclosure of Records. If the Commission has determined that the information does not constitute trade secrets or confidential commercial or financial information under FTC Act section 6(f), a respondent who designates a submission as confidential is entitled to 10 days' advance notice of any anticipated public disclosure by the Commission under section 21(c) of the FTC Act, 15 U.S.C. 57b–2(c). The FTC Act and the Commission's rules authorize disclosure of nonpublic material in limited circumstances (*e.g.*, official requests by Congress, requests from other agencies for law enforcement purposes, or administrative or judicial proceedings). Even in those limited contexts, however, the Commission's rules may afford protections to the submitter, such as advance notice to seek a protective order in litigation. *See* 15 U.S.C. 57b–2; 16 CFR 4.9–4.11.

In the case of surveys administered by the financial regulatory agencies, the Agencies believe the ongoing supervisory relationships that these agencies have with supervised institutions will help to facilitate a high level of voluntary responses. In contrast, the FTC does not have the same type of supervisory relationships with its regulated entities; therefore, the FTC may elect to use compulsory authority to obtain information that will be necessary for preparation of the Report should its entities choose not to participate voluntarily.

Burden Estimates

Commenters indicated that a respondent would likely need significantly more time than 10 hours to collect and organize information to produce responses, in part due to items in the Board's draft Survey that they believed were unclear. Commenters expressed concern that the time necessary to respond to the Survey would exceed the Agencies' estimates if the answers to the Survey were to be based on an organization's historical information sharing practices or the information sharing practices for multiple entities and/or multiple lines of business that exist throughout a complex organization.

The Agencies believe that the final Survey instructions, with expanded definitions and a clarification that respondents should report only on current, not historical, practices will focus the responses such that the burden estimate of 10 hours per institution is reasonable.

Pre-Survey Testing

Commenters recommended that the Agencies consult institutions for their suggestions on re-crafting the questions to capture a more meaningful representation of affiliate sharing practices and to reduce burden on respondents. In response to these comments, the Board, on behalf of the other agencies, conducted testing (through telephone interviews) with three financial institutions. In general, the test institutions indicated that the draft Survey would not cause undue burden on respondents. In addition, the test institutions provided feedback on the format, instructions, and content of the Survey. As a result, the Agencies have modified the final Survey instrument and instructions.

Request for Comment

Comments on the foregoing, including comments regarding the necessity and practical utility of the proposed collection of information, the accuracy of the Agencies' estimates, and ways to enhance the quality, utility, and clarity of the information sought may be directed to the agencies as set out below.

OCC: Communications Division, Office of the Comptroller of the Currency, Public Information Room, Mailstop 1–5, Attention: 1557–NEW, 250 E Street, SW., Washington, DC 20219. In addition, comments may be sent by fax to (202) 874–4448, or by electronic mail to *regs.comments@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC's Public Information Room, 250 E Street, SW., Washington, DC. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 874–5043. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

FDIC: Written comments should identify ''Survey of Information Sharing Practices with Affiliates,'' as the subject and be submitted by any of the following methods:

- *Agency Web site: http://www.fdic.gov/regulations/laws/federal/propose.html.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *E-mail: Comments@FDIC.gov.*
- *Mail:* Robert E. Feldman, Executive Secretary, Attention: Comments, FDIC,

550 17th Street, NW., Washington, DC 20429.

• *Hand Delivery/Courier:* Guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7 a.m. and 5 p.m.

Comments may be inspected and photocopied in the FDIC Public Information Center, Room E–1002, 3501 North Fairfax Drive, Arlington, VA 22226, between 9 a.m. and 4:30 p.m. on business days.

OTS: You may submit comments, identified by ''Survey of Information Sharing Practices with Affiliates (1550–NEW),'' by any of the following methods:

• *E-mail: infocollection.comments@ots.treas.gov.* Please include ''Survey of Information Sharing Practices with Affiliates (1550–NEW)'' in the subject line of the message and include your name and telephone number in the message.

• *Fax:* (202) 906–6518.

• *Mail:* Information Collection Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Attention: ''Survey of Information Sharing Practices with Affiliates (1550–NEW).''

• *Hand Delivery/Courier:* Guard's Desk, East Lobby Entrance, 1700 G Street, NW., from 9 a.m. to 4 p.m. on business days, Attention: Information Collection Comments, Chief Counsel's Office, ''Survey of Information Sharing Practices with Affiliates (1550–NEW).''

Instructions: All comments received will be posted without change to *http://www.ots.treas.gov/pagehtml.cfm?catNumber=67&an=1,* including any personal information provided. Docket: For access to the docket to read comments received, go to *http://www.ots.treas.gov/pagehtml.cfm?catNumber=67&an=1.* In addition, you may inspect comments at the Public Reading Room, 1700 G Street, NW., by appointment. To make an appointment for access, call (202) 906–5922, send an e-mail to *public.info@ots.treas.gov,* or send a facsimile transmission to (202) 906–7755. (Prior notice identifying the materials you will be requesting will assist us in serving you.) We schedule appointments on business days between 10 a.m. and 4 p.m. In most cases, appointments will be available the next business day following the date we receive a request.

NCUA: You may submit comments by any of the following methods (please send comments by one method only):

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

• *NCUA Web Site: http://www.ncua.gov/Regulations OpinionsLaws/proposedregs/proposedregs.html.* Follow the instructions for submitting comments.

• *E-mail:* Address to *regcomments@ncua.gov.* Include ''[Your name] Comments on FACT Act 214(e) Study,'' in the e-mail subject line.

• *Fax:* (703) 518–6319. Use the subject line described above for e-mail.

• *Mail:* Address to Neil McNamara, Deputy Chief Information Officer, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428.

• *Hand Delivery/Courier:* Same as mail address.

FTC: Comments should refer to ''Affiliate Sharing Study: FTC File No. P064802'' and may be submitted by any of the following methods. However, if a given comment contains any material for which confidential treatment is requested, it must be filed in paper form, and the first page of the document must be clearly labeled ''Confidential.''[3] A copy of each comment should additionally be submitted via facsimile to (202) 395–6974 and addressed to: Office of Management and Budget, Attention: Desk Officer for the Federal Trade Commission.

• *E-mail:* Comments filed in electronic form should be submitted as part of or as an attachment to e-mail messages directed to the following e-mail box: <*affiliatestudy@ftc.gov*>. To ensure that the Commission considers an electronic comment, you must send it to the above e-mail box.

• *Federal eRulemaking Portal:* If this notice appears at *http://www.regulations.gov,* you may also file an electronic comment through that Web site. The Commission will consider all comments that regulations.gov forwards to it.

• *Mail or Hand Delivery:* A comment filed in paper form should include ''Affiliate Sharing Study: FTC File No. P064802'' both in the text and on the envelope, and should be mailed or delivered, with two complete copies, to the following address: Federal Trade Commission/Office of the Secretary, Room H–135 (Annex J), 600 Pennsylvania Avenue, NW., Washington, DC 20580. Because paper mail in the Washington area and at the Commission is subject to delay, please consider submitting your comments in electronic form, as prescribed above. The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible.

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. All timely and responsive public comments, whether filed in paper or electronic form, will be considered by the Commission, and will be available to the public on the FTC Web site, to the extent practicable, at *http://www.ftc.gov/os/public comments.htm.* As a matter of discretion, the FTC makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC Web site. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

Additionally, you should send a copy of your comments to [Agency] Desk Officer, [OMB No.], by mail to U.S. Office of Management and Budget, 725 17th Street, NW., #10235, Washington, DC 20503, or by fax to (202) 395–6974.

Comments submitted in response to this notice will be shared among the Agencies. All comments will become a matter of public record. Written comments should address the accuracy of the burden estimates and ways to minimize burden including the use of automated collection techniques or the use of other forms of information technology as well as other relevant aspects of the information collection request.

Dated: November 26, 2007.

Stuart Feldstein,

Assistant Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.

Board of Governors of the Federal Reserve System, December 4, 2007.

Jennifer J. Johnson,

Secretary of the Board.

Dated at Washington, DC, this 27th day of November, 2007.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

Dated at Washington, DC, this 29th day of November, 2007.

Deborah Dakin,

Senior Deputy Chief Counsel, Office of Thrift Supervision.

Dated at Washington, DC, this 28th day of November, 2007.

[3] Commission Rule 4.2(d), 16 CFR 4.2(d). The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. *See* Commission Rule 4.9(c), 16 CFR 4.9(c).

By the National Credit Union Administration on November 28, 2007.

Mary F. Rupp,

Secretary of the Board.

Dated at Washington, DC, this twenty-eighth day of November, 2007.

Federal Trade Commission.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 07–5998 Filed 12–7–07; 8:45 am]

BILLING CODES 4810–33–P, 6210–01–P, 6714–01–P, 6720–01–P, 7335–01–P, 4750–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0404]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATE: Comments must be submitted on or before January 9, 2008.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov* or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0404'' in any correspondence

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Records Management Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461–7485, FAX (202) 273–0443 or e-mail *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0404.''

SUPPLEMENTARY INFORMATION:

Title: Veteran's Application for Increased Compensation Based on Unemployability, VA Form 21–8940.

OMB Control Number: 2900–0404.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 21–8940 is used by veterans to file a claim for increased disability compensation based on unemployability. Claimants are required to provide current medical, educational, and occupational history in order for VA to determine whether he or she is unable to secure or follow a substantially gainful employment due to service-connected disabilities.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on September 27, 2007, at pages 54980–54981.

Affected Public: Individuals or households.

Estimated Annual Burden: 18,000 hours.

Estimated Average Burden per Respondent: 45 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 24,000.

Dated: December 5, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E7–23872 Filed 12–7–07; 8:45 am]

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Passenger Vessel Services Act; non-coastwise-qualified vessels violation interpretation; Hawaiian coastwise cruises; comments due by 12-21-07; published 11-21-07 [FR E7-22788]

U.S.-Bahrain Free Trade Agreement:

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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal-register/laws.html*.

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. 50/P.L. 110–132

Multinational Species Conservation Funds Reauthorization Act of 2007 (Dec. 6, 2007; 121 Stat. 1360)

H.R. 465/P.L. 110–133

Asian Elephant Conservation Reauthorization Act of 2007 (Dec. 6, 2007; 121 Stat. 1362)

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CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

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1	(869–062–00001–4)	5.00	[4] Jan. 1, 2007
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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period January 1, 2005, through January 1, 2006. The CFR volume issued as of January 1, 2005 should be retained.

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