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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 923

[Docket No. AMS–FV–07–0018; FV07–923–610 Review]

Sweet Cherries Grown in Designated Counties in Washington; Section 610 Review

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Confirmation of regulations.

SUMMARY: This action summarizes the results under the criteria contained in section 610 of the Regulatory Flexibility Act (RFA), of an Agricultural Marketing Service (AMS) review of Marketing Order No. 923, regulating the handling of sweet cherries grown in designated counties in Washington. AMS has determined that the marketing order should be continued.

ADDRESSES: Interested persons may obtain a copy of the review. Requests for copies 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 E-mail: *moab.docketclerk@usda.gov.* A copy of the review may also be obtained via the Internet at: *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Robert Curry or Gary D. Olson, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1220 SW Third Avenue, suite 385, Portland, Oregon 97204; Telephone: (503) 326–2724; Fax: (503) 326–7440; or E-mail: *Robert.Curry@usda.gov* or *GaryD.Olson@usda.gov.*

SUPPLEMENTARY INFORMATION: Marketing Order No. 923, as amended (7 CFR part 923), regulates the handling of sweet cherries grown in designated counties in Washington State hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The order establishes the Washington Cherry Marketing Committee (Committee) which is comprised of sixteen members and sixteen alternate members selected by the Department of Agriculture (USDA). Ten of the members and their respective alternates are growers of sweet cherries and six of the members and their respective alternates are handlers. As the industry is divided into two districts, five growers and three handlers and their respective alternates from each district are represented on the Committee. Committee members and alternate members serve for two years beginning on April 1 and ending on March 31. The terms are staggered so that half of the members are selected annually. Committee members may serve for a maximum of three consecutive two-year terms.

The Committee is responsible for local administration of the order, including recommending the implementation of regulatory actions and activities to USDA, collecting and distributing industry statistics, and ensuring compliance with the various provisions of the order. The Committee recommends amendments to the order when needed to further industry objectives. Activities of the Committee are funded by assessments collected from handlers on a per ton basis for all production area cherries sold into the fresh market. USDA must approve recommendations by the Committee before they can be implemented.

Currently, there are approximately 1,500 growers and 53 handlers of Washington sweet cherries in the regulated production area. The majority of these growers and handlers may be classified as small entities. The regulations implemented under the order are applied uniformly to small and large entities, and are designed to benefit all industry entities regardless of size.

A plan to review certain regulations—including Marketing Order No. 923—was published in the **Federal Register** on February 18, 1999 (64 FR 8014), under criteria contained in section 610 of the RFA (5 U.S.C. 601–612). Updated plans were published in the **Federal Register** on January 4, 2002 (67 FR 525), August 14, 2003 (68 FR 48574), and again on March 24, 2006 (71 FR 14827). Accordingly, AMS published a notice of review and request for written comments on the Washington sweet cherry marketing order in the June 20, 2007, issue of the **Federal Register** (72 FR 33918). The deadline for comments ended August 20, 2007. Two comments were received via the regulations.gov Web site. Both comments were not related to the Washington sweet cherry marketing order nor the published request for comments specific to the section 610 review, and thus were not considered.

The review was undertaken to determine whether the order should be continued without being changed, amended, or rescinded to minimize the impacts on small entities. In conducting this review, AMS considered the following factors: (1) The continued need for the order; (2) the nature of complaints or comments received from the public concerning the order; (3) the complexity of the order; (4) the extent to which the order overlaps, duplicates, or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules; and (5) the length of time since the order has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the order.

The order authorizes the issuance of regulations to limit the shipment of any particular grade, size, quality, maturity or pack of sweet cherries grown in the production area. Regulations may also be issued that fix the size, capacity, weight, dimensions, markings, or pack of the containers used in the packaging or handling of cherries. The order also authorizes the Committee to establish marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of cherries. Finally, the order authorizes collection and dissemination of information for the benefit of the industry.

Current handling regulations issued under the order's authority include minimum grade, size, maturity and pack

regulations, as well as mandatory inspection of the product to ensure that it meets these minimum requirements. These regulations have helped ensure that quality product reaches the consumer, and have thus helped increase and maintain demand for Washington sweet cherries over the past five decades. The compilation and dissemination of statistical information undertaken by the Committee has helped producers and handlers make production and marketing decisions. Funds to administer the order are obtained from assessments levied against all product handled under the order.

Regarding complaints or comments received from the public concerning the order, AMS did not receive any complaints or comments specific to the order in response to the notice of review and request for comments published on June 20, 2007 (72 FR 33918).

Marketing order issues and programs are discussed at public meetings, and all interested persons are allowed to express their views. All comments are considered in the decision making process by the Committee and AMS before any program changes are implemented.

In considering the order's complexity, AMS has determined that the order is not unduly complex.

During the review, the order was also checked for duplication and overlap with other regulations. Except as discussed herein, AMS did not identify any relevant Federal rules, or State and local regulations that duplicate, overlap, or conflict with the order. There is a Washington State commission covering specified tree fruits, including sweet cherries. However, this program—the Washington State Fruit Commission (Commission)—is market-oriented and none of its programs are duplicated by the Federal order. Among other activities, the Commission currently conducts marketing research and development projects, which are authorized—but not currently conducted—under the Federal order.

The order was established in June 1957. During the 50 years the order has been in effect, AMS and the Washington sweet cherry industry have continuously monitored its operations. Changes in regulations have been implemented to reflect current industry operating practices, and to solve marketing problems as they occur. The goal of periodic evaluations is to assure that the order and the regulations implemented under it fit the needs of the industry and are consistent with the Act.

The Committee meets once or twice a year to discuss the order and the various regulations issued thereunder, and to determine if, or what, changes may be necessary to reflect current industry practices. As a result, regulatory changes have been made numerous times over the years to address industry operation changes and to improve program administration. In addition, in 2001, and again in 2005, the Committee made several recommendations to improve quality regulations and program operations through two separate formal amendments of the order. These formal amendment proceedings resulted in several changes being made to the order, including: Increasing the size of the production area to include all of Washington State east of the Cascade Mountain Range; allowing grading and packing of Washington cherries outside the production area; increasing Committee representation by adding a handler member; providing for late payment and interest charges on delinquent assessments; authorizing the establishment of container marking requirements; adding authority for the Committee to accept voluntary contributions for research and promotion; establishing tenure requirements for Committee members; and adding a requirement that continuance referenda be held every 6 years.

Based on the potential benefits of the order to producers, handlers, and consumers, AMS has determined that the Washington sweet cherry marketing order should be continued. The order was established to help the industry work with USDA to solve marketing problems. The order's regulations on grade, size, quality, maturity, and pack continue to be beneficial to producers, handlers, and consumers. AMS will continue to work with the Washington sweet cherry industry in maintaining an effective marketing order program.

Dated: December 10, 2007.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. E7–24203 Filed 12–13–07; 8:45 am]

BILLING CODE 3410–02–P

FEDERAL RESERVE SYSTEM

12 CFR Part 202

[Regulation B; Docket No. R–1281]

Equal Credit Opportunity

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; technical amendment.

SUMMARY: The Board is revising the official staff commentary to Regulation B, which implements the Equal Credit Opportunity Act, to clarify an amendment published on November 9, 2007. The clarification and the earlier amendment relate to the electronic delivery of disclosures under Regulation B.

DATES: The amendment is effective January 14, 2008. The mandatory compliance date is October 1, 2008.

FOR FURTHER INFORMATION CONTACT: John C. Wood, Counsel, Division of Consumer and Community Affairs, at (202) 452–2412 or (202) 452–3667. For users of Telecommunications Device for the Deaf (TDD) only, contact (202) 263–4869.

SUPPLEMENTARY INFORMATION:

I. Background

The Equal Credit Opportunity Act (ECOA), 15 U.S.C. 1691 *et seq.*, makes it unlawful for creditors to discriminate in any aspect of a credit transaction on the basis of sex, race, color, religion, national origin, marital status, or age (provided the applicant has the capacity to contract), because all or part of an applicant's income derives from public assistance, or because an applicant has in good faith exercised any right under the Consumer Credit Protection Act. The Board's Regulation B (12 CFR part 202) implements the ECOA. The ECOA and Regulation B require certain disclosures to be provided to applicants, and some of those disclosures must be provided in writing.

The Electronic Signatures in Global and National Commerce Act (the E-Sign Act), 15 U.S.C. 7001 *et seq.*, was enacted in 2000. The E-Sign Act provides that electronic documents and electronic signatures have the same validity as paper documents and handwritten signatures. The E-Sign Act contains special rules for the use of electronic disclosures in consumer transactions. Under the E-Sign Act, consumer disclosures required by other laws or regulations to be provided or made available in writing may be provided or made available, as applicable, in electronic form if the consumer affirmatively consents after receiving a notice that contains certain information specified in the statute, and if certain other conditions are met.

Recently the Board published amendments to Regulation B and the official staff commentary to the regulation to provide guidance on the use of electronic disclosures, consistent

with the E-Sign Act (72 FR 63,445, November 9, 2007). The amendments take effect on a mandatory basis on October 1, 2008. The Board has received questions about one aspect of the official staff commentary accompanying the November 2007 amendments to Regulation B. The Board is now issuing this clarification to the staff commentary to address the questions raised.

II. The November 2007 Final Rule

Under the Board's November 2007 final rule, creditors may provide certain disclosures required by Regulation B in electronic form without obtaining the consumer's consent pursuant to the E-Sign Act. These include the disclosures required in some circumstances to accompany a credit application (set forth in §§ 202.5, 202.13, and 202.14). Many creditors that commented on the Board's proposed rules, which were published for comment in April 2007, urged that they be permitted to provide these disclosures in paper form in appropriate cases, even when the application is accessed by the consumer electronically. They noted that a consumer or creditor's employee might complete an electronic application by entering information at a terminal or kiosk located in the creditor's office and that paper disclosures would be more appropriate in such cases. In response to the commenters' concerns, the November 2007 final rule states that if an application is accessed by the consumer in electronic form, the required application-related disclosures may (rather than must) be provided in electronic form on or with the application. *See* 12 CFR 202.4(d)(2).

Because the regulation allows disclosures to be given in either paper or electronic form when consumers access an application electronically, the Board also revised the commentary to Regulation B to provide examples of how creditors can satisfy the requirement that the disclosures be ''on or with'' the application in particular circumstances. As revised, the commentary reflects that where a consumer accesses and submits an application form using a home computer via the creditor's Web site, the creditor must provide the disclosures electronically with the application form on the Web site to provide disclosures in a timely manner on or with the application. If the creditor instead mailed paper disclosures to the consumer, the disclosures would not be timely and would not be provided on or with the application. In contrast, if a consumer is physically present in the creditor's office, and accesses and submits an electronic application—such as via a terminal or kiosk—the revised commentary notes that the creditor could use paper disclosures to comply with the timing and delivery requirements of the regulation (''on or with''). *See* comment 4(d)–2. For example, a loan officer could give the disclosures to the consumer in paper form, or in the case of an unattended kiosk, the kiosk could have a printer and provide paper disclosures.

III. Revisions to the Staff Commentary

Following publication of the November 2007 final rule, questions have been raised about other situations where creditors could provide paper disclosures in a timely manner to consumers accessing a credit application electronically, even though the consumers are not physically present in the creditor's office. For example, consumers might access a credit application using an electronic terminal or kiosk on the premises of the creditor's affiliate or a third party (such as a retail store) that has arranged with the creditor to provide applications to consumers. In these cases, consumers could receive paper disclosures with the credit application in the same manner as in the creditor's own office. This is consistent with the revised regulation and the Board's intent in issuing the November 2007 final rule. Accordingly, the Board is revising comment 4(d)–2 to clarify that these are additional examples where paper disclosures would satisfy the rule's requirements for providing disclosures ''on or with'' the application.

The Board is issuing this commentary revision in final form. Under the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*, publication of a notice of proposed rulemaking is not required for interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice. 5 U.S.C. 553(b)(A). In this case, the Board has determined that the public notice and comment provisions do not apply to this rulemaking because the revisions are interpretative rules. The commentary revision does not establish new regulatory requirements and merely clarifies, through additional examples, how creditors can meet the existing requirement for providing disclosures ''on or with'' applications in particular circumstances. Moreover, the commentary revision provides creditors with an expanded safe harbor for complying with the rule by allowing them to use either paper or electronic disclosures in the circumstances described, consistent with the public comments previously received by the Board. The changes, therefore, meet the requirements for exemption from notice and comment in 5 U.S.C. 553(b)(A).

List of Subjects in 12 CFR Part 202

Aged, Banks, Banking, Civil rights, Credit, Federal Reserve System, Marital status discrimination, Penalties, Religious discrimination, Reporting and recordkeeping requirements, Sex discrimination.

■ For the reasons set forth in the preamble, the Board amends the Official Staff Commentary to Regulation B, 12 CFR part 202, as set forth below:

PART 202—EQUAL CREDIT OPPORTUNITY (REGULATION B)

■ 1. The authority citation for part 202 continues to read as follows:

Authority: 15 U.S.C. 1691–1691f.

■ 2. In Supplement I to part 202, in *Section 202.4—General Rules*, under *Paragraph (4)(d)*, paragraph 2 is revised, to read as follows:

SUPPLEMENT I TO PART 202—OFFICIAL STAFF INTERPRETATIONS

* * * * *

Section 202.4 General Rules

* * * * *

Paragraph (4)(d).

* * * * *

2. *Form of disclosures.* Whether the disclosures required to be on or with an application must be in electronic form depends upon the following:

i. If an applicant accesses a credit application electronically (other than as described under ii below), such as online at a home computer, the creditor must provide the disclosures in electronic form (such as with the application form on its website) in order to meet the requirement to provide disclosures in a timely manner on or with the application. If the creditor instead mailed paper disclosures to the applicant, this requirement would not be met.

ii. In contrast, if an applicant is physically present in the creditor's office, and accesses a credit application electronically, such as via a terminal or kiosk (or if the applicant uses a terminal or kiosk located on the premises of an affiliate or third party that has arranged with the creditor to provide applications to consumers), the creditor may provide disclosures in either electronic or paper form, provided the creditor complies with the timing, delivery, and retainability requirements of the regulation.

* * * * *

By order of the Board of Governors of the Federal Reserve System, acting through the Director of the Division of Consumer and Community Affairs under delegated authority, December 11, 2007.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. E7–24221 Filed 12–13–07; 8:45 am]

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FEDERAL RESERVE SYSTEM

12 CFR Part 226

[Regulation Z; Docket No. R–1284]

Truth in Lending

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; technical amendment.

SUMMARY: The Board is revising the official staff commentary to Regulation Z, which implements the Truth in Lending Act, to clarify an amendment published on November 9, 2007. The clarification and the earlier amendment relate to the electronic delivery of disclosures under Regulation Z.

DATES: The amendment is effective January 14, 2008. The mandatory compliance date is October 1, 2008.

FOR FURTHER INFORMATION CONTACT: John C. Wood, Counsel, Division of Consumer and Community Affairs, at (202) 452–2412 or (202) 452–3667. For users of Telecommunications Device for the Deaf (TDD) only, contact (202) 263–4869.

SUPPLEMENTARY INFORMATION:

I. Background

The purpose of the Truth in Lending Act (TILA), 15 U.S.C. 1601 *et seq.,* is to promote the informed use of consumer credit by requiring disclosures about its terms and cost. The Board's Regulation Z (12 CFR part 226) implements the act. The act requires creditors to disclose the cost of credit as a dollar amount (the finance charge) and as an annual percentage rate (the APR). Uniformity in creditors' disclosures is intended to promote the informed use of credit and assist in shopping for credit. TILA requires additional disclosures for loans secured by consumers' homes and permits consumers to rescind certain transactions that involve their principal dwellings. TILA and Regulation Z require a number of disclosures to be provided in writing.

The Electronic Signatures in Global and National Commerce Act (the E–Sign Act), 15 U.S.C. 7001 *et seq.*, was enacted in 2000. The E–Sign Act provides that electronic documents and electronic signatures have the same validity as paper documents and handwritten signatures. The E–Sign Act contains special rules for the use of electronic disclosures in consumer transactions. Under the E–Sign Act, consumer disclosures required by other laws or regulations to be provided or made available in writing may be provided or made available, as applicable, in electronic form if the consumer affirmatively consents after receiving a notice that contains certain information specified in the statute, and if certain other conditions are met.

Recently the Board published amendments to Regulation Z and the official staff commentary to the regulation to provide guidance on the use of electronic disclosures, consistent with the E–Sign Act (72 FR 63,462, November 9, 2007). The amendments take effect on a mandatory basis on October 1, 2008. The Board has received questions about one aspect of the official staff commentary accompanying the November 2007 amendments to Regulation Z. The Board is now issuing this clarification to the staff commentary to address the questions raised.

II. The November 2007 Final Rule

Under the Board's November 2007 final rule, creditors may provide certain shopping or advertising disclosures required by Regulation Z in electronic form without obtaining the consumer's consent pursuant to the E–Sign Act. These include the disclosures required to be provided on or with credit card applications and solicitations (§ 226.5a) and applications for home-equity lines of credit (§ 226.5b). Also included are the disclosures that must be provided when an application is provided to the consumer for certain adjustable rate mortgage (ARM) loans (§ 226.19(b)). Many creditors that commented on the Board's proposed rules, which were published for comment in April 2007, urged that they be permitted to provide these disclosures in paper form in appropriate cases, even when the application or solicitation is accessed by the consumer electronically. They noted that a consumer or creditor's employee might complete an electronic application by entering information at a terminal or kiosk located in the creditor's office and that paper disclosures would be more appropriate in such cases. In response to the commenters' concerns, the November 2007 final rule states that if an application or solicitation is accessed by the consumer in electronic form, the required application or solicitation disclosures may (rather than must) be provided in electronic form on or with the application or solicitation. *See* 12 CFR 226.5a(a)(2)(v), 226.5b(a)(3), and 226.19(c).

Because the regulation allows disclosures to be given in either paper or electronic form when consumers access an application or solicitation electronically, the Board also revised the commentary to Regulation Z to provide examples of how creditors can satisfy the requirement that the disclosures be ''on or with'' the application or solicitation in particular circumstances. As revised, the commentary reflects that where a consumer accesses and submits an application form using a home computer via the creditor's Web site, the creditor must provide the disclosures electronically with the application form on the Web site to provide disclosures in a timely manner on or with the application. If the creditor instead mailed paper disclosures to the consumer, the disclosures would not be timely and would not be provided on or with the application. In contrast, if a consumer is physically present in the creditor's office, and accesses and submits an electronic application—such as via a terminal or kiosk—the revised commentary notes that the creditor could use paper disclosures to comply with the timing and delivery requirements of the regulation (''on or with''). *See* comments 5a(a)(2)–9, 5b(a)(3)–1, and 19(c)–1. For example, a loan officer could give the disclosures to the consumer in paper form, or in the case of an unattended kiosk, the kiosk could have a printer and provide paper disclosures.

III. Revisions to the Staff Commentary

Following publication of the November 2007 final rule, questions have been raised about other situations where creditors could provide paper disclosures in a timely manner to consumers accessing a credit application electronically, even though the consumers are not physically present in the creditor's office. For example, consumers might access a credit application using an electronic terminal or kiosk on the premises of the creditor's affiliate or a third party (such as a retail store) that has arranged with the creditor to provide applications to consumers. In these cases, consumers could receive paper disclosures with the credit application in the same manner as in the creditor's own office. This is consistent with the revised regulation and the Board's intent in issuing the November 2007 final rule. Accordingly, the Board is revising comments 5a(a)(2)–9, 5b(a)(3)–1, and 19(c)–1, to clarify that these are additional examples where paper disclosures would satisfy the rule's requirements for providing disclosures ''on or with'' the application.

The Board is issuing this commentary revision in final form. Under the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*, publication of a notice of proposed rulemaking is not required for interpretative rules, general statements

of policy, or rules of agency organization, procedure, or practice. 5 U.S.C. 553(b)(A). In this case, the Board has determined that the public notice and comment provisions do not apply to this rulemaking because the revisions are interpretative rules. The commentary revision does not establish new regulatory requirements and merely clarifies, through additional examples, how creditors can meet the existing requirement for providing disclosures ''on or with'' applications and solicitations in particular circumstances. Moreover, the commentary revision provides creditors with an expanded safe harbor for complying with the rule by allowing them to use either paper or electronic disclosures in the circumstances described, consistent with the public comments previously received by the Board. The changes, therefore, meet the requirements for exemption from notice and comment in 5 U.S.C. 553(b)(A).

List of Subjects in 12 CFR Part 226

Advertising, Federal Reserve System, Mortgages, Reporting and recordkeeping requirements, Truth in Lending.

■ For the reasons set forth in the preamble, the Board amends the Official Staff Commentary to Regulation Z, 12 CFR part 226, as set forth below:

PART 226—TRUTH IN LENDING (REGULATION Z)

■ 1. The authority citation for part 226 continues to read as follows:

Authority: 12 U.S.C. 3806; 15 U.S.C. 1604 and 1637(c)(5).

■ 2. In Supplement I to part 226, the following amendments are made:
■ a. In *Section 226.5a—Credit and Charge Card Applications and Solicitations,* under *5a(a)(2) Form of Disclosures,* paragraph 9. is revised.
■ b. In *Section 226.5b—Requirements for Home Equity Plans,* under *5b(a) Form of Disclosures,* under *Paragraph 5b(a)(3)*, paragraph 1. is revised.
■ c. In *Section 226.19—Certain Residential Mortgage and Variable-Rate Transactions,* under *19(c) Electronic disclosures,* paragraph 1. is revised.

The amendments read as follows:

SUPPLEMENT I TO PART 226—OFFICIAL STAFF INTERPRETATIONS

* * * * *

Subpart B—Open-End Credit

* * * * *

Section 226.5a Credit and Charge Card Applications and Solicitations

* * * * *

5a(a) General rules.

5a(a)(2) Form of disclosures.

* * * * *

9. *Form of disclosures.* Whether disclosures must be in electronic form depends upon the following:

i. If a consumer accesses a credit card application or solicitation electronically (other than as described under ii. below), such as online at a home computer, the card issuer must provide the disclosures in electronic form (such as with the application or solicitation on its Web site) in order to meet the requirement to provide disclosures in a timely manner on or with the application or solicitation. If the issuer instead mailed paper disclosures to the consumer, this requirement would not be met.

ii. In contrast, if a consumer is physically present in the card issuer's office, and accesses a credit card application or solicitation electronically, such as via a terminal or kiosk (or if the consumer uses a terminal or kiosk located on the premises of an affiliate or third party that has arranged with the card issuer to provide applications or solicitations to consumers), the issuer may provide disclosures in either electronic or paper form, provided the issuer complies with the timing and delivery (''on or with'') requirements of the regulation.

* * * * *

Section 226.5b Requirements for Home Equity Plans

* * * * *

5b(a) Form of disclosures.

* * * * *

Paragraph 5b(a)(3)

1. *Form of disclosures.* Whether disclosures must be in electronic form depends upon the following:

i. If a consumer accesses a home equity credit line application electronically (other than as described under ii. below), such as online at a home computer, the creditor must provide the disclosures in electronic form (such as with the application form on its Web site) in order to meet the requirement to provide disclosures in a timely manner on or with the application. If the creditor instead mailed paper disclosures to the consumer, this requirement would not be met.

ii. In contrast, if a consumer is physically present in the creditor's office, and accesses a home equity credit line application electronically, such as via a terminal or kiosk (or if the consumer uses a terminal or kiosk located on the premises of an affiliate or third party that has arranged with the creditor to provide applications to consumers), the creditor may provide disclosures in either electronic or paper form, provided the creditor complies with the timing, delivery, and retainability requirements of the regulation.

* * * * *

Subpart C—Closed-end Credit

* * * * *

Section 226.19 Certain Residential Mortgage and Variable-Rate Transactions

* * * * *

19(c) Electronic disclosures.

1. *Form of disclosures.* Whether disclosures must be in electronic form depends upon the following:

i. If a consumer accesses an ARM loan application electronically (other than as described under ii. below), such as online at a home computer, the creditor must provide the disclosures in electronic form (such as with the application form on its Web site) in order to meet the requirement to provide disclosures in a timely manner on or with the application. If the creditor instead mailed paper disclosures to the consumer, this requirement would not be met.

ii. In contrast, if a consumer is physically present in the creditor's office, and accesses an ARM loan application electronically, such as via a terminal or kiosk (or if the consumer uses a terminal or kiosk located on the premises of an affiliate or third party that has arranged with the creditor to provide applications to consumers), the creditor may provide disclosures in either electronic or paper form, provided the creditor complies with the timing, delivery, and retainability requirements of the regulation.

* * * * *

By order of the Board of Governors of the Federal Reserve System, acting through the Director of the Division of Consumer and Community Affairs under delegated authority, December 11, 2007.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. E7–24222 Filed 12–13–07; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2007–28778; Airspace Docket No. 07–AGL–6]

Establishment of Class E5 Airspace; Prairie Du Sac, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes a Class E airspace area extending upward from 700 feet above the surface at Prairie Du Sac, WI. The effect of this rule is to provide appropriate controlled Class E airspace for aircraft departing from and executing instrument approach procedures to Sauk-Prairie Airport, Prairie du Sac, WI and to segregate aircraft using instrument approach procedures in instrument conditions from aircraft operating in visual conditions.

DATES: *Effective Date:* 0901 UTC, February 14, 2008. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Grant Nichols, System Support, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2522.

SUPPLEMENTARY INFORMATION:

History

On Friday, September 7, 2007, the FAA published in the **Federal Register** (72 FR 51391) a Notice of Proposed Rulemaking to amend Title 14 Code of Federal Regulations (14 CFR) part 71 by establishing class E airspace at Prairie Du Sac, WI. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

The Rule

This rule amends Title 14 Code of Federal Regulations (14 CFR) part 71 by establishing a Class E airspace area extending upward from 700 feet above the surface at Sauk-Prairie Airport, Prairie du Sac, WI. The establishment of Area Navigation (RNAV) Global Positioning System (GPS) Instrument Approach Procedures (IAP) have made this action necessary. The intended effect of this action is to provide adequate controlled airspace for Instrument Flight Rules operations at Sauk-Prairie Airport, Prairie Du Sac, WI. The area will be depicted on appropriate aeronautical charts.

Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 7400.9R, Airspace Designations and Reporting Points, signed August 15, 2007, and effective September 15, 2007, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

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

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charge with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority since it contains aircraft executing instrument approach procedures to Saul-Prairie Airport, Prairie Du Sac, WI.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

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

■ 1. The authority citation for 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, signed August 15, 2007, and effective September 15, 2007, is amended as follows:

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

* * * * *

AGL WI E5 Prairie Du Sac, WI [New]

Sauk-Prairie Airport, Prairie Du Sac, WI
(Lat. 43°17′52″ N., long. 89°45′21″ W.)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Sauk-Prairie Airport, Prairie Du Sac, WI.

* * * * *

Issued in Fort Worth, TX on December 4, 2007.

Rick Farrell,

Acting Team Manager, System Support Group, ATO Central Service Center.

[FR Doc. 07–6038 Filed 12–13–07; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[Docket No. TD 9366]

RIN 1545–BG38

Notification Requirement for Tax-Exempt Entities Not Currently Required To File; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to temporary regulations.

SUMMARY: This document contains corrections to temporary regulations (TD 9366) that were published in the **Federal Register** on Thursday, November 15, 2007 (72 FR 64147) describing the time and manner in which certain tax-exempt organizations not currently required to file an annual information return under section 6033(a)(1) are required to submit an annual electronic notice including certain information required by section 6033(i)(1)(A) through (F).

DATES: The correction is effective December 14, 2007.

FOR FURTHER INFORMATION CONTACT: Monice Rosenbaum at (202) 622–6070 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The temporary regulations (TD 9366) that are the subject of this correction are under section 6033 of the Internal Revenue Code.

Need for Correction

As published, the temporary regulations (TD 9366) contain errors that may prove to be misleading and are in need of clarification.

Correction of Publication

■ Accordingly, the publication of the temporary regulations (TD 9366), which was the subject of FR Doc. E7–22299, is corrected as follows:

■ 1. On page 64148, column 3, in the preamble, the language of the paragraph heading *''Form 990–N, Electronic Notification (e-Postcard) For Tax-Exempt Organizations Not Required to File Form 990 or 990–EZ''* is corrected to read *''Form 990–N, Electronic Notice (e-Postcard) For Tax-Exempt Organizations Not Required to File Form 990 of 990–EZ''*.

■ 2. On page 64148, column 3, in the preamble, under the paragraph heading *''Form 990–N, Electronic Notice (e-Postcard) For Tax-Exempt Organizations Not Required to File Form 990 or 990–EZ''*, first line of the third paragraph of the column, the language ''Form 990–N, ''Electronic Notification'' is corrected to read '' Form 990–N, ''Electronic Notice''.

■ 3. On page 64149, column 1, in the preamble, under the paragraph heading ''*Organizations Required To File Returns or Submit Electronic Notice'',* line 5 of the second paragraph of the column, the language ''an organization exemption from'' is corrected to read ''an organization exempt from''.

LaNita Van Dyke,

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

[FR Doc. 07–6044 Filed 12–13–07; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9366]

RIN 1545–BG38

Notification Requirement for Tax-Exempt Entities Not Currently Required To File; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendment.

SUMMARY: This document contains a correction to temporary regulations (TD 9366) that were published in the **Federal Register** on Thursday, November 15, 2007 (72 FR 64147) describing the time and manner in which certain tax-exempt organizations not currently required to file an annual information return under section 6033(a)(1) are required to submit an annual electronic notice including certain information required by section 6033(i)(1)(A) through (F).

DATES: The correction is effective December 14, 2007.

FOR FURTHER INFORMATION CONTACT: Monice Rosenbaum at (202) 622–6070 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The temporary regulations (TD 9366) that are the subject of this correction are under section 6033 of the Internal Revenue Code.

Need for Correction

As published, the temporary regulations (TD 9366) contain an error that may prove to be misleading and is in need of clarification.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Correction of Publication

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

PART 1—INCOME TAXES

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

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

■ **Par. 2.** Section 1.6033–6T is amended by revising paragraph (b)(2)(vi) to read as follows:

§ 1.6033–6T Notification requirement for entities not required to file an annual information return under section 6033(a)(1) (taxable years beginning after December 31, 2006).

* * * * *

(b) * * *

(2) * * *

(vi) An organization described in section 501(c)(1); or

* * * * *

LaNita Van Dyke,

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

[FR Doc. E7–24114 Filed 12–13–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. OSHA–2007–0040]

RIN 1218–AC08

Updating OSHA Standards Based on National Consensus Standards

AGENCY: Occupational Safety and Health Administration (OSHA); Department of Labor.

ACTION: Direct final rule.

SUMMARY: In this direct final rule, the Agency is removing several references to consensus standards that have requirements that duplicate, or are comparable to, other OSHA rules; this action includes correcting a paragraph citation in one of these OSHA rules. The Agency also is removing a reference to American Welding Society standard A3.0–1969 (''Terms and Definitions'') in its general-industry welding standards. This rulemaking is a continuation of OSHA's ongoing effort to update references to consensus and industry standards used throughout its rules.

DATES: This direct final rule will become effective on March 13, 2008 unless significant adverse comment is received by January 14, 2008.

Comments to this direct final rule (including comments to the information-collection (paperwork) determination described under the section titled **SUPPLEMENTARY INFORMATION** of this notice), hearing requests, and other information must be submitted by January 14, 2008. All submissions must bear a postmark or provide other evidence of the submission date. (See the following section titled **ADDRESSES** for methods you can use in making submissions.)

ADDRESSES: Comments and hearing requests may be submitted as follows:

• *Electronic.* Comments may be submitted electronically to *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

• *Facsimile.* OSHA allows facsimile transmission of comments and hearing requests that are 10 pages or fewer in length (including attachments). Send these documents to the OSHA Docket Office at (202) 693–1648; hard copies of these documents are not required. Instead of transmitting facsimile copies of attachments that supplement these documents (e.g., studies, journal articles), commenters must submit these attachments, in triplicate hard copy, to the OSHA Docket Office, Technical Data Center, Room N–2625, OSHA, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, DC 20210. These attachments must clearly identify the sender's name, date, subject, and docket number (i.e., OSHA–2007–0040) so that the Agency can attach them to the appropriate document.

• *Regular mail, express delivery, hand (courier) delivery, and messenger service.* Submit three copies of comments and any additional material (e.g., studies, journal articles) to the OSHA Docket Office, Docket No. OSHA–2007–0040 or RIN No. 1218–AC08, Technical Data Center, Room N–2625, OSHA, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, DC 20210; telephone: (202) 693–2350. (OSHA's TTY number is (877) 889–5627.) Note that security-related problems may result in significant delays in receiving comments and other written materials by regular mail. Please contact the OSHA Docket Office for information about security procedures concerning delivery of materials by express delivery, hand delivery, and messenger service. The hours of operation for the OSHA Docket Office are 8:15 a.m. to 4:45 p.m., e.t.

• *Instructions.* All submissions must include the Agency name and the OSHA docket number (i.e., OSHA Docket No. OSHA–2007–0040). Comments and other material, including any personal information, are placed in the public docket without revision, and will be available online at *http://www.regulations.gov.* Therefore, the Agency cautions commenters about submitting statements they do not want made available to the public, or submitting comments that contain personal information (either about themselves or others) such as social security numbers, birth dates, and medical data.

OSHA requests comments on all issues related to this direct final rule. It also welcomes comments on its findings that there would be no negative economic, paperwork, or other regulatory impacts of this direct final rule on the regulated community. If OSHA receives no significant adverse comment, it will publish a **Federal Register** document confirming the effective date of this direct final rule and withdrawing the companion proposed rule. Such confirmation may include minor stylistic or technical corrections to the document. For the purpose of judicial review, OSHA views the date of confirmation of the effective date of this direct final rule as the date of issuance. However, if OSHA receives significant adverse comment on this direct final rule, it will publish a timely withdrawal of this rule and proceed with the proposed rule addressing the same standards published in the ''Proposed Rules'' section of today's **Federal Register**.

• *Docket.* To read or download comments or other material in the docket, go to *http://www.regulations.gov* or to the OSHA Docket Office at the address above. Documents in the docket are listed in the *http://www.regulations.gov* index; however, some information (e.g., copyrighted material) is not publicly available to read or download through this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions.

FOR FURTHER INFORMATION CONTACT: For general information and press inquiries contact Mr. Kevin Ropp, Director, OSHA Office of Communications, Room N–3647, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693–1999. For technical inquiries, contact Ted Twardowski, Office of Safety Systems, Directorate of Standards and Guidance, Room N–3609, OSHA, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693–2070; fax: (202) 693–1663. Copies of this **Federal Register** notice are available from the OSHA Office of Publications, Room N–3101, U.S. Department of Labor, 200 Constitution Avenue, NW. Washington, DC 20210; telephone (202) 693–1888. Electronic copies of this **Federal Register** notice, as well as news releases and other relevant documents, are available at OSHA's Web page at *http://www.osha.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Direct Final Rulemaking

An agency uses direct final rulemaking when it anticipates that a rule will be non-controversial. Examples include minor substantive revisions to regulations and direct incorporations of mandates from new legislation, and, as in this rulemaking, eliminating references to industry or consensus standards. In direct final rulemaking, the agency will publish the direct final rule in the **Federal Register**, along with an identical proposed rule. The **Federal Register** notice states that the direct final rule will go into effect unless it receives a significant adverse comment within a specified period. If the agency receives any significant adverse comments, it withdraws the direct final rule and treats the comments as responses to the proposed rule.

For purposes of this direct final rule, a significant adverse comment is one that explains why the various amendments being made to OSHA's standards would be inappropriate. In determining whether a comment necessitates withdrawal of the direct final rule, the Agency will consider whether the comment raises an issue serious enough to warrant a substantive response in a notice-and-comment process. OSHA will not consider a comment recommending additional amendments to be a significant adverse comment unless the comment states why the direct final rule would be ineffective without the addition. If timely significant adverse comments are received, OSHA will publish a notice of significant adverse comment in the **Federal Register** withdrawing this direct final rule no later than March 13, 2008.

OSHA also is publishing a companion proposed rule along with this direct final rule. In the event OSHA withdraws the direct final rule because of significant adverse comment, the Agency will proceed with the rulemaking by addressing the comment and publishing a new final rule. If

OSHA receives a significant adverse comment regarding some actions taken in this direct final rule, but not others, it may (1) finalize those actions that did not receive significant adverse comment, and (2) conduct further rulemaking under the companion proposed rule for the actions that received significant adverse comment. The comment period for the proposed rule runs concurrently with that of the direct final rule. Any comments received under the companion proposed rule will be treated as comments regarding the direct final rule. Likewise, significant adverse comments submitted to the direct final rule will be considered as comments to the companion proposed rule; the Agency will consider such comments in developing a subsequent final rule.

OSHA determined that the subject of this rulemaking is suitable for direct final rulemaking. First, OSHA's amendments to the standards do not compromise the safety of employees. As described below, these amendments will eliminate confusion and clarify employer obligations. Second, the amendments will not alter employers' substantive obligations under the existing OSHA standards and, therefore, will not result in additional costs to employers. For these reasons, OSHA does not anticipate receiving objections from the public.

II. Background

As discussed in a previous **Federal Register** notice (69 FR 68283), the Agency is undertaking a long-term project to update its standards to reflect the latest versions of consensus and industry standards. This project includes updating or revoking consensus standards incorporated by reference, and updating regulatory text of current rules that OSHA adopted directly from the language of outdated consensus and industry standards.

This long-term project also includes updating a number of OSHA standards adopted in part from outdated consensus standards, such as rulemakings to update 29 CFR part 1910, subpart S (''Electrical''), 29 CFR part 1926, subpart V (''Electric Power Transmission, and Distribution''), 29 CFR 1910.109 (''Explosives and Blasting Agents''), and 29 CFR part 1910, subpart D (''Walking-Working Surfaces'').

In this direct final rule, which is another step in this long-term project, the Agency is performing two main actions. First, it is removing a number of references to outdated consensus standards that have requirements that duplicate, or are comparable to, the requirements specified by other OSHA rules. The Agency believes these references are unnecessary, and only confuse employers about their compliance obligations. Second, the Agency is removing a reference to American Welding Society (''AWS'') standard A3.0–1969 (''Terms and Definitions'') in OSHA's general-industry welding standards. These actions are described more fully below.

III. Discussion of the Rulemaking

A. Removing or Replacing References to ''Duplicative'' Consensus Standards

In this direct final rule, the Agency is removing from its standards references to consensus standards that duplicate, or are comparable to, requirements found in other OSHA rules. For example, OSHA's standard regulating manlifts requires guardrails with toeboards to meet the requirements of ANSI 12.1–1967 (Safety Requirements for Floor and Wall Openings, Railings, and Toeboards). The provisions of this ANSI standard, however, are identical to the requirements found in 29 CFR 1910.23. Therefore, it is unnecessary for employers and employees to refer to the ANSI standard—which is 40 years old and difficult to obtain—when they could refer instead to another OSHA standard for the applicable requirements.

Some of these ''duplicative'' references are also incorporated into the OSHA standards as non-mandatory sources of information, rather than mandatory requirements. For example, the provisions of OSHA's ventilation standard (29 CFR 1910.94) specify requirements for spray-finishing operations. See 29 CFR 1910.94(c). Some of these provisions cross-reference requirements in 29 CFR 1910.107 relating to spray-finishing and flammable and combustible liquids; they also include a non-mandatory reference to sections of a 1969 National Fire Protection Association (NFPA) standard for ''Spray Finishing Using Flammable and Combustible Materials.'' Paragraph (c)(1)(ii) of the OSHA's ventilation standard, for instance, states:

> *Spray booth.* Spray booths are defined and described in § 1910.107(a). (See sections 103, 104, and 105 of the Standard for Spray Finishing Using Flammable and Combustible Materials, NFPA No. 33–1969, which is incorporated by reference as specified in § 1910.6).

The requirements in 29 CFR 1910.107(a) and Sections 103, 104, and 105 of NFPA No. 33–1969 are essentially identical. NFPA No. 33–1969 was the source standard for 29 CFR 1910.107, and OSHA referenced it to provide employers with additional, but non-mandatory, information on spray-finishing operations. As the OSHA requirements and the NFPA provisions are virtually identical, and because the reference to the NFPA standard is non-mandatory, it is unnecessary to reference the NFPA provisions in the OSHA standard.

Retaining ''duplicative'' references is unnecessary, and may confuse the regulated community. In determining compliance obligations in OSHA standards that contain references to consensus standards, employers and employees must carefully examine the consensus standards to identify relevant provisions. Many of these consensus standards are difficult to locate. A number are over 30 years old, and, consequently, are no longer available for direct purchase from the standards-development organizations that issued them. For example, employers must submit a special request to the NFPA library to obtain a copy of NFPA No. 33–1969 (mentioned in the previous paragraph), while ANSI Z48.1–54 and Z48–54 (R 70), which address marking portable compressed-gas cylinders, are no longer available from ANSI and must be obtained from other vendors. While consensus standards incorporated by reference in OSHA standards are available for inspection at the Agency's docket office in Washington, DC, its regional offices, and the National Archives and Records Administration, these venues are not convenient for many employers and employees. Referencing these outdated consensus standards places an unnecessary burden on employers and employees when comparable provisions are readily accessible in other OSHA standards that will enable them to ascertain compliance obligations.

Through this rulemaking, the Agency is removing references to the ''duplicative'' consensus standards altogether, or replacing them with cross-references to the existing OSHA standards that have requirements that are essentially identical to the consensus standards. Table 1 below lists: the OSHA standards that reference the consensus standards; the designations and titles of the consensus standards referenced by these OSHA standards and the OSHA standards that are comparable to the consensus standards; the action the Agency is taking in this direct final rulemaking (e.g., removing the consensus standard); and any comments about this action.

TABLE 1

OSHA standards	Reference consensus standards and comparable OSHA standards	Action taken	Comment
1910.68(b)(4) and (b)(8)(ii)	ANSI A12.1–1967—Safety Requirements for Floor and Wall Openings, Railings, and Toeboards. 1910.23.	Remove the reference to the ANSI standard in both OSHA standards.	The provisions in the OSHA standard and the consensus standard are identical.
1910.94(b)(5)(i)(a)	ANSI B7.1–1970—Safety Code for the Use, Care, and Protection of Abrasive Wheels (Tables 5 and 6 contain structural-strength specifications for hoods).	Remove the reference to the ANSI standard and replace it with a cite to 1910.215, Tables O–1 and O–9.	The provisions in the OSHA standard and the consensus standard are identical.
1910.94(c)(1)(ii)	NFPA No. 33–1969—Standard for Spray Finishing Using Flammable and Combustible Materials (Sections 103, 104, and 105). 1910.107(a).	Remove the reference to the NFPA standard.	The provisions in the OSHA standard and the consensus standard are identical. In addition, the reference to the consensus standard is non-mandatory.
1910.94(c)(3)(i)	NFPA No. 33–196—Standard for Spray Finishing Using Flammable and Combustible Materials (Sections 301–304, 306–310). 1910.107(b)(1)–(b)(4) and (b)(6)–(b)(10).	Remove the reference to the NFPA standard.	Except for section 301 of the NFPA standard, the provisions in the OSHA standard and the NFPA standard are identical. Section 301 of the NFPA standard specifies that spray booths constructed of steel must use steel that is at least No. 18 gauge U.S., while 1910.107(b)(1) contains no such provision. However, both the OSHA standard and the NFPA standard require that spray booths be ''substantially constructed'' of steel. OSHA notes it is the usual and customary practice in the industry to use steel that is at least this thick. In addition, the reference to the consensus standard is non-mandatory.
1910.94(c)(3)(i)(a)	NFPA No. 33–1969—Standard for Spray Finishing Using Flammable and Combustible Materials (Section 310 and Chapter 4). 1910.107(b)(10) and (c).	Remove the reference to the NFPA standard.	Except for a few minor differences between the provisions of Chapter 4 of the NFPA standard and the comparable OSHA standard, the provisions in the OSHA standard and the consensus standard are identical. In addition, the reference to the consensus standard is non-mandatory.
1910.94(c)(3)(iii)	NFPA No. 33–1969—Standard for Spray Finishing Using Flammable and Combustible Materials (Sections 304 and 305). 1910.107(b)(4) and (b)(5).	Remove the reference to the NFPA standard.	The provisions in the OSHA standard and the consensus standard are identical. In addition, the reference to the consensus standard is non-mandatory.
1910.94(c)(3)(iii)(a)	NFPA No. 33–1969—Standard for Spray Finishing Using Flammable and Combustible Materials (Section 305). 1910.107(b)(5).	Remove the reference to the NFPA standard.	The provisions in the OSHA standard and the consensus standard are identical. In addition, the reference to the consensus standard is non-mandatory.
1910.94(c)(5)(i)	NFPA No. 33–1969—Standard for Spray Finishing Using Flammable and Combustible Materials (Chapter 5). 1910.107(d).	Remove the reference to the NFPA standard.	The provisions in the OSHA standard and the consensus standard are identical. In addition, the reference to the consensus standard is non-mandatory.

TABLE 1—Continued

OSHA standards	Reference consensus standards and comparable OSHA standards	Action taken	Comment
1910.94(c)(5)(iii)(e)	ANSI Z9.1–1951—Safety Code for Ventilation and Operation of Open Surface Tanks (Section 8.3.21). 1910.94(c)(5)(iii)(e).	Remove the reference to the ANSI standard.	OSHA could find no Section 8.3.21 in the ANSI standard and, therefore, is removing the non-mandatory reference to ANSI Z9.1–1951 from 1910.94(c)(5)(iii)(e).
1910.103(b)(1)(i)(c), .110(b)(5)(iii), and .111(e)(1).	ANSI Z48.1–1954—Method of Marking Portable Compressed Gas Containers to Identify the Material Contained (Section 3 specifies the means for marking gas cylinders). 1910.253(b)(1)(ii).	Remove the reference to the ANSI standard and replace it with a cite to paragraph (b)(1)(ii) of 1910.253.	The requirements in the OSHA standard and the consensus standard are virtually identical. Paragraph 3.2 of the ANSI standard requires that, when practical, ''the marking shall be at the valve end and off the cylindrical part of the body,'' while 1910.253(b)(1)(ii) identifies the shoulder as the location for the marking (when practical); these requirements describe the same cylinder location. Also, paragraph 3.3 of the ANSI standard specifies the height of the lettering; 1910.253(b)(1)(ii) contains no specific height requirements. The Agency has determined that the ANSI provision is unnecessary because the OSHA standard requires that the markings be ''legible,'' which ensures that employees can accurately identify the contents of the cylinders.
1910.144(a)(1)(ii)	ANSI A10.2–1944—Safety Code for Building Construction (paragraph 1.6.2 addresses the use of red lights with barricades). 1910.144(a)(1)(ii).	Remove the reference to the ANSI standard.	The OSHA standard and the referenced consensus standard have similar requirements. The OSHA standard requires that red lights be provided ''at barricades and at temporary obstructions,'' while paragraph 1.6.2 of the referenced ANSI standard requires employers to place red lights or flares on or about barricades after dark. OSHA has determined that removing the reference to the 60-year old ANSI standard is appropriate given the requirements of 1910.144(a)(1)(ii) and the usual and customary practice of the industry.

TABLE 1—Continued

OSHA standards	Reference consensus standards and comparable OSHA standards	Action taken	Comment
1910.243(d)(1)(i)	ANSI A10.3–1970—Safety Requirements for Explosive-Actuated Fastening Tools (Section 3 specifies design requirements). 1910.243(d)(2).	Remove the reference to the ANSI standard and replace it with a cite to the design requirements specified by 1910.243(d)(2).	The provisions in the OSHA standard and the consensus standard are identical, except that paragraph (d)(2) of 1910.243 does not contain provisions for the construction of high-velocity tools, low-velocity piston tools, and hammer-operated piston tools specified in ANSI paragraphs 3.1.5, 3.2.5, and 3.3.5, respectively—i.e., that these tools must have adequate strength to withstand the stresses imposed by any commercially available load that will chamber in the tool. These provisions do not relate directly to guarding explosive-actuated tools, which is the purpose of the OSHA standard. Furthermore, OSHA notes it is the usual and customary practice in the industry to design tools with adequate strength to withstand the stresses imposed by commercially available loads.
1910.253(b)(1)(ii)	ANSI Z48.1–1954—Method of Marking Portable Compressed Gas Containers to Identify the Material Contained. 1910.253(b)(1)(ii).	Remove the reference to the ANSI standard.	See the comments above under the entry for 1910.103(b)(1)(i)(c), .110(b)(5)(iii), and .111(e)(1).
1910.261(c)(15)(ii), (e)(4), (g)(13)(i), (h)(1), (j)(4)(iii), (j)(5)(i), (k)(6), (k)(13)(i), and (k)(15).	ANSI A12.1–1967—Safety Requirements for Floor and Wall Openings, Railings, and Toeboards. 1910.23.	Remove the reference to the ANSI standards in the OSHA standards and replace them with a cite to 1910.23.	The provisions in the OSHA standard and consensus standard are identical.

The Agency believes that removing these consensus standards, or replacing them with cross-references to other OSHA standards, will not alter existing compliance obligations or reduce employee protection. Employers need not alter their current practices as a result of this rulemaking action, and employees will receive the same level of protection they did prior to this rulemaking. The Agency welcomes comment from the public regarding the effects this rulemaking may have on employers' compliance obligations and employee protection.

B. Technical Amendment

In addition to the actions described above, OSHA is amending paragraph (c)(1)(iv) of its spray-finishing standard at 29 CFR 1910.107. This paragraph incorrectly refers to the requirements for powder-coating equipment in ''paragraph (c)(1) of this section.'' However, paragraph (l)(1) of 29 CFR 1910.107 specifies the requirements for powder-coating equipment. With this amendment, 29 CFR 1910.107(c)(1)(iv) will identify the correct provision for regulating powder-coating equipment.

C. Welding Definitions

In this direct final rule, OSHA also is removing the reference to American Welding Society (''AWS'') standard A3.0–1969 (''Terms and Definitions'') in paragraph (c) of 29 CFR 1910.251 (''Definitions''). Paragraph 29 CFR 1910.251(c) states ''All other welding terms are used in accordance with American Welding Society—Terms and Definitions—A3.0–1969, which is incorporated by reference as specified in § 1910.6.'' The purpose of the definitions is to assist employers and employees in understanding the technical terms used in these OSHA standards; sections 29 CFR 1910.252–255 specify the substantive obligations for employers to follow when performing welding, cutting, and brazing operations.

OSHA analyzed the terms defined in the 1969 AWS standard, as well as the terms defined in the 2001 version of that standard. (OSHA placed this analysis in the docket for this rulemaking as Ex. OSHA–2007–0040–0002). Based on this analysis, the Agency determined that the terms defined in the 1969 AWS standard that are found in OSHA's welding standard are substantially similar to the definitions of these terms found in the 2001 AWS standard. Furthermore, the welding terms used are commonly understood in the industry. For example, some of the welding terms used are such basic technical terms as ''arc welding,'' ''electrode,'' ''flux,'' ''flash welding,'' ''lead burning,'' ''inert gas,'' and ''oxygen cutting.'' After over 35 years of experience with these terms, employers and employees performing welding, cutting, and brazing operations understand their meaning when applying the substantive requirements in 29 CFR 1910.252–1910.255. Continuing to reference the 1969 AWS standard is unnecessary, and OSHA is removing it from 29 CFR 1910.251. Employers and employees know the meaning of the terms used in the OSHA standard, and requiring employers to obtain and consult AWS 3.0–1969 places an unnecessary burden on them.

Removing the reference will not affect employers' substantive obligations under 29 CFR part 1910, subpart Q, nor will it compromise the safety of employees when they perform the welding, cutting, and brazing operations regulated under 29 CFR 1910.252–1910.255. In fact, removing the reference will bring the general industry standard in line with the standards regulating welding, cutting, and heating operations for the shipyard-employment industry (29 CFR part 1915, subpart D) and welding and cutting operations for the construction industry (29 CFR part 1926, subpart J). These standards do not define the technical welding terms used. OSHA is not aware of any employee-protection problems resulting from the absence of definitions in these standards. The Agency invites the public to comment on its findings regarding employers' obligations and employee safety.

IV. Procedural Determinations

A. Legal Considerations

The purpose of the Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq., is ''to assure so far as possible every working man and woman in the nation safe and healthful working conditions and to preserve our human resources.'' 29 U.S.C. 651(b). To achieve this goal, Congress authorized the Secretary of Labor to promulgate and enforce occupational safety and health standards. 29 U.S.C. 655(b), 654(b). A safety or health standard is a standard that ''requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment or places of employment.'' 29 U.S.C. 652(8). A standard is reasonably necessary or appropriate within the meaning of Section 652(8) when a significant risk of material harm exists in the workplace and the standard would substantially reduce or eliminate that workplace risk.

This direct final rule will not reduce the employee protections put into place by the standards being amended. In fact, it will enhance employee safety by eliminating confusing requirements and clarifying employer obligations. Therefore, it is unnecessary to determine significant risk, or the extent to which the rule would reduce that risk, as typically would be required by *Industrial Union Department, AFL–CIO* v. *American Petroleum Institute,* 448 U.S. 607 (1980).

B. Final Economic Analysis and Regulatory Flexibility Act Certification

This direct final rule is not economically significant within the context of Executive Order (''E.O.'') 12866 (58 FR 51735) or a ''major rule'' under Section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996 (''SBREFA''; 5 U.S.C. 804). The rule will impose no additional costs on any private- or public-sector entity, and does not meet any of the criteria for an economically significant rule or a major rule specified by E.O. 12866 or the relevant statutes. (While not economically significant, as part of OSHA's consensus standards update project, this direct final rule is classified as a ''significant regulatory action'' under E.O. 12866.)

This action simply (1) removes, or replaces with cross-references, unnecessary references to consensus standards, and (2) removes a reference to American Welding Society standard A3.0–1969 in OSHA's general-industry welding standards. The rulemaking does not impose any additional costs on employers. Therefore, OSHA certifies that it will not have a significant impact on a substantial number of small entities, and that the Agency does not have to prepare a regulatory flexibility analysis for this rulemaking under the SBREFA (5 U.S.C. 601 *et seq.*).

C. OMB Review Under the Paperwork Reduction Act of 1995

The existing provisions of the OSHA standards addressed by this direct final rule do not contain collection-of-information requirements, nor do the amended provisions to the standards implemented by this rulemaking contain collection-of-information requirements. Therefore, this direct final rule does not impose remove or revise any information-collection requirements for purposes of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.* and 5 CFR part 1320. Accordingly, the Agency does not have to prepare an Information Collection Request in association with this rulemaking.

Members of the public who wish to comment on these determinations must send their written comments to the Office of Information and Regulatory Affairs, Attn: OSHA Desk Officer (RIN 1218–AC08), Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503. The Agency encourages commenters to also submit their comments to the rulemaking docket, along with their comments on other parts of the direct final rule. For instructions on submitting these comments and accessing the docket, see the sections of this **Federal Register** notice titled **DATES** and **ADDRESSES**. However, no comment received on this paperwork determination will be considered by the Agency to be a ''significant adverse comment'' as specified above under Section I (''Direct Final Rulemaking'').

To make inquiries, or to request other information, contact Mr. Todd Owen, Directorate of Standards and Guidance, OSHA, Room N–3609, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–2222.

D. Federalism

OSHA reviewed this direct final rule in accordance with the Executive Order on Federalism (Executive Order 13132, 64 FR 43255, August 10, 1999), which requires that Federal agencies, to the extent possible, refrain from limiting State policy options, consult with States prior to taking any actions that would restrict State policy options, and take such actions only when clear constitutional authority exists and the problem is national in scope. Executive Order 13132 provides for preemption of State law only with the expressed consent of Congress. Any such preemption is to be limited to the extent possible.

Under Section 18 of the Occupational Safety and Health Act of 1970 (''OSH Act''; 29 U.S.C. 651 *et seq.*), Congress expressly provides for the preemption of State laws when OSHA promulgates occupational safety and health standards. Under the OSH Act, a State can avoid preemption on issues covered by Federal standards only if it submits, and obtains Federal approval of, a plan for the development of such standards and their enforcement (''State-Plan State''). 29 U.S.C. 667. Occupational safety and health standards developed by State-Plan States must be at least as effective in providing safe and healthful employment and places of employment as the Federal standards. Subject to these requirements, State-Plan States are free to develop and enforce under State law their own requirements for safety and health standards.

This direct final rule complies with Executive Order 13132. In States without OSHA-approved State Plans, Congress expressly provides for OSHA standards to preempt State job safety and health rules in areas addressed by OSHA standards; in these States, this direct final rule limits State policy options in the same manner as all OSHA standards. In States with OSHA-approved State Plans, this rulemaking

does not significantly limit State policy options.

E. State-Plan States

When Federal OSHA promulgates a new standard or more stringent amendment to an existing standard, the 26 States and U.S. Territories with their own OSHA-approved occupational safety and health plans (''State-Plan States'') must amend their standards to reflect the new standard or amendment, or show OSHA why such action is unnecessary, e.g., because an existing State standard covering this area is ''at least as effective'' as the new Federal standard or amendment. 29 CFR 1953.5(a). The State standard must be at least as effective as the final Federal rule, must be applicable to both the private and public (State and local government employees) sectors, and must be completed within six months of the publication date of the final Federal rule. When OSHA promulgates a new standard or amendment that does not impose additional or more stringent requirements than an existing standard, State-Plan States are not required to amend their standards, although the Agency may encourage them to do so. The 26 States and U.S. Territories with OSHA-approved occupational safety and health plans are: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming; Connecticut, New Jersey, New York, and the Virgin Islands have OSHA-approved State Plans that apply to State and local government employees only.

With regard to this direct final rule, it will not impose any additional or more stringent requirements on employers compared to existing OSHA standards. Through this rulemaking, the Agency is removing several references to consensus standards that contain requirements that also are expressly included in other OSHA standards. The Agency also is removing a reference to an American Welding Society standard. Therefore, States and Territories with approved State-Plans do not need to adopt this rule or show OSHA why such action is unnecessary. However, to the extent these States and Territories have the same standards as the OSHA standards affected by this direct final rule, OSHA encourages them to adopt the amendments.

F. Unfunded Mandates Reform Act

OSHA reviewed this direct final rule according to the Unfunded Mandates Reform Act of 1995 (''UMRA''; 2 U.S.C. 1501 *et seq.*) and Executive Order 12875 (58 FR 58093). As discussed above in Section IV.B (''Economic Analysis and Regulatory Flexibility Certification'') of this preamble, the Agency determined that this direct final rule imposes no additional costs on any private- or public-sector entity. Accordingly, this direct final rule requires no additional expenditures by either public or private employers.

As noted above under Section IV.E (''State-Plan States''), the Agency's standards do not apply to State and local governments except in States that have elected voluntarily to adopt a State Plan approved by the Agency. Consequently, this direct final rule does not meet the definition of a ''Federal intergovernmental mandate'' (see Section 421(5) of the UMRA (2 U.S.C. 658(5))). Therefore, for the purposes of the UMRA, the Agency certifies that this direct final rule does not mandate that State, local, or tribal governments adopt new, unfunded regulatory obligations, or increase expenditures by the private sector of more than $100 million in any year.

List of Subjects for 29 CFR Part 1910

General industry, Health, Occupational safety and health, Safety, Welding.

Authority and Signature

Edwin G. Foulke, Jr., Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, directed the preparation of this direct final rule. The Agency is issuing this rule under Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657), Secretary of Labor's Order 5–2007 (72 FR 31159), and 29 CFR part 1911.

Signed at Washington, DC, on Friday, December 7, 2007.

Edwin G. Foulke, Jr.,

Assistant Secretary of Labor for Occupational Safety and Health.

V. Amendments to Standards

■ For the reasons stated in the preamble, OSHA is amending 29 CFR part 1910 to read as follows:

PART 1910—[AMENDED]

Subpart A—[Amended]

■ 1. Revise the authority citation for subpart A of part 1910 to read as follows:

Authority: Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), or 5–2007 (72 FR 31159), as applicable.

Section 1910.6 also issued under 5 U.S.C. 553. Sections 1910.6, 1910.7, and 1910.8 also issued under 29 CFR Part 1911. Section 1910.7(f) also issued under 31 U.S.C. 9701, 29 U.S.C. 9a, 5 U.S.C. 553; Pub. L. 106–113 (113 Stat. 1501A–222); and OMB Circular A–25 (dated July 8, 1993) (58 FR 38142, July 15, 1993).

■ 2. In § 1910.6:

■ a. Remove and reserve paragraphs (e)(1), (e)(2), (e)(5), (e)(62), and (e)(63), and (i)(1).; and

■ b. Revise paragraphs (e)(15), (e)(49), and (q)(3) to read as follows:

§ 1910.6 Incorporation by reference.

* * * * *

(e) * * *

(15) ANSI B7.1–70 Safety Code for the Use, Care and Protection of Abrasive Wheels, IBR approved for §§ 1910.215(b)(12) and 1910.218(j).

* * * * *

(49) ANSI Z9.1–51 Safety Code for Ventilation and Operation of Open Surface Tanks, IBR approved for 1910.261(a)(3)(xix), (g)(18)(v), and (h)(2)(i).

* * * * *

(q) * * *

(3) NFPA 33–1969 Standard for Spray Finishing Using Flammable and Combustible Material, IBR approved for § 1910.94(c)(2).

* * * * *

Subpart F—[Amended]

■ 3–4. Revise the authority citation for subpart F of part 1910 to read as follows:

Authority: Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), or 5–2007 (72 FR 31159), as applicable; and 29 CFR Part 1911.

■ 5. Revise paragraphs (b)(4) and (b)(8)(ii) of § 1910.68 to read as follows:

§ 1910.68 Manlifts.

* * * * *

(b) * * *

(4) *Reference to other codes and subparts.* The following codes and subparts of this part are applicable to this section: Safety Code for Mechanical Power Transmission Apparatus, ANSI B15.1–1953 (R 1958); Safety Code for Fixed Ladders, ANSI A14.3–1956; and subparts D, O, and S. The preceding ANSI standards are incorporated by reference as specified in § 1910.6.

* * * * *

(8) * * *

(ii) *Construction.* The rails shall be standard guardrails with toeboards meeting the provisions of § 1910.23.

* * * * *

Subpart G—[Amended]

■ 6. Revise the authority citation for subpart G of part 1910 to read as follows:

Authority: Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), or 5–2007 (72 FR 31159), as applicable; and 29 CFR Part 1911.

Section 1910.94 also issued under 5 U.S.C. 553.

■ 7. Revise paragraphs (b)(5)(1)(*a*), (c)(1)(ii), (c)(3)(i) introductory text, (c)(3)(i)(*a*), (c)(3)(iii) introductory text, (c)(3)(iii)(*a*), (c)(5)(i) introductory text, and (c)(5)(iii)(*e*) of § 1910.94 to read as follows:

§ 1910.94 Ventilation.

* * * * *

(b) * * *

(5) * * *

(i)(*a*) It is the dual function of grinding and abrasive cutting-off wheel hoods to protect the operator from the hazards of bursting wheels, as well as to provide a means for the removal of dust and dirt generated. All hoods shall be not less in structural strength than specified in Tables O–1 and O–9 of § 1910.215.

* * * * *

(c) * * *

(1) * * *

(ii) *Spray booth.* Spray booths are defined and described in § 1910.107(a).

* * * * *

(3) * * *

(i) Spray booths shall be designed and constructed in accordance with § 1910.107(b)(1) through (b)(4) and (b)(6) through (b)(10). For a more detailed discussion of fundamentals relating to this subject, see ANSI Z9.2–1960, which is incorporated by reference as specified in § 1910.6.

(*a*) Lights, motors, electrical equipment, and other sources of ignition shall conform to the requirements of § 1910.107(b)(10) and (c).

* * * * *

(iii) Baffles, distribution plates, and dry-type overspray collectors shall conform to the requirements of § 1910.107(b)(4) and (b)(5).

(*a*) Overspray filters shall be installed and maintained in accordance with the requirements of § 1910.107(b)(5), and shall only be in a location easily accessible for inspection, cleaning, or replacement.

* * * * *

(5) * * *

(i) Ventilation shall be provided in accordance with provisions of § 1910.107(d), and in accordance with the following:

* * * * *

(iii) * * *

(*e*) Inspection or clean-out doors shall be provided for every 9 to 12 feet of running length for ducts up to 12 inches in diameter, but the distance between cleanout doors may be greater for larger pipes. A clean-out door or doors shall be provided for servicing the fan, and where necessary, a drain shall be provided.

* * * * *

Subpart H—[Amended]

■ 8. Revise the authority citation for subpart H of part 1910 to read as follows:

Authority: Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), or 5–2007 (72 FR 31159), as applicable; and 29 CFR part 1911.

Sections 1910.103, 1910.106 through 1910.111, and 1910.119, 1910.120, and 1910.122 through 1910.126 also issued under 29 CFR part 1911.

Section 1910.119 also issued under Section 304, Clean Air Act Amendments of 1990 (Pub. L. 101–549), reprinted at 29 U.S.C. 655 Note.

Section 1910.120 also issued under Section 126, Superfund Amendments and Reauthorization Act of 1986 as amended (29 U.S.C. 655 Note), and 5 U.S.C. 553.

■ 9. Revise paragraph (b)(1)(i)(*C*) of § 1910.103 to read as follows:

§ 1910.103 Hydrogen.

* * * * *

(b) * * *

(1) * * *

(i) * * *

(*c*) Each portable container shall be legibly marked with the name ''Hydrogen'' in accordance with the marking requirements set forth in § 1910.253(b)(1)(ii). Each manifolded hydrogen supply unit shall be legibly marked with the name ''Hydrogen'' or a legend such as ''This unit contains hydrogen.''

* * * * *

■ 10. Revise paragraph (c)(1)(iv) of § 1910.107 to read as follows:

§ 1910.107 Spray finishing using flammable and combustible materials.

* * * * *

(c) * * *

(1) * * *

* * * * *

(vi) Powder-coating equipment shall conform to the requirements of paragraph (l)(1) of this section.

* * * * *

■ 11. Amend paragraph (b)(5)(iii) of § 1910.110 to read as follows:

§ 1910.110 Storage and handling of liquid petroleum gases.

* * * * *

(b) * * *

(5) * * *

(iii) When LP-Gas and one or more other gases are stored or used in the same area, the containers shall be marked to identify their content. Marking shall conform to the marking requirements set forth in § 1910.253(b)(1)(ii).

* * * * *

■ 12. Revise paragraph (e)(1) of § 1910.111 to read as follows:

§ 1910.111 Storage and handling of anhydrous ammonia.

* * * * *

(e) * * *

(1) *Conformance.* Cylinders shall comply with DOT specifications and shall be maintained, filled, packaged, marked, labeled, and shipped to comply with 49 CFR chapter I and the marking requirements set forth in § 1910.253(b)(1)(ii).

* * * * *

Subpart J—[Amended]

■ 13. Revise the authority citation for subpart J of part 1910 to read as follows:

Authority: Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), or 5–2007 (72 FR 31159), as applicable.

Sections 1910.141, 1910.142, 1910.145, 1910.146, and 1910.147 also issued under 29 CFR part 1911.

■ 14. Revise paragraph (a)(1)(ii) of § 1910.144 to read as follows:

§ 1910.144 Safety color code for marking physical hazards.

(a) * * *

(1) * * *

(ii) *Danger.* Safety cans or other portable containers of flammable liquids having a flash point at or below 80° F, table containers of flammable liquids (open cup tester), excluding shipping containers, shall be painted red with some additional clearly visible identification either in the form of a

yellow band around the can or the name of the contents conspicuously stenciled or painted on the can in yellow. Red lights shall be provided at barricades and at temporary obstructions. Danger signs shall be painted red.

* * * * *

Subpart P—[Amended]

■ 15. Revise the authority citation for subpart P of part 1910 to read as follows:

Authority: Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), or 5–2007 (72 FR 31159), as applicable; 29 CFR part 1911.

Section 1910.243 also issued under 29 CFR part 1910.

■ 16. Revise paragraph (d)(1)(i) of § 1910.243 to read as follows:

§ 1910.243 Guarding of portable powered tools.

* * * * *

(d) * * *

(1) * * *

(i) Explosive-actuated fastening tools that are actuated by explosives or any similar means, and propel a stud, pin, fastener, or other object for the purpose of affixing it by penetration to any other object shall meet the design requirements specified by paragraph (d)(2) of this section. This requirement does not apply to devices designed for attaching objects to soft construction materials, such as wood, plaster, tar, dry wallboard, and the like, or to stud-welding equipment.

* * * * *

Subpart Q—[Amended]

■ 17. Revise the authority citation for subpart Q of part 1910 to read as follows:

Authority: Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657); Secretary of Labor's Orders Nos. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), or 5–2007 (72 FR 31159), as applicable; and 29 CFR part 1911.

§ 1910.251 [Amended]

■ 18. Remove paragraph (c) of § 1910.251.

■ 19. Revise paragraph (b)(1)(ii) of § 1910.253 to read as follows:

§ 1910.253 Oxygen-fuel gas welding and cutting.

* * * * *

(b) * * *

(1) * * *

(ii) Compressed gas cylinders shall be legibly marked, for the purpose of identifying the gas content, with either the chemical or the trade name of the gas. Such marking shall be by means of stenciling, stamping, or labeling, and shall not be readily removable. Whenever practical, the marking shall be located on the shoulder of the cylinder.

* * * * *

Subpart R—[Amended]

■ 20. Revise the authority citation for subpart R of part 1910 to read as follows:

Authority: Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order Nos. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), or 5–2007 (72 FR 31159), as applicable; and 29 CFR part 1911.

■ 21. Revise paragraphs (c)(15)(ii), (e)(4), (g)(13)(i), (h)(1), (j)(4)(iii), (j)(5)(i), (k)(6), (k)(13)(i), and (k)(15) of § 1910.261 to read as follows:

§ 1910.261 Pulp, paper, and paperboard mills.

* * * * *

(c) * * *

(15) * * *

(ii) Where conveyors cross passageways or roadways, a horizontal platform shall be provided under the conveyor extending out from the sides of the conveyor a distance equal to 1.5 times the length of the wood handled. The platform shall extend the width of the road plus 2 feet on each side, and shall be kept free of wood and rubbish. The edges of the platform shall be provided with toeboards or other protection to prevent wood from falling, in accordance with § 1910.23.

* * * * *

(e) * * *

(4) *Runway to the jack ladder.* The runway from the pond or unloading dock to the table shall be protected with standard handrails and toeboards. Inclined portions shall have cleats or equivalent nonslip surfacing in accordance with § 1910.23. Protective equipment shall be provided for persons working over water.

* * * * *

(g) * * *

(13) * * *

(i) Blowpit openings shall be preferably on the side of the pit instead of on top. When located on top, openings shall be as small as possible and shall be provided with railings in accordance with § 1910.23.

* * * * *

(h) * * *

(1) *Bleaching engines.* Bleaching engines, except the Bellmer type, shall be completely covered on the top, with the exception of one small opening large enough to allow filling, but too small to admit a person. Platforms leading from one engine to another shall have standard guardrails in accordance with § 1910.23.

* * * * *

(j) * * *

(4) * * *

(iii) When beaters are fed from a floor above, the chute opening, if less than 42 inches from the floor, shall be provided with a complete rail or other enclosure. Openings for manual feeding shall be sufficient only for entry of stock, and shall be provided with at least two permanently secured crossrails in accordance with § 1910.23.

* * * * *

(5) * * *

(i) All pulpers having the top or any other opening of a vessel less than 42 inches from the floor or work platform shall have such openings guarded by railed or other enclosures. For manual charging, openings shall be sufficient to permit the entry of stock, and shall be provided with at least two permanently secured crossrails in accordance with § 1910.23.

* * * * *

(k) * * *

(6) *Steps.* Steps of uniform rise and tread with nonslip surfaces shall be provided at each press in accordance with § 1910.23.

* * * * *

(13) * * *

(i) A guardrail shall be provided at broke holes in accordance with § 1910.23.

* * * * *

(15) *Steps.* Steps or ladders of uniform rise and tread with nonslip surfaces shall be provided at each calendar stack. Handrails and hand grips shall be provided at each calendar stack in accordance with § 1910.23.

* * * * *

[FR Doc. E7–24181 Filed 12–13–07; 8:45 am]

BILLING CODE 4510–26–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4022 and 4044

Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The Pension Benefit Guaranty Corporation's regulations on Benefits Payable in Terminated Single-Employer Plans and Allocation of Assets in Single-Employer Plans prescribe interest assumptions for valuing and paying benefits under terminating single-employer plans. This final rule amends the regulations to adopt interest assumptions for plans with valuation dates in January 2008. Interest assumptions are also published on the PBGC's Web site (*http://www.pbgc.gov*).

DATES: Effective January 1, 2008.

FOR FURTHER INFORMATION CONTACT: Catherine B. Klion, Manager, Regulatory and Policy Division, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: The PBGC's regulations prescribe actuarial assumptions—including interest assumptions—for valuing and paying plan benefits of terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions are intended to reflect current conditions in the financial and annuity markets.

Three sets of interest assumptions are prescribed: (1) A set for the valuation of benefits for allocation purposes under section 4044 (found in Appendix B to Part 4044), (2) a set for the PBGC to use to determine whether a benefit is payable as a lump sum and to determine lump-sum amounts to be paid by the PBGC (found in Appendix B to Part 4022), and (3) a set for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the PBGC's historical methodology (found in Appendix C to Part 4022).

This amendment (1) adds to Appendix B to Part 4044 the interest assumptions for valuing benefits for allocation purposes in plans with valuation dates during January 2008, (2) adds to Appendix B to Part 4022 the interest assumptions for the PBGC to use for its own lump-sum payments in plans with valuation dates during January 2008, and (3) adds to Appendix C to Part 4022 the interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the PBGC's historical methodology for valuation dates during January 2008.

For valuation of benefits for allocation purposes, the interest assumptions that the PBGC will use (set forth in Appendix B to part 4044) will be 5.42 percent for the first 20 years following the valuation date and 4.49 percent thereafter. These interest assumptions represent an increase (in comparison to those in effect for December 2008) of 0.05 percent for the first 20 years following the valuation date and a decrease of 0.55 percent for all years thereafter.

The interest assumptions that the PBGC will use for its own lump-sum payments (set forth in Appendix B to part 4022) will be 3.00 percent for the period during which a benefit is in pay status and 4.00 percent during any years preceding the benefit's placement in pay status. These interest assumptions represent no change from those in effect for December 2007. For private-sector payments, the interest assumptions (set forth in Appendix C to part 4022) will be the same as those used by the PBGC for determining and paying lump sums (set forth in Appendix B to part 4022).

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect current market conditions as accurately as possible.

Because of the need to provide immediate guidance for the valuation and payment of benefits in plans with valuation dates during January 2008, the PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects

29 CFR Part 4022

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 4044

Employee benefit plans, Pension insurance, Pensions.

■ In consideration of the foregoing, 29 CFR parts 4022 and 4044 are amended as follows:

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

■ 1. The authority citation for part 4022 continues to read as follows:

Authority: 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

■ 2. In appendix B to part 4022, Rate Set 171, as set forth below, is added to the table.

Appendix B to Part 4022—Lump Sum Interest Rates for PBGC Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	N_2
*	*		*	*	*	*	*	
171	01–1–08	02–1–08	3.00	4.00	4.00	4.00	7	8

■ 3. In appendix C to part 4022, Rate Set 171, as set forth below, is added to the table.

Appendix C to Part 4022—Lump Sum Interest Rates for Private-Sector Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*	*	*
171	01–1–08	02–1–08	3.00	4.00	4.00	4.00	7	8

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

■ 4. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

■ 5. In appendix B to part 4044, a new entry for January 2008, as set forth below, is added to the table.

Appendix B to Part 4044—Interest Rates Used To Value Benefits

* * * * *

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
*	*	*	*	*	*	*
January 2008	.0542	1–20	.0449	>20	N/A	N/A

Issued in Washington, DC, on this 10th day of December 2007.

Vincent K. Snowbarger,

Deputy Director, Pension Benefit Guaranty Corporation.

[FR Doc. E7–24245 Filed 12–13–07; 8:45 am]

BILLING CODE 7709–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 50 and 51

[EPA–HQ–OAR–2005–0159; FRL–8506–6]

RIN 2060–AN40

Exceptional Events Rule; Notice of Action Denying Petition for Reconsideration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Action Denying Petition for Reconsideration.

SUMMARY: The EPA is providing notice that it has responded to a petition for reconsideration of the Exceptional Events Rule (EER). On March 22, 2007, EPA finalized a rule in the **Federal Register** to govern the review and handling of air quality monitoring data influenced by exceptional events. Section 319 of the Clean Air Act (CAA), as amended by section 6013 of the Safe Accountable Flexible Efficient-Transportation Equity Act: A Legacy for Users (SAFE–TEA–LU) of 2005 required the Administrator to publish a proposed rule in the **Federal Register** by March 1, 2006. Further, SAFE–TEA–LU required the EPA Administrator to publish a final rule within 1 year of the proposal. The final rule on the ''Treatment of Data Influenced by Exceptional Events'' became effective on May 21, 2007. Subsequent to the publication of this action, a petition for reconsideration from the Natural Resources Defense Council (NRDC) was received by EPA on May 21, 2007, signed by John D. Walke; Director, Clean Air Program; Natural Resources Defense Council; 1200 New York Avenue, NW., Suite 400, Washington, DC 20005–3928. The EPA considered the petition and supporting information along with information contained in the rulemaking docket (Docket number EPA–HQ–OAR–2005–0159–0163) in reaching a decision on the petitions. EPA Administrator Stephen L. Johnson denied the petition for reconsideration in a letter to the petitioner dated November 5, 2007. The letter documents EPA's reasons for the denial.

FOR FURTHER INFORMATION CONTACT: Padmini Singh, U.S. EPA, Office of General Counsel, Mail Code 2344A, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, telephone (202) 564–5641, e-mail at *singh.padmini@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. How Can I Get Copies of This Document and Other Related Information?

This **Federal Register** notice, the petition for reconsideration, and the letter denying the petition for reconsideration are available in the docket that EPA established for the Exceptional Events Rule (docket number EPA–HQ–OAR–2005–0159). The table below identifies the petition received by EPA, the date EPA received the petition, the document identification number for the petition, the date of EPA's response, and the document identification number for EPA's response. (Note that all the document numbers listed in the table are in the form of ''EPA–HQ–OAR–XXXX–XXXX-xxxx.'')

Petitioner	Date of petition to EPA	Petition: Document No. in docket	Date of EPA response	EPA response: Document No. in docket
Natural Resources Defense Council	5/21/2007	0163	11/05/2007	0175

All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, e.g., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the EPA Docket Center (Air Docket), EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744 and the telephone number for the Air Docket is (202) 566–1742.

II. Judicial Review

Section 307(b)(1) of the CAA indicates which Federal Courts of Appeal have venue for petitions for review of final actions by EPA. This section provides, in part, that petitions for review must be filed in the Court of Appeals for the District of Columbia Circuit if: (i) The agency action consists of ''nationally applicable regulations promulgated, or final action taken, by the Administrator,'' or (ii) such actions are locally or regionally applicable, if ''such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.''

The EPA has determined that its action denying the petition for reconsideration is of nationwide scope and effect for purposes of section 307(b)(1) because EPA previously found the Exceptional Events Rule to be of nationwide scope and effect. Thus, any petitions for review of the letters denying the petitions for reconsideration described in this Notice must be filed in the Court of Appeals for the District of Columbia Circuit within 60 days from the date this Notice is published in the **Federal Register**.

Dated: December 10, 2007.

Robert J. Meyers,

Principal Deputy Assistant Administrator, Office of Air and Radiation.

[FR Doc. E7–24242 Filed 12–13–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2007–0782; FRL–8506–8]

Approval and Promulgation of Implementation Plans; Missouri; Clean Air Interstate Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action to approve a revision to the Missouri State Implementation Plan (SIP) submitted on May 18, 2007. This revision addresses the requirements of EPA's Clean Air Interstate Rule (CAIR) promulgated on May 12, 2005, and subsequently revised on April 28, 2006, and December 13, 2006. EPA has determined that the SIP revision fully implements the CAIR requirements for Missouri. As a result of this action, EPA will also withdraw, through a separate rulemaking, the CAIR Federal Implementation Plans (FIPs) concerning SO_2, NO_X annual, and NO_X ozone season emissions for Missouri. The CAIR FIPs for all States in the CAIR region were promulgated on April 28, 2006, and subsequently revised on December 13, 2006.

CAIR requires States to reduce emissions of sulfur dioxide (SO_2) and nitrogen oxides (NO_X) that significantly contribute to, and interfere with maintenance of, the national ambient air quality standards for fine particulates and/or ozone in any downwind state. CAIR establishes State budgets for SO_2 and NO_X and requires States to submit SIP revisions that implement these budgets in States that EPA concluded did contribute to nonattainment in downwind states. States have the flexibility to choose which control measures to adopt to achieve the budgets, including participating in the EPA-administered cap-and-trade programs. In the SIP revision that EPA is approving today, Missouri has met the CAIR requirements by electing to participate in the EPA-administered cap-and-trade programs addressing SO_2, NO_X annual, and NO_X ozone season emissions.

DATES: This rule is effective on December 14, 2007.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2007–0782. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, i.e., 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 *http://www.regulations.gov* or in hard copy at the Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101. The Regional Office's official hours of business are Monday through Friday, 8 to 4:30 excluding Federal holidays. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Michael Jay at (913) 551–7460 or by e-mail at *jay.michael@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

Table of Contents

I. What Action Is EPA Taking?

EPA is taking final action to approve a revision to Missouri's SIP submitted on May 18, 2007. In its SIP revision, Missouri has met the CAIR requirements by requiring certain electric generating units (EGUs) to participate in the EPA-administered State CAIR cap-and-trade programs addressing SO_2, NO_X annual, and NO_X ozone season emissions, as finalized in the Missouri Register on April 16, 2007, pages 646–661. Missouri's regulations adopt by reference most of the provisions of EPA's SO_2, NO_X annual, and NO_X ozone season model trading rules, with certain changes discussed below. EPA has determined that the SIP as revised will meet the applicable requirements of CAIR. As a result of this action, the Administrator of EPA will also issue a final rule to withdraw the FIPs concerning SO_2, NO_X annual, and NO_X

ozone season emissions for Missouri. The Administrator's action will delete and reserve 40 CFR 52.1341 and 40 CFR 52.1342, relating to the CAIR FIP obligations for Missouri. The withdrawal of the CAIR FIPs for Missouri is a conforming amendment that must be made once the SIP is approved because EPA's authority to issue the FIPs was premised on a deficiency in the SIP for Missouri. Once a SIP is fully approved, EPA no longer has authority for the FIPs. Thus, EPA does not have the option of maintaining the FIPs following full SIP approval. Accordingly, EPA does not intend to offer an opportunity for a public hearing or an additional opportunity for written public comment on the withdrawal of the FIPs.

EPA proposed to approve Missouri's request to amend the SIP on September 17, 2007 (72 FR 52828). In that proposal, EPA also stated its intent to withdraw the FIP, as described above. The comment period closed on October 17, 2007. No comments were received. EPA is finalizing the approval as proposed based on the rationale stated in the proposal and in this final action.

II. What Is the Regulatory History of CAIR and the CAIR FIPs?

The CAIR was published by EPA on May 12, 2005 (70 FR 25162). In this rule, EPA determined that 28 States and the District of Columbia contribute significantly to nonattainment and interfere with maintenance of the national ambient air quality standards (NAAQS) for fine particles ($PM_{2.5}$) and/or 8-hour ozone in downwind States in the eastern part of the country. As a result, EPA required those upwind States to revise their SIPs to include control measures that reduce emissions of SO_2, which is a precursor to $PM_{2.5}$ formation, and/or NO_X, which is a precursor to both ozone and $PM_{2.5}$ formation. For jurisdictions that contribute significantly to downwind $PM_{2.5}$ nonattainment, CAIR sets annual State-wide emission reduction requirements (i.e., budgets) for SO_2 and annual State-wide emission reduction requirements for NO_X. Similarly, for jurisdictions that contribute significantly to 8-hour ozone nonattainment, CAIR sets State-wide emission reduction requirements for NO_X for the ozone season (May 1 to September 30). Under CAIR, States may implement these reduction requirements by participating in the EPA-administered cap-and-trade programs or by adopting any other control measures.

CAIR explains to subject States what must be included in SIPs to address the requirements of section 110(a)(2)(D) of the Clean Air Act (CAA) with regard to interstate transport with respect to the 8-hour ozone and $PM_{2.5}$ NAAQS. EPA made national findings, effective on May 25, 2005, that the States had failed to submit SIPs meeting the requirements of section 110(a)(2)(D). The SIPs were due in July 2000, 3 years after the promulgation of the 8-hour ozone and $PM_{2.5}$ NAAQS.

Missouri submitted its SIP in response to EPA's section 110(a)(2)(D) finding, which EPA approved in a rule published May 8, 2007 (72 FR 25975). In that rule, EPA stated that Missouri had met its obligation with regard to interstate transport by adoption of the CAIR model rule. EPA also stated that it would review and act on Missouri's CAIR rule in a separate rulemaking. This document takes final action on Missouri's CAIR rule as explained below.

III. What Are the General Requirements of CAIR and the CAIR FIPs?

CAIR establishes State-wide emission budgets for SO_2 and NO_X and is to be implemented in two phases. The first phase of NO_X reductions starts in 2009 and continues through 2014, while the first phase of SO_2 reductions starts in 2010 and continues through 2014. The second phase of reductions for both NO_X and SO_2 starts in 2015 and continues thereafter. CAIR requires States to implement the budgets by either: (1) Requiring EGUs to participate in the EPA-administered cap-and-trade programs; or (2) adopting other control measures of the State's choosing and demonstrating that such control measures will result in compliance with the applicable State SO_2 and NO_X budgets.

The May 12, 2005, and April 28, 2006, CAIR rules provide model rules that States must adopt (with certain limited changes, if desired) if they want to participate in the EPA-administered trading programs.

With two exceptions, only States that choose to meet the requirements of CAIR through methods that exclusively regulate EGUs are allowed to participate in the EPA-administered trading programs. One exception is for States that adopt the opt-in provisions of the model rules to allow non-EGUs individually to opt into the EPA-administered trading programs. The other exception is for States that include all non-EGUs from their NO_X SIP Call trading programs in their CAIR NO_X ozone season trading programs.

IV. Analysis of Missouri's CAIR SIP Submittal

A. State Budgets for Allowance Allocations

In this action, EPA is taking final action to approve Missouri's SIP revision that adopts the budgets established for the State in CAIR, i.e., 59,871 (2009–2014) and 49,892 (2015-thereafter) tons for NO_X annual emissions, 26,678 (2009–2014) and 22,231 (2015-thereafter) tons for NO_X ozone season emissions, and 137,214 (2010–2014) and 96,050 (2015-thereafter) tons for SO_2 emissions. Missouri's SIP revision sets these budgets as the total amounts of allowances available for allocation for each year under the EPA-administered cap-and-trade programs.

B. CAIR Cap-and-Trade Programs

The CAIR NO_X annual and ozone season model trading rules both largely mirror the structure of the NO_X SIP Call model trading rule in 40 CFR part 96, subparts A through I. While the provisions of the NO_X annual and ozone season model rules are similar, there are some differences. For example, the NO_X annual model rule (but not the NO_X ozone season model rule) provides for a compliance supplement pool (CSP), which is discussed below and under which allowances may be awarded for early reductions of NO_X annual emissions. As a further example, the NO_X ozone season model rule reflects the fact that the CAIR NO_X ozone season trading program replaces the NO_X SIP Call trading program after the 2008 ozone season and is coordinated with the NO_X SIP Call program. The NO_X ozone season model rule provides incentives for early emissions reductions by allowing banked, pre-2009 NO_X SIP Call allowances to be used for compliance in the CAIR NO_X ozone season trading program. In addition, States have the option of continuing to meet their NO_X SIP Call requirement by participating in the CAIR NO_X ozone season trading program and including all their NO_X SIP Call trading sources in that program.

The provisions of the CAIR SO_2 model rule are also similar to the provisions of the NO_X annual and ozone season model rules. However, the SO_2 model rule is coordinated with the ongoing Acid Rain SO_2 cap-and-trade program under CAA title IV. The SO_2 model rule uses the title IV allowances for compliance, with each allowance allocated for 2010–2014 authorizing only 0.50 ton of emissions and each allowance allocated for 2015 and thereafter authorizing only 0.35 ton of

emissions. Banked title IV allowances allocated for years before 2010 can be used at any time in the CAIR SO_2 cap-and-trade program, with each such allowance authorizing one ton of emissions. Title IV allowances are to be freely transferable among sources covered by the Acid Rain Program and sources covered by the CAIR SO_2 cap-and-trade program.

EPA also used the CAIR model trading rules as the basis for the trading programs in the CAIR FIPs. The CAIR FIP trading rules are virtually identical to the CAIR model trading rules, with changes made to account for Federal rather than State implementation. The CAIR model SO_2, NO_X annual, and NO_X ozone season trading rules and the respective CAIR FIP trading rules are designed to work together as integrated SO_2, NO_X annual, and NO_X ozone season trading programs.

In the SIP revision, Missouri has chosen to implement its CAIR budgets by requiring EGUs to participate in EPA-administered cap-and-trade programs for SO_2, NO_X annual, and NO_X ozone season emissions. Missouri has adopted a full SIP revision that adopts, with certain allowed changes discussed below, the CAIR model cap-and-trade rules for SO_2, NO_X annual, and NO_X ozone season emissions.

C. Applicability Provisions for Non-EGU NO_X SIP Call Sources

In general, the CAIR model trading rules apply to any stationary, fossil fuel-fired boiler or stationary, fossil fuel-fired combustion turbine serving at any time, since the later of November 15, 1990, or the start-up of the unit's combustion chamber, a generator with nameplate capacity of more than 25 megawatts electric (MWe) producing electricity for sale.

States have the option of bringing in, for the CAIR NO_X ozone season program only, those units in the State's NO_X SIP Call trading program that are not EGUs as defined under CAIR. Under this option, the CAIR NO_X ozone season program must cover all large industrial boilers and combustion turbines, as well as any small EGUs (i.e., units serving a generator with a nameplate capacity of 25 MWe or less) that the State currently requires to be in the NO_X SIP Call trading program.

Missouri has chosen to expand the applicability provisions of the CAIR NO_X ozone season trading program to include all current and future non-EGUs in the State's NO_X SIP Call trading program. The NO_X SIP Call region of the State includes the eastern one-third of the State of Missouri (70 FR 46860).

D. NO_X Allowance Allocations

Under the NO_X allowance allocation methodology in the CAIR model trading rules and in the CAIR FIP, NO_X annual and ozone season allowances are allocated to units that have operated for five years, based on heat input data from a three-year period that are adjusted for fuel type by using fuel factors of 1.0 for coal, 0.6 for oil, and 0.4 for other fuels. The CAIR model trading rules and the CAIR FIP also provide a new unit set-aside from which units without five years of operation are allocated allowances based on the units' prior year emissions.

States may establish in their SIP submissions a different NO_X allowance allocation methodology that will be used to allocate allowances to sources in the States if certain requirements are met concerning the timing of submission of units' allocations to the Administrator for recordation and the total amount of allowances allocated for each control period. In adopting alternative NO_X allowance allocation methodologies, States have flexibility with regard to: (1) The cost to recipients of the allowances, which may be distributed for free or auctioned; (2) the frequency of allocations; (3) the basis for allocating allowances, which may be distributed, for example, based on historical heat input or electric and thermal output; and (4) the use of allowance set-asides and, if used, their size.

Missouri has chosen to replace the provisions of the CAIR NO_X annual model trading rule concerning the allocation of NO_X annual allowances with its own methodology. Missouri has chosen to distribute NO_X annual allowances to individual facilities based upon the total of their individual unit's pro-rata share of the total heat input for all affected units in the State. The State has provided a table in rule 10 CSR 10–6.362 that provides for permanent allocations to units in Phases I and II. Additionally, the State's rule creates an energy efficiency renewable resource set-aside of 300 allowances for each year of the program. The purpose for establishing this set-aside is to serve as an incentive for saving or generating electricity through the implementation of energy efficiency and renewable generation projects. If the number of allowances awarded each year are fewer than allowances allocated to the set-aside, the State will transfer surplus allowances to the accounts of the electric utilities on a pro-rata basis in the same proportion as allocations to the units listed in the rule. Missouri's rule provides that, by May 31 of the year for which allowances are requested from the set-aside, the State will complete the process of determining what projects are eligible and how many allowances should be provided, and of awarding the allowances to the projects. EPA interprets the rule to provide that, by the May 31 deadline, the State will transfer to the appropriate allowance tracking system accounts the allocations awarded to the eligible projects, as well as the surplus allowances provided to electric utilities.

As with the annual program described above, Missouri has chosen to replace the provisions of the CAIR NO_X ozone season model trading rule concerning allowance allocations with its own methodology. Missouri has chosen to distribute NO_X ozone season allowances to individual facilities based upon the total of their individual unit's pro-rata share of the State's total heat input for all affected units in the State. The State has provided a table in rule 10 CSR 10–6.364 that provides for permanent allocations to NO_X ozone season units in Phases I and II. As mentioned above, Missouri has chosen to expand the applicability provisions of the CAIR NO_X ozone season trading program to include all current and future non-EGUs in the State's NO_X SIP Call trading program. By doing so, the three non-EGUs listed in Table II of Missouri's NO_X SIP Call rule, 10 CSR 10–6.360, are provided CAIR NO_X ozone season allowances totaling 59 allowances in Table II of 10 CSR 10–6.364 that are in addition to the State's initial allocation for both Phase I and Phase II of the CAIR NO_X ozone season trading program. The number of allowances provided to the non-EGUs in the CAIR NO_X ozone trading program are equivalent to the amount they received under Missouri's NO_X SIP Call rule.

E. Allocation of NO_X Allowances From Compliance Supplement Pool

The CAIR establishes a compliance supplement pool (CSP) to provide an incentive for early reductions in NO_X annual emissions. The CSP consists of 200,000 CAIR NO_X annual allowances of vintage 2009 for the entire CAIR region, and a State's share of the CSP is based upon the projected magnitude of the emission reductions required by CAIR in that State. States may distribute CSP allowances, one allowance for each ton of early reduction, to sources that make NO_X reductions during 2007 or 2008 beyond what is required by any applicable State or Federal emission limitation. States also may distribute CSP allowances based upon a demonstration of need for an extension

of the 2009 deadline for implementing emission controls.

The CAIR annual NO_X model trading rule establishes specific methodologies for allocations of CSP allowances. States may choose an allowed, alternative CSP allocation methodology to be used to allocate CSP allowances to sources in the States.

Missouri has chosen to distribute CSP allowances using an allocation methodology that retains much of the CSP model rule language of 40 CFR 96.143. The State's methodology differs in two main ways. First, the State has added additional criteria for units subject to the Acid Rain Program that do not have an applicable NO_X emission limit to be able to apply for allocations from the CSP by limiting their emissions below what limit would have applied had the unit been limited by Acid Rain Program or State NO_X emission rate limits. Secondly, the State has chosen to modify the distribution methodology in the event the CSP is over-prescribed. If more requests for allocations have been made than CSP allowances exist, the State will divide the CSP into two pools. The smaller of the two pools is for units that combust tires and the larger pool is for the remaining units.

F. Individual Opt-in Units

The opt-in provisions of the CAIR SIP model trading rules allow certain non-EGUs (i.e., boilers, combustion turbines, and other stationary fossil-fuel-fired devices) that do not meet the applicability criteria for a CAIR trading program to participate voluntarily in (i.e., opt into) the CAIR trading program. A non-EGU may opt into one or more of the CAIR trading programs. In order to qualify to opt into a CAIR trading program, a unit must vent all emissions through a stack and be able to meet monitoring, recordkeeping, and recording requirements of 40 CFR part 75. The owners and operators seeking to opt a unit into a CAIR trading program must apply for a CAIR opt-in permit. If the unit is issued a CAIR opt-in permit, the unit becomes a CAIR unit, is allocated allowances, and must meet the same allowance-holding and emissions monitoring and reporting requirements as other units subject to the CAIR trading program. The opt-in provisions provide for two methodologies for allocating allowances for opt-in units, one methodology that applies to opt-in units in general and a second methodology that allocates allowances only to opt-in units that the owners and operators intend to repower before January 1, 2015.

States have several options concerning the opt-in provisions. States may adopt the CAIR opt-in provisions entirely or may adopt them but exclude one of the methodologies for allocating allowances. States may also decline to adopt the opt-in provisions at all.

Missouri has chosen to allow non-EGUs meeting certain requirements to opt into the CAIR trading programs by adopting by reference the entirety of EPA's model rule provisions for opt-in units in the CAIR SO_2, CAIR NO_X annual, and CAIR NO_X ozone season trading programs.

V. Final Action

EPA is taking final action to approve Missouri's full CAIR SIP revision submitted on May 18, 2007. Under this SIP revision, Missouri is choosing to participate in the EPA-administered cap-and-trade programs for SO_2, NO_X annual, and NO_X ozone season emissions. EPA has determined that the SIP revision meets the applicable requirements in 40 CFR 51.123(o) and (aa), with regard to NO_X annual and NO_X ozone season emissions, and 40 CFR 51.124(o), with regard to SO_2 emissions. EPA has determined that the SIP as revised will meet the requirements of CAIR. The Administrator of EPA will also issue, without providing an opportunity for a public hearing or an additional opportunity for written public comment, a final rule to withdraw the CAIR FIPs concerning SO_2, NO_X annual, and NO_X ozone season emissions for Missouri. The Administrator's action will delete and reserve 40 CFR 52.1341 and 40 CFR 52.1342. EPA will take final action to withdraw the CAIR FIPs for Missouri in a separate rulemaking.

VI. When Is This Action Effective?

Under 5 U.S.C. 553(d), a rule generally cannot be effective less than 30 days prior to publication of the rule. However, a rule can be made effective less than 30 days prior to publication if the rule ''grants or recognizes an exemption, or relieves a restriction'' or ''as otherwise provided by the agency for good cause''. EPA finds that there is good cause to make this approval effective on December 14, 2007. This CAIR SIP approval allows EPA to immediately record allowances as distributed under the approved State rule and, thus, allow sources to begin trading.

VII. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves State law as meeting Federal requirements and would impose 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 action 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 standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it 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.*).

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 12, 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 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: November 29, 2007.

William Rice,

Acting Regional Administrator, Region 7.

■ Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart AA—Missouri

■ 2. In § 52.1320(c) the table is amended under Chapter 6 by adding entries in numerical order for 10–6.362, 10–6.364 and 10–6.366 to read as follows:

§ 52.1320 Identification of Plan.

* * * * *

(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
* * * * * * *				
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri				
* * * * * * *				
10–6.362	Clean Air Interstate Rule Annual NO_X Trading Program.	5/30/07	12/14/07 *[insert FR page number where the document begins]*.	
10–6.364	Clean Air Interstate Rule Seasonal NO_X Trading Program.	5/30/07	12/14/07 *[insert FR page number where the document begins]*.	
10–6.366	Clean Air Interstate Rule $S0_2$ Trading Program	5/30/07	12/14/07 *[insert FR page number where the document begins]*.	
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[FR Doc. E7–24230 Filed 12–13–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2007–0890; FRL–8340–7]

Clethodim; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for combined residues of clethodim and its metabolites in or on corn, field, forage; corn, field, grain; and corn, field, stover. Valent U.S.A. Corporation requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective December 14, 2007. Objections and requests for hearings must be received on or before February 12, 2008, and must be filed in accordance with the instructions provided in 40 CFR part

178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2007–0890. To access the electronic docket, go to *http://www.regulations.gov*, select ''Advanced Search,'' then ''Docket Search.'' Insert the docket ID number where indicated and select the ''Submit'' button. Follow the instructions on the regulations.gov website to view the docket index or access available documents. All documents in the docket are listed in the docket index available in regulations.gov. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Kathryn V. Montague, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–1243; e-mail address: *montague.kathryn@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to those engaged in the following activities:

- Crop production (NAICS code 111), e.g., agricultural workers; greenhouse, nursery, and floriculture workers; farmers.
- Animal production (NAICS code 112), e.g., cattle ranchers and farmers, dairy cattle farmers, livestock farmers.
- Food manufacturing (NAICS code 311), e.g., agricultural workers; farmers; greenhouse, nursery, and floriculture workers; ranchers; pesticide applicators.
- Pesticide manufacturing (NAICS code 32532), e.g., agricultural workers; commercial applicators; farmers; greenhouse, nursery, and floriculture workers; residential users.

This listing is not intended to be exhaustive, but rather to provide a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Access Electronic Copies of this Document?

In addition to accessing an electronic copy of this **Federal Register** document through the electronic docket at *http://www.regulations.gov*, you may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr*. You may also access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's pilot e-CFR site at *http://www.gpoaccess.gov/ecfr*.

C. Can I File an Objection or Hearing Request?

Under section 408(g) of FFDCA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2007–0890 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk as required by 40 CFR part 178 on or before February 12, 2008.

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing that does not contain any CBI for inclusion in the public docket that is described in **ADDRESSES**. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit this copy, identified by docket ID number EPA–HQ–OPP–2007–0890, by one of the following methods:

- *Federal eRulemaking Portal*: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.
- *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305–5805.

II. Petition for Tolerance

In the **Federal Register** of December 20, 2006 (71 FR 76321) (FRL–8104–4), EPA issued a notice pursuant to section 408(d)(3) of FFDCA, 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 6F7117) by Valent U.S.A. Corporation, 1600 Riviera Ave., Suite 200, Walnut Creek, CA 94596. The petition requested that 40 CFR 180.458 be amended by establishing tolerances for combined residues of the herbicide clethodim, (E)-(+/-)-2-[1-[[(3-chloro-2-propenyl)oxy]imino]propyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one and its metabolites containing the 5-[2-(ethylthio)propyl]cyclohexen-3-one and the 5-[2-(ethylthio)propyl]-5-hydroxycyclohexen-3-one moieties and their sulfoxides and sulfones, expressed as clethodim, in or on corn, field, forage at 0.2 parts per million (ppm), corn, field, grain at 0.2 ppm, and corn, field, stover at 0.2 ppm. That notice referenced a summary of the petition prepared by Valent U.S.A. Corporation, the registrant, which is available to the public in the docket, *http://www.regulations.gov*. Comments were received on the notice of filing. EPA's response to these comments is discussed in Unit IV.C. below.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including

all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .'' These provisions were added to FFDCA by the Food Quality Protection Act (FQPA) of 1996.

Consistent with section 408(b)(2)(D) of FFDCA, and the factors specified in section 408(b)(2)(D) of FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for the petitioned-for tolerance for combined residues of clethodim and its metabolites on corn, field, forage at 0.2 ppm, corn, field, grain at 0.2 ppm, and corn, field, stover at 0.2 ppm. EPA's assessment of exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. Specific information on the studies received and the nature of the adverse effects caused by clethodim as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov*. The referenced document is available in the docket established by this action, which is described under **ADDRESSES**, and is identified as *Clethodim: Human Health Risk Assessment for Proposed Use on Field Corn* in that docket. Additionally, clethodim toxicological data are discussed in the final rule published in the **Federal Register** of March 14, 2001 (66 FR14829) (FRL–6770–8).

B. Toxicological Endpoints

For hazards that have a threshold below which there is no appreciable risk, the toxicological level of concern (LOC) is derived from the highest dose at which no adverse effects are observed (the NOAEL) in the toxicology study identified as appropriate for use in risk assessment. However, if a NOAEL cannot be determined, the lowest dose at which adverse effects of concern are identified (the LOAEL) is sometimes used for risk assessment. Uncertainty/safety factors (UFs) are used in conjunction with the LOC to take into account uncertainties inherent in the extrapolation from laboratory animal data to humans and in the variations in sensitivity among members of the human population as well as other unknowns. Safety is assessed for acute and chronic risks by comparing aggregate exposure to the pesticide to the acute population adjusted dose (aPAD) and chronic population adjusted dose (cPAD). The aPAD and cPAD are calculated by dividing the LOC by all applicable UFs. Short-term, intermediate-term, and long-term risks are evaluated by comparing aggregate exposure to the LOC to ensure that the margin of exposure (MOE) called for by the product of all applicable UFs is not exceeded.

For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk and estimates risk in terms of the probability of occurrence of additional adverse cases. Generally, cancer risks are considered non-threshold. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/fedrgstr/EPA-PEST/1997/November/Day-26/p30948.htm*.

A summary of the toxicological endpoints for clethodim used for human risk assessment can be found at *http://www.regulations.gov* in document *Clethodim: Human Health Risk Assessment for Proposed Use on Field Corn* at page 12 in docket ID number EPA–HQ–OPP–2006–0890.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses*. In evaluating dietary exposure to clethodim, EPA considered exposure under the petitioned-for tolerances as well as all existing tolerances in (40 CFR 180.458). EPA assessed dietary exposures from clethodim in food as follows:

i. *Acute exposure*. Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1–day or single exposure.

No such effects were identified in the toxicological studies for clethodim; therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure*. In conducting the chronic dietary exposure assessment EPA used the food consumption data from the United States Department of Agriculture (USDA) 1994–1996, and 1998 Nationwide Continuing Surveys of Food Intake by Individuals (CSFII). As to residue levels in food, EPA assumed tolerance-level residues for existing and proposed tolerances except succulent beans; an average of the field trial data was used for succulent beans; and incorporated percent crop treated (PCT) information for certain registered uses.

iii. *Cancer*. Clethodim was negative for carcinogenicity in feeding studies in rats and mice and was classified as ''not likely'' to be a human carcinogen. Therefore, a quantitative exposure assessment to evaluate cancer risk is unnecessary.

iv. *Anticipated residue and PCT information*. Section 408(b)(2)(E) of FFDCA authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide residues that have been measured in food. If EPA relies on such information, EPA must pursuant to section 408(f)(1) of FFDCA require that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. For the present action, EPA will issue such Data Call-Ins as are required by section 408(b)(2)(E) of FFDCA and authorized under section 408(f)(1) of FFDCA. Data will be required to be submitted no later than 5 years from the date of issuance of this tolerance.

Section 408(b)(2)(F) of FFDCA states that the Agency may use data on the actual percent of food treated for assessing chronic dietary risk only if:

a. The data used are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain such pesticide residue.

b. The exposure estimate does not underestimate exposure for any significant subpopulation group.

c. Data are available on pesticide use and food consumption in a particular area, the exposure estimate does not understate exposure for the population in such area. In addition, the Agency must provide for periodic evaluation of any estimates used. To provide for the periodic evaluation of the estimate of PCT as required by section 408(b)(2)(F) of FFDAC, EPA may require registrants to submit data on PCT.

The Agency used PCT information as follows:

Commodity	PCT (Weighted Average)
Beets	1
Broccoli	10
Cabbage	1
Cantaloupes	1
Carrots	10
Celery	5
Cotton	1
Cucumbers	1
Dry beans	5
Lettuce	1
Onions	10
Peanuts	5
Potatoes	5
Pumpkins	5
Soybeans	5
Squash	5
Strawberries	1
Sugar beets	45
Sunflowers	20
Sweet potatoes	1
Tomatoes	1
Watermelons	5

EPA uses an average PCT for chronic dietary risk analysis. The average PCT figure for each existing use is derived by combining available Federal, state, and private market survey data for that use, averaging by year, averaging across all years, and rounding up to the nearest multiple of 5% except for those situations in which the average PCT is <1. In those cases, < 1% is used as the average and <2.5% is used as the maximum. EPA uses a maximum PCT for acute dietary risk analysis. The maximum PCT figure is the single maximum value reported overall from available Federal, state, and private market survey data on the existing use, across all years, and rounded up to the nearest multiple of 5%. In most cases, EPA uses available data from USDA/National Agricultural Statistics Service (NASS), Proprietary Market Surveys, and the National Center for Food and Agriculture Policy (NCFAP) for the most recent 6 years.

The Agency believes that the three conditions listed above have been met. With respect to Condition 1, PCT estimates are derived from Federal and private market survey data, which are reliable and have a valid basis. The Agency is reasonably certain that the percentage of the food treated is not likely to be an underestimation. As to Conditions 2 and 3, regional consumption information and consumption information for significant subpopulations is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups. Use of this consumption information in EPA's risk assessment process ensures that EPA's exposure estimate does not understate exposure for any significant subpopulation group and allows the Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. Other than the data available through national food consumption surveys, EPA does not have available information on the regional consumption of food to which chemical clethodim may be applied in a particular area.

2. *Dietary exposure from drinking water*. The Agency lacks sufficient monitoring data to complete a comprehensive dietary exposure analysis and risk assessment for clethodim in drinking water. Because the Agency does not have comprehensive monitoring data, drinking water concentration estimates are made by reliance on simulation or modeling taking into account data on the environmental fate characteristics of clethodim. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/oppefed1/models/water/index.htm*.

Surface water and ground water contamination may occur from the sulfoxide and sulfone degradates of clethodim, as well as from parent clethodim. Based on the First Index Reservoir Screening Tool (FIRST) Tier I, and Screening Concentration in Ground Water (SCI-GROW) models, the estimated chronic environmental concentrations (EECs) of clethodim + sulfoxide + sulfone are estimated to be 7.631 parts per billion (ppb) for surface water and 1.39 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For chronic dietary risk assessment, the water concentration of value 7.631 ppb was used to access the contribution to drinking water.

3. *From non-dietary exposure*. The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Although clethodim is registered for use in non-crop areas and for commercial use on ornamentals, no residential exposure is expected from these uses because these uses are clearly intended for commercial and institutional applications on commercially grown ornamentals and not for ornamentals in a residential setting. Therefore, non-occupational exposure assessment of clethodim was not performed.

4. *Cumulative effects from substances with a common mechanism of toxicity*. Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, EPA has not made a common mechanism of toxicity finding as to clethodim and any other substances and clethodim does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that clethodim has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *http://www.epa.gov/pesticides/cumulative*.

D. Safety Factor for Infants and Children

1. *In general*. Section 408 of FFDCA provides that EPA shall apply an additional (''10X'') tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA safety factor. In applying this provision, EPA either retains the default value of 10X when reliable data do not support the choice of a different factor, or, if reliable data are available, EPA uses a different additional FQPA safety factor value based on the use of traditional UFs and/or special FQPA safety factors, as appropriate.

2. *Prenatal and postnatal sensitivity*. There is no evidence of susceptibility following *in utero* and/or postnatal exposure to clethodim in the developmental toxicity studies in rats or rabbits, and in the 2-generation rat reproduction study. There are no residual uncertainties concerning prenatal and postnatal toxicity and no neurotoxicity concerns.

3. *Conclusion*. EPA has determined that reliable data show that it would be safe for infants and children to reduce the FQPA safety factor to 1X. That

decision is based on the following findings:

i. The toxicity database for clethodim is complete.

ii. There is no indication that clethodim is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. There is no evidence that clethodim results in increased susceptibility in *in utero* rats or rabbits in the prenatal developmental studies or in young rats in the 2–generation reproduction study.

iv. There are no residual uncertainties identified in the exposure databases. The dietary (food and drinking water) exposure assessment will not underestimate the potential exposure for infants, children, and/or women of childbearing age. There is no potential for residential exposure.

E. Aggregate Risks and Determination of Safety

Safety is assessed for acute and chronic risks by comparing aggregate exposure to the pesticide to the aPAD and cPAD. The aPAD and cPAD are calculated by dividing the LOC by all applicable UFs. For linear cancer risks, EPA calculates the probability of additional cancer cases given aggregate exposure. Short-term, intermediate-term, and long-term risks are evaluated by comparing aggregate exposure to the LOC to ensure that the MOE called for by the product of all applicable UFs is not exceeded.

1. *Acute risk*. There were no effects observed in oral toxicity studies including developmental toxicity studies in rats and rabbits that could be attributable to a single dose (exposure). Therefore, clethodim is not expected to pose an acute risk.

2. *Chronic risk*. Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that exposure to clethodim from food and water will utilize 73% of the cPAD for the population group Children 1–2 years old. There are no residential uses for clethodim that result in chronic residential exposure to clethodim.

3. *Short-term risk*. Short-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Clethodim is not registered for use on any sites that would result in residential exposure. Therefore, the aggregate risk is the sum of the risk from food and water.

4. *Intermediate-term risk*. Intermediate-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Clethodim is not registered for use on any sites that would result in residential exposure. Therefore, the aggregate risk is the sum of the risk from food and water, which do not exceed the Agency's level of concern.

5. *Aggregate cancer risk for U.S. population*. Clethodim is classified as a ''not likely'' to be carcinogenic in humans based on the results of a carcinogenicity study in mice and the combined chronic toxicity and carcinogenicity study in the rat. Therefore, clethodim is not expected to pose a cancer risk to humans.

6. *Determination of safety*. Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population or to infants and children from aggregate exposure to clethodim residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology gas chromatography with a flame photometric detector is available to enforce the tolerance expression. The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; e-mail address: *residuemethods@epa.gov*.

B. International Residue Limits

There are no Codex, Canadian or Mexican maximum residue levels (MRLs) established for residues in or on the proposed commodities. Therefore, there are not questions with respect to Codex and U.S. tolerance compatibility.

C. Response to Comments

Public comments were received from B. Sachau who objected to the proposed tolerances because of the amounts of pesticides already consumed and carried by the American population. The commenter further indicated that testing conducted on animals have absolutely no validity and are cruel to the test animals. B. Sachau's comments contained no scientific data or evidence to rebut the Agency's conclusion that there is a reasonable certainty that no harm will result from aggregate exposure to clethodim, including all anticipated dietary exposures and all other exposures for which there is reliable information. EPA has responded to B. Sachau's generalized comments on numerous previous occasions. 70 FR 1349, 1354 (January 7, 2005); 69 FR 63083, 63096 (October 29, 2004).

V. Conclusion

Therefore, tolerances are established for combined residues of clethodim and its metabolites on corn, field, forage at 0.2 ppm; corn, field, grain at 0.2 ppm; and corn, field, stover at 0.2 ppm.

VI. Statutory and Executive Order Reviews

This final rule establishes a tolerance under section 408(d) of FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this rule has been exempted from review under Executive Order 12866, this rule is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq*., nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of FFDCA, such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq*.) do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of FFDCA. As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999) and Executive Order 13175,

entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000) do not apply to this rule. In addition, this rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note).

VII. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: December 3, 2007.

Donald R. Stubbs,

Acting Director, Registration Division, Office of Pesticide Programs.

■ Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Section 180.458 is amended by alphabetically adding the following commodities to the table in paragraph (a)(3) to read as follows:

§ 180.458 Clethodim; tolerances for residues.

(a) * * *

(3) * * *

Commodity	Parts per million
* * *	* *
Corn, field, forage	0.2
Corn, field, grain	0.2
Corn, field, stover	0.2
* * *	* *

* * * * *

[FR Doc. E7–24164 Filed 12–13–07; 8:45 am]

BILLING CODE 6560–50–S

Proposed Rules

Federal Register
Vol. 72, No. 240
Friday, December 14, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 51

[Docket No. PRM–51–11]

Sally Shaw; Denial of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Denial of petition for rulemaking.

SUMMARY: The Nuclear Regulatory Commission (NRC) is denying a petition for rulemaking (PRM) submitted by Sally Shaw on June 23, 2006. The petition, docketed as PRM–51–11, requests that the NRC prepare a rulemaking to reconcile NUREG–1437, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants'' (May 1996) (GEIS), for nuclear power plant operating license renewal applications with the National Academy of Sciences' (NAS), ''Health Risks From Exposure to Low Levels of Ionizing Radiation: Biological Effects of Ionizing Radiation (BEIR) VII, Phase 2,'' Seventh Ed., 2005 report. The petitioner believes that this action is necessary because the BEIR VII report represents new and significant information on radiation standards and risk factors that must be reflected in NRC's GEIS. Although the NRC recognizes that the petition highlighted that BEIR VII contains a more refined risk assessment based on additional medical data and a better dosimetry system, the NRC is denying PRM–51–11 because it does not provide significant information or arguments that were not previously considered by the Commission.

ADDRESSES: Publicly available documents related to these petitions and the NRC's letter of denial to the petitioner may be viewed electronically on public computers in the NRC's PublicDocument Room (PDR), 01 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland. The PDR reproduction contractor will copy documents for a fee. 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/reading-rm/adams.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 NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR reference staff at (800) 387–4209, (301) 415–4737 or by e-mail to *pdr@nrc.gov.*

FOR FURTHER INFORMATION CONTACT: David T. Diec, telephone (301) 415–2834, e-mail *dtd@nrc.gov,* or Andrew Luu, telephone (301) 415–1078, e-mail *anl@nrc.gov,* Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

The Petition

On November 20, 2006 (71 FR 67072), the NRC published a notice of receipt of a petition for rulemaking filed by Sally Shaw (the petitioner). The petitioner requested that the NRC reconcile the GEIS with the NAS BEIR VII report, which was released in 2005. The GEIS incorporates data from BEIR V, an earlier NAS report that was released in 1990. The NRC regulation, Part 10 of the Code of Federal Regulations Section 51.95(c), requires that the NRC prepare a supplemental environmental impact statement (SEIS) to the GEIS. The findings of the GEIS are set forth in Table B–1 of Appendix B to subpart A of 10 CFR part 51 (Table B–1). A copy of the petition can be found in ADAMS under accession number ML061770056.

Specifically, the petitioner requests that the NRC consider the NAS BEIR VII report as new and significant information and update the radiological impacts and conclusions set forth in the GEIS, including early fatalities, latent fatalities, and any injury projections based on this information. The petitioner asserts that BEIR VII represents the ''current science,'' and states that BEIR VII, unlike BEIR V, ''estimates risks for cancer incidence rates as well as mortality and also provides detailed risk figures according to age of exposure for males and females, by cancer type.'' According to the petitioner, BEIR VII shows that the cancer mortality risks for women and children are much higher than for men. Further, the petitioner asserts that the GEIS's radiological impact analysis is calculated based on an ''arbitrary and false'' threshold dose model, implying that a dose received below the threshold would not be of ''regulatory concern.'' In this regard, the petitioner refers to BEIR VII, which concludes that there is no evidence of a ''threshold dose phenomenon.''

The petitioner also asserts that the GEIS reports radiation risks to nuclear workers of one rem per year based on BEIR V. The petitioner requests that these radiation risks be recalculated using BEIR VII and the latest science in medical journals, which include exposure to internal radiation sources (alpha and beta emitters, via inhalation or ingestion). Finally, the petitioner asserts that the radiological impact analysis contained in the GEIS assumes that non-stochastic effects will not occur if the dose equivalent from internal and external sources combined is less than 50 rem per year and, as such, must be recalculated in light of BEIR VII.

NRC Evaluation

The petitioner's request is that the NRC reconcile the GEIS with the NAS BEIR VII, 2005 report. The NRC's regulations for implementing its responsibilities under the National Environmental Policy Act (NEPA) are contained in 10 CFR part 51, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions.'' The renewal of a nuclear power plant operating license is identified as a major Federal action significantly affecting the quality of the human environment, and thus an SEIS (in conjunction with the GEIS) is required before the NRC determines whether to approve or disapprove the license renewal application. The NRC's requirements for renewal of operating licenses for nuclear power plants are contained in 10 CFR part 54. The GEIS assesses environmental impacts that could be associated with nuclear power plant license renewal and establishes generic findings for each type of environmental impact covering as many plants as possible. The GEIS reflects the NRC's findings regarding those environmental impacts associated with

license renewal that are well understood.

GEIS

The GEIS assesses the various environmental impacts associated with license renewal in terms of significance and assigns one of three significance levels to a given impact—small, moderate, or large. A small impact means that the environmental effects are not detectable or are so minor that they will neither destabilize nor noticeably alter any important attribute of the resource. For the purpose of assessing radiological impacts, the NRC has concluded that those impacts that do not exceed permissible levels in the NRC's regulations are considered small. A moderate impact means that the environmental effects are sufficient to alter noticeably but not to destabilize important attributes of the resource. A large impact means that the environmental effects are clearly noticeable and are sufficient to destabilize important attributes of the resource.

In addition to determining the significance of environmental impacts associated with license renewal, the NRC determines if its analysis can be applied to all plants and whether additional mitigation measures would be warranted. The GEIS sets forth two categories: Category 1 and Category 2. Category 1 means that the GEIS analysis has shown that the environmental impacts associated with the issue have been determined to apply either to all plants or, for some environmental issues, to plants having a specific type of cooling system or other specified plant or site characteristics; a single significance level (i.e., small, moderate, or large) has been assigned to the impacts; mitigation of adverse impacts associated with the issue has been considered in the analysis; and it has been determined that additional plant-specific mitigation measures are not likely to be sufficiently beneficial to warrant implementation. Category 2 means that the GEIS analysis does not meet the criteria of Category 1, and thus, on that particular environmental issue, additional plant-specific review is required. The GEIS findings are set forth in Table B–1 of Appendix B to subpart A of 10 CFR part 51.

For each license renewal application, the NRC will prepare a draft SEIS to analyze those plant-specific (Category 2) issues. The SEIS is not required to cover any Category 1 issues. The draft SEIS is made available for public comment. After consideration of any public comments, the NRC will prepare and issue a final SEIS under 10 CFR 51.91 and 51.93. The final SEIS and the GEIS serve as the requisite NEPA analysis for any given license renewal application.

The GEIS analysis, as shown in Table B–1, concluded that both public and occupational radiation exposures during any plant refurbishment or plant operation through the license renewal term are of a small significance level and meet all Category 1 criteria. This conclusion is based on a given licensee's adherence to, and if necessary, NRC enforcement of, the dose limits as required in 10 CFR part 20, ''Standards for Protection Against Radiation'' and in Appendix I to 10 CFR part 50, ''Numerical Guides for Design Objectives and Limiting Conditions for Operation to Meet the Criterion 'As Low As Is Reasonably Achievable' (ALARA) for Radioactive Material in Light-Water-Cooled Nuclear Power Reactor Effluents.'' Regulations at 10 CFR part 20 require that a licensee limit the annual dose to a member of the public to no more than 0.1 rem (1mSv) total effective dose equivalent (TEDE). In addition, 40 CFR part 190, ''Environmental Radiation Protection Standards For Nuclear Power Operations,'' further restricts the allowable annual dose to a member of the public to a lower value of 0.025 rem (0.25 mSv) and to maintain doses to members of the public that are ALARA. Finally, 10 CFR 50.34a requires a nuclear power plant to maintain control over radioactive gaseous and liquid effluents produced during normal operations to dose levels contained in Appendix I to 10 CFR Part 50, which are in the range of 0.003 rem (0.03 mSv) to 0.005 rem (0.05 mSv).

BEIR Reports

The risk estimates of human health effects from radiation were first evaluated by scientific committees starting in the 1950s. Since 1972, the National Academy of Sciences has published a series of reports on the biological effects of ionizing radiation (the BEIR reports), including the BEIR V report in 1990 and the BEIR VII report in 2005. The BEIR V and BEIR VII reports concentrated primarily on providing a comprehensive review of all biological and biophysical data regarding the health effects attributable to exposures to low doses of ionizing radiation, ranging between 0 to 10 rem (0–100 mSv). Although the BEIR VII committee examined several sources of epidemiological data (i.e., medical and occupational exposures), the single most important source of epidemiological data is the cohort of 120,000 Japanese atomic bomb survivors from the cities of Hiroshima and Nagasaki.

Three major changes have occurred after the BEIR V report was published. First, an additional 12 years of follow-up medical data are available. Second, cancer incidence data for the cohort are available (for BEIR V, only mortality data were available). The impact of these two developments has reduced the uncertainty in the assessment of cancer risk among the atomic bomb survivors. Third, the dosimetry system used to assign radiation exposure to the atomic bomb survivors was replaced with an improved dosimetry system. These changes have improved our understanding of the health risks associated with radiation exposure. The overall risk estimates of the BEIR V and BEIR VII reports, however, remain statistically insignificant. In this regard, the BEIR VII report states: ''in general the magnitude of estimated risks for total cancer mortality or leukemia has not changed greatly from estimates in past reports such as BEIR V and recent reports of the United Nations Scientific Committee on the Effects of Atomic Radiation (UNSCEAR) and the International Commission on Radiological Protection (ICRP). New data and analyses have reduced sampling uncertainty, but uncertainties related to estimating risk for exposure at low doses and dose rates and transporting risks from Japanese A-bomb survivors to the U.S. population remain large. Uncertainties in estimating risks of site-specific cancers are especially large.''

The NRC staff completed a review of the BEIR VII report and documented its findings in the Commission paper SECY–05–0202, ''Staff Review of the National Academies Study of the Health Risks from Exposure to Low Levels of Ionizing Radiation (BEIR VII),'' dated October 29, 2005 (ADAMS accession number ML052640532). In this paper, the NRC staff concluded that the findings presented in the BEIR VII report agree with the NRC's current understanding of the health risks from exposure to ionizing radiation. The BEIR VII report's major conclusion is that current scientific evidence is consistent with the hypothesis that there is a linear, no-threshold dose response relationship between exposure to ionizing radiation and the development of cancer in humans. This conclusion is consistent with the system of radiological protection that the NRC used to develop its regulations and the GEIS. Therefore, the NRC's regulations and the GEIS continue to be adequately protective of public health and safety and the environment. Consequently, none of the findings in the BEIR VII

report represent new and significant information when compared to the findings of the BEIR V report and thus, there is no need to amend NRC regulations or the GEIS. The NRC has determined that a specific rulemaking to amend 10 CFR Part 51 and by extension, the GEIS, is not warranted.

Public Comments

The NRC received a total of 74 public comments relating to this petition. Of the 74 comments, 69 supported granting the petition. No comments opposed the petition and five comments were not applicable to this petition. The letters in support of the petition were essentially identical and contained one or more of the following four assertions:

A. Protect the most vulnerable populations in the regulatory standards.

B. Recognize that ''allowable'' levels are not safe.

C. Consider radiation damage from inhaling or ingesting radionuclides; and

D. Recognize that there is no safe dose.

A. Protect the Most Vulnerable Populations in the Regulatory Standards

Although some epidemiological studies have shown that children, individuals in poor health, and the elderly are more radiosensitive to radiation at high doses and high dose rates, no adverse health effects have been observed in these populations at the doses associated with NRC's radiation protection regulations and standards. The NRC, in NUREG 1850, ''Frequently Asked Questions on License Renewal of Nuclear Power Reactors,'' provides information on a number of studies that have been performed to examine the health effects around nuclear power facilities. These studies report that there is no conclusive evidence which shows a statistical correlation between the low level radiation dose received by members of the public living near a nuclear power plant and their cancer incidence.

The dose from radioactive gaseous and liquid effluents is based on the ''maximum exposed individual'' and calculated to each of the four age groups (0–1, 1–11, 11–17, and 17 years and older). The methodology and guidance for calculating these doses and the associated dose conversion factors for each age group, are contained in Regulatory Guide 1.109, ''Calculation of Annual Doses to Man from Routine Releases of Reactor Effluents for the Purpose of Evaluating Compliance with 10 CFR Part 50, Appendix I.'' Nuclear power reactors implement this methodology and guidance in individual plant radiation protection programs and operating procedures. The NRC has concluded that the current NRC radiation protection standards continue to ensure adequate protection of the public. This position is further reiterated in the Commission Paper SECY–05–0202. In this paper, the NRC staff reviewed and evaluated NRC's radiation safety regulations and standards against the findings of the BEIR VII report. The NRC staff concluded ''that the findings presented in the National Academies BEIR VII report contribute to our understanding of the heath risks from exposure to ionizing radiation. The major conclusion is that current scientific evidence is consistent with the hypothesis that there is a linear, no-threshold dose response relationship between exposure to ionizing radiation and the development of cancer in humans.'' The BEIR VII report's conclusion is consistent with the system of radiological protection that the NRC used to develop its regulations and the GEIS. Therefore, the NRC concludes that the current regulations continue to be adequately protective of the public health and safety and the environment. Consequently, none of the findings in the BEIR VII report warrant initiating any immediate change to NRC regulations or the GEIS.

B. Recognize That ''Allowable'' Levels Are Not Safe

Commenter states that these levels are based on obsolete ''standard man,'' concept that applies to a healthy, white male in the prime of his life, and ignore the more vulnerable fetus, growing infant, children, and women who, according to the BEIR VII report, are 37–50 percent more vulnerable than men to the harmful effects of ionizing radiation. Although some epidemiological studies have shown that children, individuals in poor health, and the elderly are more radiosensitive to radiation at high doses and high dose rates, no adverse health effects have been observed in these populations at the doses associated with NRC's radiation protection regulations and standards. The amount of radioactive material released from nuclear power facilities is well measured, closely monitored, and known to be very small. As shown by the studies referenced in NUREG–1850, the radiation dose received by members of the public from the normal operation of a nuclear power plant are so low that no cancers have been observed.

The BEIR VII committee's preferred estimate of lifetime attributable risk for solid cancer incidence and mortality (Tables 12–13) suggest that females are more sensitive than males to radiation exposure at 10 rem, a level that is 100 times the NRC's radiation protection standards specified in 10 CFR Part 20. The BEIR VII committee's preferred estimate of lifetime attributable risk for leukemia cancer incidence and mortality (Tables 12–13), moreover, suggest that males are more sensitive than females. The BEIR VII committee uses the 95 percent confidence intervals associated with estimated lifetime cancer risk for males and females that suggest that the apparent gender difference may not be statistically significant. Consequently, the BEIR VII report combined the two risk estimates and cited an average value which was also done by the BEIR V committee. A potential gender difference was not discussed in the BEIR VII report.

The NRC radiation protection regulation, 10 CFR 20.1208, requires each licensee to ensure that the dose equivalent to the embryo/fetus during the entire pregnancy, due to the occupational exposure of a declared pregnant woman, does not exceed 0.5 rem (5 mSv). These radiation protection standards continue to ensure adequate protection of the public health and safety and the environment.

The petitioner has also requested that the NRC review an article entitled ''Healthy from the Start: Building a Better Basis for Environmental Health Standards—Starting with Radiation,'' published by the Institute for Energy and Environmental Research (IEER), February 2007. This article was not published in a scientific peer-reviewed journal and the article's conclusions do not appear to have been subjected to an independent peer review process. The authors of this article have stated that there are cause-and-effect relationships in the statistical associations between cancer rates and nuclear power reactor operations. Although it is true that cancer rates vary among locations, it is difficult to ascribe the cause of a cluster of cancers to a specific environmental agent, such as radiation from a nuclear power plant. Statistical association alone does not demonstrate causation. Also, well-established scientific methods must be used to demonstrate that these causal effects are appeared to be associated over time. Discussions regarding infants, children, and women are addressed in section A of this document.

C. Consider Radiation Damage From Inhaling or Ingesting Radionuclides

The issue of radiation risks, as discussed in the GEIS (i.e., Appendix E, section E 4.1.1), used a reference value of 1 rem to calculate the estimated

number of excess cancer fatalities, based on the BEIR V report. As discussed in the section titled, ''BEIR Reports,'' while the changes between the reports has increased our understanding of radiation risk, none of the findings of the BEIR VII report represent new and significant information when compared to the findings of the BEIR V report. Thus, there is no need to amend NRC regulations or the GEIS.

Human health effects associated with ionizing radiation, which the GEIS classifies as a Category 1 issue, are divided into two broad categories, non-stochastic and stochastic. The non-stochastic health effects are those in which the severity varies in direct relationship with the radiation dose and for which, according to scientific reports from ICRP, UNSCEAR, as well as the BEIR committee, a dose threshold is known to exist. Radiation-induced cataract formation is an example of a non-stochastic effect. The stochastic health effects are those that occur randomly and for which the probability of the effect occurring, rather than its severity, is assumed to be a linear function of dose without threshold. Hereditary effects and cancer incidences are examples of stochastic effects. For the mitigation of stochastic health effects, the NRC endorses the linear, no-threshold dose response model as a basis for its radiation protection standards. This model indicates that any increase in radiation dose, no matter how small, results in an incremental increase in the risk of adverse health effects.

NRC regulations and standards, such as the annual dose limits contained in 10 CFR Part 20 for members of the public and for occupational workers, account for stochastic and non-stochastic health effects of radioactive material inhaled or ingested into the human body. For members of the public, the annual dose limit from exposure to radiation from an NRC licensed facility is 0.1 rem. For occupational workers, there are specific dose limits to address the stochastic and non-stochastic health effects. The total effective dose equivalent limit which addresses the stochastic health effects is limited to an annual dose of 5 rem. To address the non-stochastic health effects, the annual dose limit to any individual organ or tissue and the skin, other than the lens of the eye, is 50 rem; the annual dose limit to the lens of the eye is 15 rem. The dose unit is specified as TEDE in rem. The TEDE dose is the sum of the deep-dose equivalent (i.e., external exposures) and the committed effective dose equivalent (i.e., internal exposures received from inhaling or ingesting of radioactive material which includes alpha, beta, gamma, and neutron emitters). The current dose regulations and standards contain adequate radiation safety limits based on radiation exposures from all types of radioactive material and therefore, continue to ensure adequate protection of the public and occupational workers.

Further, Appendix I to 10 CFR Part 50 provides numerical ALARA dose criteria for the discharge of radioactive gaseous and liquid effluents from nuclear power plants. These dose objectives are incorporated into each nuclear power plant's license conditions. The NRC collects and assesses data regarding licensees' adherence to regulations based on site visits, audits and inspection records, and the annual radiological effluent release reports required to be submitted to the NRC and concludes that nuclear power plants continue to maintain their radioactive effluents to the ALARA dose criteria.

D. Recognize That There Is No Safe Dose

The BEIR VII report's major conclusion is that current scientific evidence is consistent with the hypothesis that there is a linear, no-threshold dose response relationship between exposure to ionizing radiation and the development of cancer in humans. The BEIR VII committee did not attempt to equate radiation exposure and safety, nor did it offer any judgment or opinion on what constitutes a safe level of radiation exposure. It concludes that establishing limits on public exposure to ionizing radiation is the responsibility of Federal agencies like the U.S. Environmental Protection Agency and the NRC. The linear, no-threshold dose response relationship between exposure to ionizing radiation and the development of cancer in humans is consistent with the system of radiological protection that the NRC uses as a basis to develop its regulations. Therefore, the NRC's regulations continue to ensure adequate protection of the public health and safety and the environment.

Reasons for Denial

The Commission is denying the petition for rulemaking submitted by Sally Shaw. The specific issues contained in the petition are already adequately addressed in the NRC's radiation protection regulations and standards.

Although this petition is being denied, the Commission notes that the current GEIS that referenced the BEIR V, 1999 report, is undergoing planned revision and will consider recent radiological studies, including the BEIR VII, 2005 report. The summary of findings as a result of the planned update will be codified through an ongoing and routine rulemaking to 10 CFR Part 51, Subpart A, Appendix B, Table B1—Summary of Findings on NEPA Issues for License Renewal of Nuclear Power Plants.

The Commission has concluded that nuclear plants that are in compliance with NRC radiation protection regulations and standards remain protective of public health and safety and the environment. The radiological health and environmental impacts contained in the GEIS, which are based on regulatory compliance, remain valid.

For these reasons, the Commission denies PRM–51–11.

Dated at Rockville, Maryland, this 10th day of December 2007.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. E7–24291 Filed 12–13–07; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–0258; Directorate Identifier 2007–CE–090–AD]

RIN 2120–AA64

Airworthiness Directives; Air Tractor, Inc. AT–400, AT–500, AT–600, and AT–800 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (NPRM); Extension of the comment period.

SUMMARY: We are revising an earlier proposed airworthiness directive (AD) that applies to certain Air Tractor, Inc. (Air Tractor) AT–400, AT–500, AT–600, and AT–800 series airplanes. The earlier NPRM proposed to supersede Airworthiness Directive (AD) 2007–13–17, which applies to certain Air Tractor Models AT–602, AT–802, and AT–802A airplanes. AD 2007–13–17 currently requires you to repetitively inspect the engine mount for any cracks, repair or replace any cracked engine mount, and report any cracks found to the FAA. The earlier NPRM proposed to retain the inspection actions of AD 2007–13–17 for Models AT–602, AT–802, and AT–802A airplanes, including the compliance times and effective dates;

establish new inspection actions for the AT–400 and AT–500 series airplanes; incorporate a mandatory terminating action for all airplanes; and terminate the reporting requirement of AD 2007–13–17. The earlier NPRM resulted from a Model AT–502B with a crack located where the lower engine mount tube is welded to the engine mount ring, and the manufacturer developing gussets that, when installed according to their service letter, terminate the repetitive inspection requirement. Since issuance of the NPRM, the manufacturer revised the service information and the FAA has determined that it is necessary to address the unsafe condition. Therefore, we are incorporating the service letter revision into the proposed AD, and we are extending the comment period to allow the public additional time to comment.

DATES: We must receive comments on this proposed AD by February 29, 2008 (an additional 30 days after the comment close date for the NPRM, which was January 30, 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 Air Tractor Inc., P.O. Box 485, Olney, Texas 76374; telephone: (940) 564–5616; fax: (940) 564–5612.

FOR FURTHER INFORMATION CONTACT: Andy McAnaul, Aerospace Engineer, 10100 Reunion Pl., 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–2007–0258; Directorate Identifier 2007–CE–090–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

On November 23, 2007, we issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all Air Tractor AT–400, AT–500, AT–600, and AT–800 series airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on November 30, 2007 (72 FR 67687). The NPRM proposed to supersede AD 2007–13–17 with a new AD that would retain the inspection actions of AD 2007–13–17 for Models AT–602, AT–802, and AT–802A airplanes, including the compliance times and effective dates; establish new inspection actions for the AT–400 and AT–500 series airplanes; incorporate a mandatory terminating action for all airplanes; and terminate the reporting requirement of AD 2007–13–17. That proposed AD would have required you to use Snow Engineering Co. Service Letter #253 Rev. A, dated October 16, 2007.

Since issuance of the NPRM, Snow Engineering Company revised the Snow Engineering Co. Service Letter #253, Rev. A to the Rev. B level (dated November 30, 2007).

FAA's Determination and Requirements of This Proposed AD

We have carefully reviewed the available data and determined that:

- The unsafe condition referenced in this document exists or could develop on other products of the same type design;
- Doing the actions following the revised service letter is necessary to address the unsafe condition; and
- We should take AD action to correct this unsafe condition.

Therefore, we are incorporating the service letter revision into the proposed AD, and we are issuing a supplemental NPRM and extending the comment period to allow the public additional time to comment.

Costs of Compliance

We estimate that this proposed AD would affect 1,264 airplanes in the U.S. registry, including those airplanes affected by AD 2007–13–17.

We estimate the following costs to do the proposed inspection:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
1.5 work-hours × $80 per hour = $120	$0	$120	$151,680

We estimate the following costs to do the repair/modification:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
24 work-hours × $80 per hour = $1,920	$80	$2,000	$2,528,000

The estimated total cost on U.S. operators includes the cumulative costs associated with AD 2007–13–17 and those airplanes and 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://dms.dot.gov;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone (800) 647–5227) 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) 2007–13–17, Amendment 39–15121 (72 FR 36863, July 6, 2007), and adding the following new AD:

Air Tractor, Inc.: Docket No. FAA–2007–0258; Directorate Identifier 2007–CE–090–AD.

Comments Due Date

(a) We must receive comments on this airworthiness directive (AD) action by February 29, 2008 (an additional 30 days after the comment close date for the NPRM of January 30, 2008).

Affected ADs

(b) This AD supersedes AD 2007–13–17, Amendment 39–15121.

Applicability

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

Model	Serial Nos.
AT–400, AT–400A, AT–402, AT–402A, and AT–402B	–0001 through –1175.
AT–502, AT–502A, AT–502B, and AT–503A	–0001 through –2597.
AT–602	–0001 through –1141.
AT–802 and AT–802A	–0001 through –0227.

Unsafe Condition

(d) This AD results from a report of a Model AT–502B airplane with a crack located where the lower engine mount tube is welded to the engine mount ring. The airplane had 8,436 total hours time-in-service (TIS). We are issuing this AD to detect and correct cracks in the engine mount, which could result in failure of the engine mount. Such failure could lead to separation of the engine from the airplane.

Compliance

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

(1) *For all airplanes with less than 5,000 hours total TIS that do not have gussets installed on the engine mount in accordance with Snow Engineering Co. Service Letter #253 Rev. A, dated October 16, 2007:* Visually inspect the engine mount as follows:

Affected airplanes	Compliance	Procedures
(i) *For all Models AT–602, AT–802, and AT–802A airplanes.*	Initially before the airplane reaches a total of 1,300 hours TIS or within the next 100 hours TIS after August 10, 2007 (the effective date of AD 2007–13–17), whichever occurs later. Repetitively thereafter at intervals not to exceed 300 hours TIS.	Follow one of the following: (A) Snow Engineering Co. Service Letter #253, Rev. B, dated November 30, 2007; (B) Snow Engineering Co. Service Letter #253, Rev. A, dated October 16, 2007; or (C) Snow Engineering Co. Service Letter #253, revised January 22, 2007.
(ii) *For all Model AT–502A airplanes*	Initially before the airplane reaches a total of 1,300 hours TIS or within the next 100 hours TIS after the effective date of this AD, whichever occurs later. Repetitively thereafter at intervals not to exceed 300 hours TIS.	Follow Snow Engineering Co. Service Letter #253 Rev. B, dated November 30, 2007.

Affected airplanes	Compliance	Procedures
(iii) *For all Models AT–400, AT–400A, AT–402, AT–402A, AT–402B, AT–502, AT–502B, and AT–503A airplanes.*	Initially within the next 12 months after the effective date of this AD. Repetitively thereafter at intervals not to exceed 12 months.	Follow Snow Engineering Co. Service Letter #253 Rev. B, dated November 30, 2007.

(2) *For all airplanes:* Before further flight after any inspection required by paragraph (e)(1) of this AD where crack damage is found, repair and modify the engine mount by installing gussets following Snow Engineering Co. Service Letter #253 Rev. B, dated November 30, 2007. This modification terminates the repetitive inspections required in paragraphs (e)(1)(i), (e)(1)(ii), and (e)(1)(iii) of this AD.

(3) *For all airplanes:* Before the airplane reaches 5,000 hours total TIS after the effective date of this AD or within the next 100 hours TIS after the effective date of this AD, whichever occurs later; inspect, repair if cracked, and modify the engine mount by installing gussets following Snow Engineering Co. Service Letter #253 Rev. B, dated November 30, 2007. This modification terminates the repetitive inspections required in paragraphs (e)(1)(i), (e)(1)(ii), and (e)(1)(iii) of this AD.

Note: As a terminating action to the repetitive inspections required in paragraphs (e)(1)(i), (e)(1)(ii), and (e)(1)(iii) of this AD, you may install the gussets before finding cracks or reaching 5,000 hours total TIS.

Alternative Methods of Compliance (AMOCs)

(f) The Manager, Forth Worth Aircraft Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Andy McAnaul, Aerospace Engineer, ASW–150, FAA San Antonio MIDO–43, 10100 Reunion Place, San Antonio, Texas 78216; phone: (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.

Related Information

(g) To get copies of the service information referenced in this AD, contact Air Tractor Inc., P.O. Box 485, Olney, Texas 76374; telephone: (940) 564–5616; fax: (940) 564–5612. 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 10, 2007.

John R. Colomy,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–24215 Filed 12–13–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–0294; Directorate Identifier 2007–CE–087–AD]

RIN 2120–AA64

Airworthiness Directives; Piaggio Aero Industries S.p.A. Model P 180 Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

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

Due to pressurization loads, the fuselage frame of the emergency exit door could suffer from fatigue and develop cracks in its corners. The superseded Italian Airworthiness Directive (AD) 1995–059 was issued to require modification of the emergency door frame in accordance with Piaggio (at the time I.A.M. Rinaldo Piaggio S.p.A.) Service Bulletin 80–0057 original issue.

Parts necessary to carry out the modification were a new door pan assembly and a doubler; Since these parts are no longer available, Piaggio Aero Industries S.p.A. (PAI) designed new suitable part numbers introduced by Revision 1 of Service Bulletin 80–0057. The present AD mandates modification of the fuselage emergency door frame in accordance with Revision 1 of Service Bulletin 80–0057 from PAI.

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

FOR FURTHER INFORMATION CONTACT: Sarjapur Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4145; fax: (816) 329–4090.

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–****; Directorate Identifier 2007–CE–087–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent

for the Member States of the European Community, has issued AD No.: 2007–0225, dated August 14, 2007 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products.

The MCAI states:

> Due to pressurization loads, the fuselage frame of the emergency exit door could suffer from fatigue and develop cracks in its corners. The superseded Italian Airworthiness Directive (AD) 1995–059 was issued to require modification of the emergency door frame in accordance with Piaggio (at the time I.A.M. Rinaldo Piaggio S.p.A.) Service Bulletin 80–0057 original issue.
>
> Parts necessary to carry out the modification were a new door pan assembly and a doubler; Since these parts are no longer available, Piaggio Aero Industries S.p.A. (PAI) designed new suitable part numbers introduced by Revision 1 of Service Bulletin 80–0057.
>
> The present AD mandates modification of the fuselage emergency door frame in accordance with Revision 1 of Service Bulletin 80–0057 from PAI.

The MCAI requires the modification of the fuselage frame of the emergency door, using the newly designed door pan assembly and doubler and following Piaggio Aero Industries S.p.A. Mandatory Service Bulletin N. 80–0057, Revision 1, dated May 31, 2007.

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

Relevant Service Information

Piaggio Aero Industries S.p.A. has issued Mandatory Service Bulletin N. 80–0057, Revision 1, dated May 31, 2007. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of the Proposed AD

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

Differences Between This Proposed AD and the MCAI or Service Information

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

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

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 31 products of U.S. registry. We also estimate that it would take about 70 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 $14,105 per product.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $610,855, or $19,705 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:

Piaggio Aero Industries S.p.A.: Docket No. FAA–2007–0294; Directorate Identifier 2007–CE–087–AD.

Comments Due Date

(a) We must receive comments by January 14, 2008.

Affected ADs

(b) None.

Applicability

(c) This AD applies to PIAGGIO P–180 airplanes, manufacturer serial numbers (MSN) 1001, 1002, 1004, and MSN 1006 through 1033, that:

(1) are certificated in any category; and

(2) have not been modified in accordance with Piaggio Aero Industries Service Bulletin No. 80–0057, dated February 7, 1995.

Subject

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

Reason

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

> Due to pressurization loads, the fuselage frame of the emergency exit door could suffer from fatigue and develop cracks in its corners. The superseded Italian Airworthiness Directive (AD) 1995–059 was issued to require modification of the emergency door frame in accordance with Piaggio (at the time I.A.M. Rinaldo Piaggio S.p.A.) Service Bulletin 80–0057 original issue.

Parts necessary to carry out the modification were a new door pan assembly and a doubler; Since these parts are no longer available, Piaggio Aero Industries S.p.A. (PAI) designed new suitable part numbers introduced by Revision 1 of Service Bulletin 80–0057.

The present AD mandates modification of the fuselage emergency door frame in accordance with Revision 1 of Service Bulletin 80–0057 from PAI.

The MCAI requires the modification of the fuselage frame of the emergency door, using the newly designed door pan assembly and doubler, following Piaggio Aero Industries S.p.A. SB 80–0057, Revision 1, dated May 31, 2007.

Actions and Compliance

(f) Unless already done, replace the emergency exit door pan assembly part number (P/N) 80–111152–401 with a new door pan assembly P/N 80–111152–405, and a new doubler reinforcement P/N 80–111604–001, following Piaggio Aero Industries S.p.A. Mandatory Service Bulletin N. 80–0057, Revision 1, dated May 31, 2007, at whichever of the following occurs later:

(i) When the airplane reaches 4,500 hours total time-in-service (TIS); or

(ii) Within 6 months after the effective date of this AD or 500 hours TIS after the effective date of this AD, whichever of these occurs first.

FAA AD Differences

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

Other FAA AD Provisions

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

(1) Alternative Methods of Compliance (AMOCs): The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Sarjapur Nagarajan, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4145; fax: (816) 329–4090. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

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

Related Information

(h) Refer to MCAI European Aviation Safety Agency AD No.: 2007–0225, dated August 14, 2007; and Piaggio Aero Industries S.p.A. Mandatory Service Bulletin N. 80–0057, Revision 1, dated May 31, 2007, for related information.

Issued in Kansas City, Missouri, on December 10, 2007.

John R. Colomy,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–24216 Filed 12–13–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. OSHA–2007–0040]

RIN 1218–AC08

Updating OSHA Standards Based on National Consensus Standards

AGENCY: Occupational Safety and Health Administration (OSHA); Department of Labor.

ACTION: Notice of proposed rulemaking.

SUMMARY: In this Notice of Proposed Rulemaking (NPRM), the Agency is proposing to remove several references to consensus standards that have requirements that duplicate or are comparable to other OSHA rules; this rulemaking also includes correcting a paragraph citation in one these OSHA rules. In addition, the Agency is proposing to remove the reference to American Welding Society standard A3.0–1969 (''Terms and Definitions'') in its general-industry welding standards. OSHA also is publishing a direct final rule in today's **Federal Register** taking these same actions. This NPRM is the companion document to the direct final rule. This rulemaking is a continuation of OSHA's ongoing effort to update references to consensus and industry standards used throughout its rules.

DATES: Comments to this NPRM (including comments to the information-collection (paperwork) determination described under the section titled **SUPPLEMENTARY INFORMATION** of companion direct final rule), hearing requests, and other information must be submitted by January 14, 2008. All submissions must bear a postmark or provide other evidence of the submission date. (See the following section titled **ADDRESSES** for methods you can use in making submissions.)

ADDRESSES: Comments and hearing requests may be submitted as follows:

- *Electronic.* Comments may be submitted electronically to *http://www.regulations.gov*, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.
- *Facsimile.* OSHA allows facsimile transmission of comments and hearing requests that are 10 pages or fewer in length (including attachments). Send these documents to the OSHA Docket Office at (202) 693–1648; hard copies of these documents are not required. Instead of transmitting facsimile copies of attachments that supplement these documents (e.g., studies, journal articles), commenters must submit these attachments, in triplicate hard copy, to the OSHA Docket Office, Technical Data Center, Room N–2625, OSHA, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, DC 20210. These attachments must clearly identify the sender's name, date, subject, and docket number (i.e., OSHA–2007–0040) so that the Agency can attach them to the appropriate document.
- *Regular mail, express delivery, hand (courier) delivery, and messenger service.* Submit three copies of comments and any additional material (e.g., studies, journal articles) to the OSHA Docket Office, Docket No. OSHA–2007–0040 or RIN No. 1218–AC08, Technical Data Center, Room N–2625, OSHA, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, DC 20210; telephone: (202) 693–2350. (OSHA's TTY number is (877) 889–5627.) Note that security-related problems may result in significant delays in receiving comments and other written materials by regular mail. Please contact the OSHA Docket Office for information about security procedures concerning delivery of materials by express delivery, hand delivery, and messenger service. The hours of operation for the OSHA Docket Office are 8:15 a.m. to 4:45 p.m., e.t.
- *Instructions.* All submissions must include the Agency name and the OSHA docket number (i.e., OSHA Docket No. OSHA–2007–0040). Comments and other material, including any personal information, are placed in the public docket without revision, and will be available online at *http://www.regulations.gov*. Therefore, the Agency cautions commenters about submitting statements they do not want made available to the public, or submitting comments that contain personal information (either about themselves or others) such as social

security numbers, birth dates, and medical data.

OSHA requests comments on all issues related to this NPRM. It also welcomes comments on its findings that there would be no negative economic, paperwork, or other regulatory impacts of this NPRM on the regulated community. This NPRM is the companion document to a direct final rule also published in today's **Federal Register**. If OSHA receives no significant adverse comment on the companion direct final rule, it will publish a **Federal Register** document confirming the effective date of the direct final rule and withdrawing this NPRM. Such confirmation may include minor stylistic or technical corrections to the document. For the purpose of judicial review, OSHA considers the date that it confirms the effective date of the direct final rule to be the date of issuance. However, if OSHA receives significant adverse comment on the direct final rule, it will publish a timely withdrawal of the direct final rule and proceed with this NPRM addressing the same standards.

• *Docket.* To read or download comments or other material in the docket, go to *http://www.regulations.gov* or to the OSHA Docket Office at the address above. Documents in the docket are listed in the *http://www.regulations.gov* index; however, some information (e.g., copyrighted material) is not publicly available to read or download through this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions.

FOR FURTHER INFORMATION CONTACT: For general information and press inquiries contact Mr. Kevin Ropp, Director, OSHA Office of Communications, Room N–3647, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693–1999. For technical inquiries, contact Ted Twardowski, Office of Safety Systems, Directorate of Standards and Guidance, Room N–3609, OSHA, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693–2255; fax: (202) 693–1663. Copies of this **Federal Register** notice are available from the OSHA Office of Publications, Room N–3101, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–1888. Electronic copies of this **Federal Register** notice, as well as news releases and other relevant documents, are available at OSHA's Web page at *http://www.osha.gov*.

SUPPLEMENTARY INFORMATION:

I. Discussion of the Proposal

OSHA is proposing to remove several references to outdated consensus standards in its general-industry rules that have requirements that duplicate or are comparable to other OSHA rules. In addition, the Agency is correcting a paragraph citation in one these OSHA rules. The Agency also proposes to remove the reference to American Welding Society standard A3.0–1969 (''Terms and Definitions'') in its general-industry welding standards. This NPRM is the companion document to a direct final rule concerning the same standards published in the ''Rules'' section of today's **Federal Register**. For a complete discussion of this action, the relevant consensus standards and OSHA standards affected by this NPRM, as well as a discussion of the economic analysis and Regulatory Flexibility Act certification, paperwork determination, issues involving federalism and State-Plan States, and OSHA's response under the Unfunded Mandates Reform Act, see the preamble to the direct final rule.

II. Public Participation

OSHA requests comments on all issues related to this NPRM. The Agency also welcomes comments on its findings that this rulemaking would have no negative economic or other regulatory impacts of this NPRM on the regulated community. If OSHA receives no significant adverse comment, it will publish a **Federal Register** document confirming the effective date contained in the companion direct final rule and withdrawing this NPRM. Such confirmation may include minor stylistic or technical corrections to the document. A full discussion of what constitutes a significant adverse comment is contained in the companion direct final rule.

The Agency will withdraw the direct final rule if it receives significant adverse comment on the amendments contained in the direct final rule, and proceed with this NPRM by addressing the comment and publishing a new final rule. Should the Agency receive a significant adverse comment regarding some actions taken in the direct final rule, but not others, it may (1) finalize those actions that did not receive significant adverse comment, and (2) conduct further rulemaking under this NPRM for the actions that received significant adverse comment. The comment period for this NPRM runs concurrently with that of the direct final rule. Therefore, any comments received under this NPRM will be treated as comments regarding the direct final rule. Likewise, significant adverse comments submitted to the direct final rule will be considered as comments to this NPRM; the Agency will consider such comments in developing a subsequent final rule.

Comments received will be posted without change to *http://www.regulations.gov*, including any personal information provided. Accordingly OSHA cautions commenters about submitting personal information such as social security numbers and birth dates.

List of Subjects for 29 CFR Part 1910

General industry, Health, Occupational safety and health, Safety, Welding.

Authority and Signature

Edwin G. Foulke, Jr., Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, directed the preparation of this proposed rule. The Agency is issuing this rule under Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657), Secretary of Labor's Order 5–2007 (72 FR 31159), and 29 CFR Part 1911.

Signed at Washington, DC on Friday, December 7, 2007.

Edwin G. Foulke, Jr.,

Assistant Secretary of Labor.

III. Amendments to Standards

OSHA is proposing to amend 29 CFR part 1910 to read as follows:

PART 1910—[AMENDED]

Subpart A—[Amended]

1. Revise the authority citation for subpart A of part 1910 to read as follows:

Authority: Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), or 5–2007 (72 FR 31159), as applicable.

Section 1910.6 also issued under 5 U.S.C. 553. Sections 1910.6, 1910.7, and 1910.8 also issued under 29 CFR Part 1911. Section 1910.7(f) also issued under 31 U.S.C. 9701, 29 U.S.C. 9a, 5 U.S.C. 553; Pub. L. 106–113 (113 Stat. 1501A–222); and OMB Circular A–25 (dated July 8, 1993) (58 FR 38142, July 15, 1993).

2. In § 1910.6:

a. Remove and reserve paragraphs (e)(1), (e)(2), (e)(5), (e)(62), and (e)(63), and (i)(1); and

b. Revise paragraphs (e)(15), (e)(49), and (q)(3) to read as follows:

§ 1910.6 Incorporation by reference.

* * * * *

(e) * * *

(15) ANSI B7.1–70 Safety Code for the Use, Care and Protection of Abrasive Wheels, IBR approved for §§ 1910.215(b)(12) and 1910.218(j).

* * * * *

(49) ANSI Z9.1–51 Safety Code for Ventilation and Operation of Open Surface Tanks, IBR approved for 1910.261(a)(3)(xix), (g)(18)(v), and (h)(2)(i).

* * * * *

(q) * * *

(3) NFPA 33–1969 Standard for Spray Finishing Using Flammable and Combustible Material, IBR approved for § 1910.94(c)(2).

* * * * *

Subpart F—[Amended]

3–4. Revise the authority citation for subpart F of part 1910 to read as follows:

Authority: Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), or 5–2007 (72 FR 31159), as applicable; and 29 CFR part 1911.

5. Revise paragraphs (b)(4) and (b)(8)(ii) of § 1910.68 to read as follows:

§ 1910.68 Manlifts.

* * * * *

(b) * * *

(4) *Reference to other codes and subparts.* The following codes and subparts of this part are applicable to this section: Safety Code for Mechanical Power Transmission Apparatus, ANSI B15.1–1953 (R 1958); Safety Code for Fixed Ladders, ANSI A14.3–1956; and subparts D, O, and S. The preceding ANSI standards are incorporated by reference as specified in § 1910.6.

* * * * *

(8) * * *

(ii) *Construction.* The rails shall be standard guardrails with toeboards meeting the provisions of § 1910.23.

* * * * *

Subpart G—[Amended]

6. Revise the authority citation for subpart G of part 1910 to read as follows:

Authority: Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), or 5–2007 (72 FR 31159), as applicable; and 29 CFR Part 1911.

Section 1910.94 also issued under 5 U.S.C. 553.

7. Revise paragraphs (b)(5)(1)(*a*), (c)(1)(ii), (c)(3)(i) introductory text, (c)(3)(i)(*a*), (c)(3)(iii) introductory text, (c)(3)(iii)(*a*), (c)(5)(i) introductory text, and (c)(5)(iii)(*e*) of § 1910.94 to read as follows:

§ 1910.94 Ventilation.

* * * * *

(b) * * *

(5) * * *

(i)(*a*) It is the dual function of grinding and abrasive cutting-off wheel hoods to protect the operator from the hazards of bursting wheels, as well as to provide a means for the removal of dust and dirt generated. All hoods shall be not less in structural strength than specified in Tables O–1 and O–9 of § 1910.215.

* * * * *

(c) * * *

(1) * * *

(ii) *Spray booth.* Spray booths are defined and described in § 1910.107(a).

* * * * *

(3) * * *

(i) Spray booths shall be designed and constructed in accordance with § 1910.107(b)(1) through (b)(4) and (b)(6) through (b)(10). For a more detailed discussion of fundamentals relating to this subject, see ANSI Z9.2–1960, which is incorporated by reference as specified in § 1910.6.

(*a*) Lights, motors, electrical equipment, and other sources of ignition shall conform to the requirements of § 1910.107(b)(10) and (c).

* * * * *

(iii) Baffles, distribution plates, and dry-type overspray collectors shall conform to the requirements of § 1910.107(b)(4) and (b)(5).

(*a*) Overspray filters shall be installed and maintained in accordance with the requirements of § 1910.107(b)(5), and shall only be in a location easily accessible for inspection, cleaning, or replacement.

* * * * *

(5) * * *

(i) Ventilation shall be provided in accordance with provisions of § 1910.107(d), and in accordance with the following:

* * * * *

(iii) * * *

(*e*) Inspection or clean-out doors shall be provided for every 9 to 12 feet of running length for ducts up to 12 inches in diameter, but the distance between cleanout doors may be greater for larger pipes. A clean-out door or doors shall be provided for servicing the fan, and where necessary, a drain shall be provided.

* * * * *

Subpart H—[Amended]

8. Revise the authority citation for subpart H of part 1910 to read as follows:

Authority: Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), or 5–2007 (72 FR 31159), as applicable; and 29 CFR part 1911.

Sections 1910.103, 1910.106 through 1910.111, and 1910.119, 1910.120, and 1910.122 through 1910.126 also issued under 29 CFR part 1911.

Section 1910.119 also issued under Section 304, Clean Air Act Amendments of 1990 (Pub. L. 101–549), reprinted at 29 U.S.C. 655 Note.

Section 1910.120 also issued under Section 126, Superfund Amendments and Reauthorization Act of 1986 as amended (29 U.S.C. 655 Note), and 5 U.S.C. 553.

9. Revise paragraph (b)(1)(i)(*c*) of § 1910.103 to read as follows:

§ 1910.103 Hydrogen.

* * * * *

(b) * * *

(1) * * *

(i) * * *

(*c*) Each portable container shall be legibly marked with the name ''Hydrogen'' in accordance with the marking requirements set forth in § 1910.253(b)(1)(ii). Each manifolded hydrogen supply unit shall be legibly marked with the name ''Hydrogen'' or a legend such as ''This unit contains hydrogen.''

* * * * *

10. Revise paragraph (c)(1)(iv) of § 1910.107 to read as follows:

§ 1910.107 Spray finishing using flammable and combustible materials.

* * * * *

(c) * * *

(1) * * *

* * * * *

(vi) Powder-coating equipment shall conform to the requirements of paragraph (l)(1) of this section.

* * * * *

11. Amend paragraph (b)(5)(iii) of § 1910.110 to read as follows:

§ 1910.110 Storage and handling of liquid petroleum gases.

* * * * *

(b) * * *

(5) * * *

(iii) When LP-Gas and one or more other gases are stored or used in the

same area, the containers shall be marked to identify their content. Marking shall conform to the marking requirements set forth in § 1910.253(b)(1)(ii).

* * * * *

12. Revise paragraph (e)(1) of § 1910.111 to read as follows:

§ 1910.111 Storage and handling of anhydrous ammonia.

* * * * *

(e) * * *

(1) *Conformance.* Cylinders shall comply with DOT specifications and shall be maintained, filled, packaged, marked, labeled, and shipped to comply with 49 CFR chapter I and the marking requirements set forth in § 1910.253(b)(1)(ii).

* * * * *

Subpart J—[Amended]

13. Revise the authority citation for subpart J of part 1910 to read as follows:

Authority: Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), or 5–2007 (72 FR 31159), as applicable.

Sections 1910.141, 1910.142, 1910.145, 1910.146, and 1910.147 also issued under 29 CFR part 1911.

14. Revise paragraph (a)(1)(ii) of § 1910.144 to read as follows:

§ 1910.144 Safety color code for marking physical hazards.

(a) * * *

(1) * * *

(ii) *Danger.* Safety cans or other portable containers of flammable liquids having a flash point at or below 80° F, table containers of flammable liquids (open cup tester), excluding shipping containers, shall be painted red with some additional clearly visible identification either in the form of a yellow band around the can or the name of the contents conspicuously stenciled or painted on the can in yellow. Red lights shall be provided at barricades and at temporary obstructions. Danger signs shall be painted red.

* * * * *

Subpart P—[Amended]

15. Revise the authority citation for subpart P of part 1910 to read as follows:

Authority: Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), or 5–2007 (72 FR 31159), as applicable; 29 CFR part 1911.

Section 1910.243 also issued under 29 CFR part 1910.

16. Revise paragraph (d)(1)(i) of § 1910.243 to read as follows:

§ 1910.243 Guarding of portable powered tools.

* * * * *

(d) * * *

(1) * * *

(i) Explosive-actuated fastening tools that are actuated by explosives or any similar means, and propel a stud, pin, fastener, or other object for the purpose of affixing it by penetration to any other object shall meet the design requirements specified by paragraph (d)(2) of this section. This requirement does not apply to devices designed for attaching objects to soft construction materials, such as wood, plaster, tar, dry wallboard, and the like, or to stud-welding equipment.

* * * * *

Subpart Q—[Amended]

17. Revise the authority citation for subpart Q of part 1910 to read as follows:

Authority: Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657); Secretary of Labor's Orders Nos. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), or 5–2007 (72 FR 31159), as applicable; and 29 CFR part 1911.

§ 1910.251 [Amended]

18. Remove paragraph (c) of § 1910.251.

19. Revise paragraph (b)(1)(ii) of § 1910.253 to read as follows:

§ 1910.253 Oxygen-fuel gas welding and cutting.

* * * * *

(b) * * *

(1) * * *

(ii) Compressed gas cylinders shall be legibly marked, for the purpose of identifying the gas content, with either the chemical or the trade name of the gas. Such marking shall be by means of stenciling, stamping, or labeling, and shall not be readily removable. Whenever practical, the marking shall be located on the shoulder of the cylinder.

* * * * *

Subpart R—[Amended]

20. Revise the authority citation for subpart R of part 1910 to read as follows:

Authority: Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), or 5–2007 (72 FR 31159), as applicable; and 29 CFR part 1911.

21. Revise paragraphs (c)(15)(ii), (e)(4), (g)(13)(i), (h)(1), (j)(4)(iii), (j)(5)(i), (k)(6), (k)(13)(i), and (k)(15) of § 1910.261 to read as follows:

§ 1910.261 Pulp, paper, and paperboard mills.

* * * * *

(c) * * *

(15) * * *

(ii) Where conveyors cross passageways or roadways, a horizontal platform shall be provided under the conveyor extending out from the sides of the conveyor a distance equal to 1.5 times the length of the wood handled. The platform shall extend the width of the road plus 2 feet on each side, and shall be kept free of wood and rubbish. The edges of the platform shall be provided with toeboards or other protection to prevent wood from falling, in accordance with § 1910.23.

* * * * *

(e) * * *

(4) *Runway to the jack ladder.* The runway from the pond or unloading dock to the table shall be protected with standard handrails and toeboards. Inclined portions shall have cleats or equivalent nonslip surfacing in accordance with § 1910.23. Protective equipment shall be provided for persons working over water.

* * * * *

(g) * * *

(13) * * *

(i) Blowpit openings shall be preferably on the side of the pit instead of on top. When located on top, openings shall be as small as possible and shall be provided with railings in accordance with § 1910.23.

* * * * *

(h) * * *

(1) *Bleaching engines.* Bleaching engines, except the Bellmer type, shall be completely covered on the top, with the exception of one small opening large enough to allow filling, but too small to admit a person. Platforms leading from one engine to another shall have standard guardrails in accordance with § 1910.23.

* * * * *

(j) * * *

(4) * * *

(iii) When beaters are fed from a floor above, the chute opening, if less than 42 inches from the floor, shall be provided with a complete rail or other enclosure. Openings for manual feeding shall be sufficient only for entry of stock, and

shall be provided with at least two permanently secured crossrails in accordance with § 1910.23.

* * * * *

(5) * * *

(i) All pulpers having the top or any other opening of a vessel less than 42 inches from the floor or work platform shall have such openings guarded by railed or other enclosures. For manual charging, openings shall be sufficient to permit the entry of stock, and shall be provided with at least two permanently secured crossrails in accordance with § 1910.23.

* * * * *

(k) * * *

(6) *Steps.* Steps of uniform rise and tread with nonslip surfaces shall be provided at each press in accordance with § 1910.23.

* * * * *

(13) * * *

(i) A guardrail shall be provided at broke holes in accordance with § 1910.23.

* * * * *

(15) *Steps.* Steps or ladders of uniform rise and tread with nonslip surfaces shall be provided at each calendar stack. Handrails and hand grips shall be provided at each calendar stack in accordance with § 1910.23.

* * * * *

[FR Doc. E7–24182 Filed 12–13–07; 8:45 am]

BILLING CODE 4510–26–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2007–1155; FRL–8506–7]

Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Updated Statutory and Regulatory Provisions; Rescissions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Under the Clean Air Act, EPA is proposing to approve certain revisions, and to disapprove certain other revisions, to the Nevada State Implementation Plan submitted by the Nevada Division of Environmental Protection on January 12, 2006 and June 26, 2007. The provisions that are proposed for approval include certain definitions; prohibitory rules; provisions related to legal authority and enforcement; rules establishing opacity, sulfur and volatile organic compound limits; and rescission of abbreviations. The proposed approval of a certain statutory provision related to legal authority is contingent upon receipt of public process documentation of adoption of the provision as a revision to the state implementation plan. The proposed disapproval relates to rescission of a certain definition and rescission of a rule related to emission discharge information. EPA is proposing this action under the Clean Air Act obligation to take action on submittals of revisions to state implementation plans. The intended effect is to update the Nevada state implementation plan with amended or recodified rules and with an amended statutory provision and to rescind a provision found to be unnecessary for further retention in the plan.

DATES: Written comments must be received at the address below on or before January 14, 2008.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2007–1155, by one of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the on-line instructions.

2. *E-mail: steckel.andrew@epa.gov*.

3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Instructions: All comments will be included in the public docket without change and may be made available online at *http://www.regulations.gov*, including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Docket: The index to the docket for this action is available electronically at *http://www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Andrew Steckel, EPA Region IX, (415) 947–4115, *steckel.andrew@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA. This supplementary information section is arranged as follows:

I. The State's Submittal

A. Which SIP revisions did the State submit?

On February 16, 2005, the Governor's designee, the Nevada Division of Environmental Protection (NDEP), submitted a large revision to the applicable Nevada State Implementation Plan (SIP) to EPA for approval under section 110 of the Clean Air Act (CAA or ''Act''). The February 16, 2005 SIP submittal includes new and amended statutory provisions and rules as well as rescissions of certain statutory provisions and rules approved by EPA into the applicable SIP. The statutes, rules and rescissions submitted by NDEP on February 16, 2005 relate to definitions, administrative requirements, prohibitory rules, and permitting-related requirements and procedures. The February 16, 2005 SIP submittal also contains documentation of public participation (i.e., notice and public hearing) and adoption for all rule amendments up to and including those adopted by the State Environmental Commission on November 30, 2004.

On January 12, 2006, NDEP re-submitted most of the earlier submittal as modified to reflect new or amended rules adopted by the State Environmental Commission on October 4, 2005. The January 12, 2006 SIP revision submittal supersedes the regulatory portion of the earlier SIP submittal but is not a complete re-submittal in that it did not include the documentation of public notice and

hearing previously submitted. The January 12, 2006 SIP submittal does include such documentation for amendments adopted by the commission on October 4, 2005.

The primary purpose of these SIP submittals is to clarify and harmonize the provisions approved by EPA under section 110 of the Act with the current provisions adopted by the State. Because these SIP submittals incorporate so many changes from 1970s and 1980s vintage SIP regulations, EPA has decided to review and act on them in a series of separate actions.

The first such action, related to various definitions, sulfur emission rules, and restrictions on open burning and use of incinerators was proposed in the **Federal Register** on September 13, 2005 (70 FR 53975) and finalized on March 27, 2006 (71 FR 15040). The second such action, related to statutory authority, was proposed on June 9, 2006 (71 FR 33413) and finalized on August 31, 2006 (71 FR 51766). A third action, related to most of the State's rescission requests, was proposed on August 28, 2006 (71 FR 50875); EPA finalized action on most of the rescissions covered by the August 28th proposal on January 3, 2007 (72 FR 11), finalized rescission of a Federal Implementation Plan (FIP) for regulation of fugitive sulfur oxides emissions from a defunct copper smelter on June 13, 2007 (72 FR 32529), and finalized action on the rest of the rescissions covered by the August 28th proposal on November 2, 2007 (72 FR 62119). A fourth action, related to monitoring and volatile organic compound (VOC) rules, was proposed on August 31, 2006 (71 FR 51793) and finalized on December 11, 2006 (71 FR 71486). A fifth action, related to excess emissions provisions, was proposed on December 18, 2006 (71 FR 75690) but has not yet been finalized. A sixth action, related to visible emissions and particulate matter rules, was proposed on March 12, 2007 (72 FR 10960) and finalized on May 8, 2007 (72 FR 25971). A seventh action, related to permitting-related rules, was proposed on April 17, 2007 (72 FR 19144) but has not been finalized.

Upon publication of the seventh action cited above, we have at least proposed action on all of the new or amended rules submitted by NDEP on January 12, 2006, except for Nevada Administrative Code (NAC) NAC 445B.227 (''Prohibited conduct: Operation of source without required equipment; removal or modification of required equipment: modification of required procedure'') and NAC 445B.200 (''`Violation' defined''). We include NAC 445B.227 in today's proposed rule. We will take action on NAC 445B.200, which is a permitting-related definition, in a separate rulemaking.

Also, upon publication of the seventh action cited above, we have at least proposed action on all of the rescissions submitted by NDEP on January 12, 2006 except for rule 25 of general order number 3 of the Nevada Public Service Commission, NAC 445.655 (''Abbreviations''), NAC 445.694 (''Emission discharge information''), and Nevada Revised Statutes (NRS) 704.820 to 704.900 (''Construction of utility facilities: utility environmental protection act''). We include the rescissions of NAC 445.655 (''Abbreviations'') and NAC 445.694 (''Emission discharge information'') in today's proposed rule. We will take action NDEP's rescissions of rule 25 of general order number 3 and NRS 704.820 to 704.900, which are permitting-related provisions, in a separate rulemaking.

NDEP has submitted a number of SIP revisions supplementing or superseding portions of the January 12, 2006 SIP submittal, but the only relevant supplemental SIP revision for the purposes of this rulemaking is the one submitted on June 26, 2007. NDEP organized the June 26, 2007 SIP submittal into four parts. The first part contains public participation documentation for 11 rescissions that we proposed to approve in our August 28, 2006 proposed rule. We took final action on the 11 rescissions on November 2, 2007 (72 FR 62119). The second part contains amended rules and an amended statutory provision that would replace corresponding existing provisions in the Nevada SIP. In the third part, NDEP requests rescission of existing rule NAC 445.436 (''`Air contaminant' defined'') from the SIP. The fourth part contains recodifications of rules recently approved by EPA into the SIP. We include the second, third, and fourth parts of NDEP's June 26, 2007 SIP submittal in this rulemaking.

Table 1 lists amended rules or statutory provisions intended to replace early 1980's versions of these provisions. The provisions listed in table 1 include NAC 445B.227, which was submitted on January 12, 2006, and the seven amended rules and one amended statutory provision submitted by NDEP on June 26, 2007.

TABLE 1.—SUBMITTED RULES AND STATUTORY PROVISION

Submitted NAC or NRS	Title	Adoption date	Submittal date
NAC 445B.172	''Six-Minute Period'' defined	09/16/76	06/26/07
NAC 445B.190	''Stop order'' defined	11/03/93	06/26/07
NAC 445B.220	Severability	09/06/06	06/26/07
NAC 445B.225	Prohibited conduct: Concealment of emissions	10/03/95	06/26/07
NAC 445B.227	Prohibited conduct: Operation of source without required equipment; removal or modification of required equipment: Modification of required procedure.	10/03/95	01/12/06
NAC 445B.229	Hazardous emissions: Order for reduction or discontinuance.	10/03/95	06/26/07
NAC 445B.275	Violations: Acts constituting; notice	03/08/06	06/26/07
NAC 445B.277	Stop orders	03/08/06	06/26/07
NRS 445B.310	Limitations on enforcement of federal and state regulations concerning indirect sources.	No adoption date.	06/26/07

Table 2 lists three rules that NDEP seeks to rescind from the existing SIP. NDEP's rescission of NAC 445.655 and NAC 445.694 are included in the January 12, 2006 SIP submittal, and NDEP's rescission of NAC 445.436 is included in the June 26, 2007 SIP submittal.

TABLE 2.—REQUESTED RESCISSIONS

SIP rule	Title	Submittal date	Approval date
NAC 445.436	''Air contaminant'' defined	10/26/82	06/26/84
NAC 445.655	Abbreviations	10/26/82	06/26/84
NAC 445.694	Emission discharge information	10/26/82	06/26/84

Table 3 lists rule recodifications submitted by NDEP to EPA on June 26, 2007 to replace corresponding SIP rules recently approved by EPA in the Nevada SIP. The recodified rules reflect the January 2007 update to chapter 445B of the Nevada Administrative Code (NAC), as published by the Nevada Legislative Counsel Bureau.

TABLE 3.—SUBMITTED RULE RECODIFICATIONS

Recodified rule	Title	Submittal date
NAC 445B.001	Definitions	06/26/07
NAC 445B.063	''Excess emissions'' defined	06/26/07
NAC 445B.153	''Regulated air pollutant'' defined	06/26/07
NAC 445B.22017	Visible emissions: Maximum opacity; determination and monitoring of opacity	06/26/07
NAC 445B.2202	Visible emissions: Exceptions for stationary sources	06/26/07
NAC 445B.22043	Sulfur emissions: Calculation of total feed sulfur	06/26/07
NAC 445B.2205	Sulfur emissions: Other processes which emit sulfur	06/26/07
NAC 445B.22093	Organic solvents and other volatile compounds	06/26/07

B. What is the regulatory history of the Nevada SIP?

Pursuant to the Clean Air Amendments of 1970, the Governor of Nevada submitted the original Nevada SIP to EPA in January 1972. EPA approved certain portions of the original SIP and disapproved other portions under CAA section 110(a). See 37 FR 10842 (May 31, 1972). For some of the disapproved portions of the original SIP, EPA promulgated substitute provisions under CAA section 110(c).[1] This original SIP included various rules, codified as articles within the Nevada Air Quality Regulations (NAQR), and various statutory provisions codified in chapter 445 of the Nevada Revised Statutes (NRS). In the early 1980's, Nevada reorganized and recodified its air quality rules into sections within chapter 445 of the Nevada Administrative Code (NAC). Today, Nevada codifies its air quality regulations in chapter 445B of the NAC and codifies air quality statutes in chapter 445B (''Air Pollution'') of title 40 (''Public Health and Safety'') of the NRS.

Nevada adopted and submitted many revisions to the original set of regulations and statutes in the SIP, some of which EPA approved at various times between 1975 and 1984. Since 1984, EPA had approved very few revisions to Nevada's applicable SIP despite numerous changes that have been adopted by the State Environmental Commission. As a result, the version of the rules enforceable by NDEP was often quite different from the SIP version enforceable by EPA. The difference between the two sets of rules is sometimes referred to as the ''SIP gap,'' and closing the gap was one of the primary motivations behind NDEP's comprehensive SIP update that produced the February 16, 2005 and January 12, 2006 SIP submittals followed by supplemental SIP submittals such as the June 26, 2007 SIP submittal.

C. What is the purpose of this proposed rule?

The purpose of this proposed rule is to present our evaluation under the Clean Air Act and EPA's regulations of certain provisions, rescissions, and recodifications contained in NDEP's January 12, 2006 and June 26, 2007 SIP revision submittals. The provisions submitted for approval include updated definitions; updated administrative, enforcement, and prohibitory rules; and a statutory provision related to legal authority. The rescissions relate to a certain definition, abbreviations, and a rule involving emission discharge information. The rule recodifications involve minor changes to rule titles and historical notes in certain definitions, particulate matter rules, sulfur emission rules, and a volatile organic compound rule. We provide our reasoning in general terms below but provide a more detailed analysis in the technical support document (TSD) that has been prepared for this proposed rulemaking.

II. EPA's Evaluation and Action

We reviewed the provisions, rescissions, and recodifications submitted by NDEP that are listed in the three tables above for compliance with CAA requirements for SIPs in general as set forth in CAA section 110(a)(2) and 40 CFR part 51 and also for compliance with requirements for SIP revisions under CAA section 110(l).[2] Our consideration of the rules submitted on January 12, 2006 and June 26, 2007, and evaluated herein, takes into account the public participation documentation contained in the February 16, 2005 and January 12, 2006 SIP submittals. For the submitted rule recodifications, our review is cursory in nature consistent with EPA memorandum, ''Review of State Regulation Recodifications,'' from Johnnie L. Pearson, Chief, Regional Activities Branch, EPA Office of Air Quality Planning and Standards, dated February 12, 1990.

A. Amended Rules and Statutory Provision

Based on a review of applicable CAA and EPA regulatory requirements and a comparison with the corresponding existing SIP provisions that they would replace, we propose to approve all of the

[1] Provisions that EPA promulgates under CAA section 110(c) in substitution of disapproved State provisions are referred to as Federal Implementation Plans (FIPs).

[2] CAA section 110(l) states: ''Each revision to an implementation plan submitted by a State under this chapter shall be adopted by such State after reasonable notice and public hearing. The Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 7501 of this title), or any other applicable requirement of this chapter.''

provisions listed in table 1 above. In general, the submitted provisions mirror the corresponding provisions in the existing SIP or would strengthen the SIP by eliminating exceptions, deleting limitations, or expanding legal authority, and thereby would not interfere with attainment or maintenance of the NAAQS.

With respect to public participation requirements under CAA section 110(l), we find that adequate documentation has been submitted by NDEP (or otherwise acquired by EPA) to show compliance with CAA procedural requirements for SIP revisions under CAA section 110(l) except for NRS 445B.310. Thus, our proposed approval of NRS 445B.310 is contingent upon receipt of documentation of notice and opportunity for public hearing on adoption of NRS 445B.310 as a revision to the Nevada SIP.[3]

Our TSD provides additional background information and a more detailed rationale for our proposed approval of the provisions listed in table 1 above.

B. Rule Rescissions

We have reviewed the rescissions listed in table 2 to determine whether any of them should be retained to comply with CAA or EPA requirements for SIPs, whether rescission of any of them would interfere with attainment or maintenance of the NAAQS, or whether any of them should be retained as a practical matter because of reliance on them by other SIP rules.

Based on this review, we have found that NAC 445.436 (''Air contaminant' defined'') should be retained because it is relied upon by certain SIP rules that remain in the applicable SIP. We find that NAC 445.655 (''Abbreviations'') may be rescinded because the abbreviations listed therein that are not simply superseded by our approval of the current version of the rule (i.e., NAC 445B.211 (''Abbreviations''), approved on March 27, 2006 at 71 FR 15040) are not relied upon by any rules in the applicable SIP. Lastly, with respect to NAC 445.694 (''Emission discharge information''), we find that the rule should be retained to comply with requirements under 40 CFR 51.116(c).

Therefore, we propose to disapprove the rescission requests for NAC 445.436 and NAC 445.694 and to approve the rescission request for NAC 445.655. Our TSD provides additional background information and a more detailed rationale for our proposed actions on the rescissions listed in table 2 above.

C. Rule Recodifications

We have compared the rule recodifications submitted by NDEP and listed in table 3 above with the corresponding SIP rules to ensure that the changes are administrative in nature. Based on this comparison, we find all of the changes, which include revised titles and updates to internal rule references and historical notes, to be administrative in nature and acceptable. Therefore, we propose to approve the rule recodifications listed in table 3, above. Our TSD provides additional background information and discussion for our proposed approval of the rule recodifications listed in table 3 above.

III. Public Comment and Proposed Action

Under section 110(k) of the Clean Air Act and for the reasons set forth above, EPA is proposing to approve certain revisions, and to disapprove certain other revisions, to the Nevada SIP submitted by NDEP on January 12, 2006 and June 26, 2007. The provisions that are proposed for approval include certain definitions; prohibitory rules; provisions related to legal authority and enforcement; rules establishing opacity, sulfur and volatile organic compound limits; and rescission of abbreviations. The proposed approval of a certain statutory provision related to legal authority is contingent upon receipt of public process documentation of adoption of the provision as a revision to the state implementation plan. The proposed disapproval relates to rescission of a certain definition and rescission of a rule related to emission discharge information.

Unless we receive convincing new information during the comment period, we intend to publish a final rule that will approve the new or amended rules shown in table 1, above, approve the rescission of existing SIP rule NAC 445.655 (''Abbreviations''), approve the rule recodifications shown in table 3, above, as revisions to the Nevada SIP, but retain existing SIP rules NAC 445.436 (''Air contaminant' defined'') and NAC 445.694 (''Emission discharge information'') in the SIP.[4] [5]

IV. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed 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 proposed 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 proposes to approve state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this proposed 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 proposes to approve 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 proposed 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 proposed 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

[3] In so doing, we recognize that we have not consistently required the State of Nevada to submit public participation documentation for SIP revisions involving statutory provisions and should have done so. With Nevada rules, we typically consider the public process conducted by the relevant State administrative agency (usually the State Environmental Commission) in adopting new or amended rules as adequate to comply the procedural requirements for SIP revisions under CAA section 110(l). In contrast to rules, however, Nevada statutory provisions are typically submitted to EPA without an analogous public process, and thus NDEP must conduct a public process specifically for the purpose of adopting statutory provisions as a revision to the SIP to comply with section 110(l).

[4] The approval of submitted statutory provision NRS 445B.310 is contingent upon receipt of public process documentation from NDEP adopting this provision as a revision to the Nevada SIP.

[5] Final approval of the provisions listed in table 1 of this notice would supersede the following provisions in the applicable SIP (superseding rules shown in parentheses) upon the established compliance date for any new or amended requirements in the superseding provisions: NAC 445.617 (NAC 445B.172), NAC 445.630 (NAC 445B.190), NAC 445.660 (NAC 445B.220), NAC 445.663 (NAC 445B.225), NAC 445.664 (NAC 445B.227), NAC 445.665 (NAC 445B.229), NAC.696 (NAC 445B.275), NAC 445.697 (NAC 445B.277), and NRS 445.493 (NRS 445B.310). Final approval of the rule recodifications listed in table 3 of this notice would supersede rules with the same section number in NAC chapter 445B.

levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely proposes to approve state law implementing a Federal standard, 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 proposes to approve 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 Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission; to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. 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.*).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: November 30, 2007.

Laura Yoshii,

Acting Regional Administrator, Region IX.

[FR Doc. E7–24243 Filed 12–13–07; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket No. 02–278, FCC 07–203]

Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Commission tentatively concludes that it should amend the Commission's rules under the Telephone Consumer Protection Act (TCPA) to require telemarketers to honor registrations with the National Do-Not-Call Registry so that registrations will not automatically expire based on the five year registration period. The Commission proposes extending this requirement indefinitely to minimize the inconvenience to consumers of having to re-register their preferences not to receive telemarketing calls and to further the underlying goal of the National Registry to protect consumer privacy rights. Also in this document, the Commission seeks comment on this tentative conclusion and on how best to coordinate this rule change with the Federal Trade Commission (FTC).

DATES: Comments are due on or before January 14, 2008. Reply comments are due on or before January 28, 2008.

ADDRESSES: You may submit comments identified by CG Docket No. 02–278 and/or FCC Number 07–203, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting electronic filings.
- *Federal Communications Commission's Web site: http://www.fcc.gov/cgb/ecfs/.* Follow the instructions for submitting electronic filings.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: *FCC504@fcc.gov* or phone (202) 418–0539 or TTY: (202) 418–0432.

For detailed instructions for submitting electronic filings and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Lynne Montgomery, Consumer & Governmental Affairs Bureau, Policy Division, at (202) 418–2229 (voice), or e-mail *Lynne.Montgomery@fcc.gov.*

SUPPLEMENTARY INFORMATION: On July 3, 2003, the Commission released the *Rules and Regulations Implementing the TCPA of 1991,* Report and Order (*2003 TCPA Order*), CG Docket No. 02–278, FCC 03–153, published at 68 FR 44144, July 25, 2003, revising the TCPA rules, and adopted new rules to provide consumers with several options for avoiding unwanted telephone solicitations. These new rules established a national do-not-call registry, set a maximum rate on the number of abandoned calls, required telemarketers to transmit caller ID information, and modified the Commission's unsolicited facsimile advertising requirements. This is a summary of the Commission's document *Rules and Regulations Implementing the TCPA of 1991, Notice of Proposed Rulemaking (Do-Not-Call Registry NPRM),* CG Docket No. 02–278, FCC 07–203, adopted November 27, 2007, and released December 4, 2007, seeking comment on its tentative conclusion to amend its rules to eliminate the five-year registration period for the Do-Not-Call Registry and require telemarketers to honor registrations indefinitely, unless the consumer has cancelled the registration or the database administrator removes the telephone number because it was disconnected or reassigned. The *Do-Not-Call Registry NPRM* does not contain new or modified information collection requirements subject to the PRA of 1995, Public Law 104–13. In addition, it does not contain any new or modified ''information collection burden for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506 (c)(4).

Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415 and 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using: (1) The Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121, May 1, 1998.

- *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: *http://www.fcc.gov/cgb/ecfs/* or the Federal eRulemaking Portal: *http://www.regulations.gov.* Filers should follow the instructions provided on the Web site for submitting comments.
- ECFS filers must transmit one electronic copy of the comments for CG Docket No. 02–278. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the docket number, CG Docket No. 02–278. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to *ecfs@fcc.gov,* and include the following words in the body of the message, ''get form <your e-mail address>.'' A sample form and directions will be sent in response.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than

one docket or rulemaking number appears in the caption in this proceeding, filers must submit two additional copies of each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although the Commission continues to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial mail sent by overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW., Washington, DC 20554.

Pursuant to § 1.1200 of the Commission's rules, 47 CFR 1.1200, this matter shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substances of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. *See* 47 CFR 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in § 1.1206(b) of the Commission's rules, 47 CFR 1.1206(b).

A copy of document FCC 07–203 and any subsequently filed documents in this matter will be available during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554, (202) 418–0270. Document FCC 07–203 and any subsequently filed documents in this matter may also be purchased from the Commission's duplicating contractor at their Web site, *http://www.bcpiweb.com,* or call (800) 378–3160. A copy of document FCC 07–203 and any subsequently filed documents in this matter may also be found by searching the Commission's Electronic Comment Filing System (ECFS) at *http://www.fcc.gov.cgb/ecfs* (insert CG Docket No. 02–278 into the Proceeding block).

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY). Document FCC 07–203 can also be downloaded in Word or Portable Document Format (PDF) at: *http://www.fcc.gov/cgb/policy.*

Synopsis

The Commission tentatively concludes that it should amend its rules so that telemarketers will be required to honor registrations with the National Do-Not-Call Registry until the registration is cancelled by the consumer or the telephone number is removed by the database administrator because it was disconnected or reassigned. Under this tentative conclusion, consumer registrations will not expire after five years. The Commission seeks comment on this tentative conclusion and how to implement this rule change in coordination with the FTC.

The National Do-Not-Call Registry was adopted in large part to make it easier and more efficient for consumers to prevent unwanted telemarketing calls. As explained in Reports to Congress, the Commission believes the number of telephone numbers added to the Registry and the FCC's experience in both helping to ensure compliance with the Registry and in enforcing the do-not-call rules are strong indicators that the Registry has been successful in curbing the number of unwanted telemarketing calls. Therefore, the Commission is concerned that, starting June 28, 2008, five years after the opening of the registry, as many as 10 million registered numbers will expire and be automatically removed from the database, unless consumers take steps to re-register the numbers. By August 2008, as many as 20 million additional numbers will potentially expire and be purged from the registry. Such expirations will leave millions of consumers without protection against unwanted telemarketing calls—protections they have come to rely on since registering their numbers in 2003. Removing the current 5-year registration period will alleviate any burdens on consumers associated with re-registering numbers, including the time and effort necessary to register and the need to remember when to re-register. The Commission believes requiring telemarketers to continue honoring do-not-call registrations will also minimize any consumer confusion resulting from a sudden increase in telemarketing calls received when registrations begin to expire next year. In addition, eliminating the need to re-register numbers every five years should lower the cost of operating the National Registry.

In adopting the National Registry, the Commission was mindful of concerns regarding the accuracy of the database. Initially, the Commission determined that a re-registration requirement should be included given that telephone numbers change hands, are disconnected and reassigned over time. However, the Commission believes the database administrator's use of technology to check all registered telephone numbers on a monthly basis and remove those numbers that have been disconnected or reassigned will maintain the database's high-level of accuracy. In addition, consumers will continue to be able to verify or cancel their registration status using either the telephone or Internet. Allowing consumers to verify their registration status or cancel their registrations at any time also enhances the accuracy of the National Registry.

The Commission recognizes that absent a similar change in the FTC's policies, numbers that have been in the Registry for five years may be purged by the database administrator beginning in June 2008, and that telemarketers will no longer have access to those numbers in order to avoid calling them. The Commission notes, however, that the FTC recently committed that ''it will not drop any telephone numbers from the Registry based on the five-year expiration period pending final Congressional or agency action on whether to make registration permanent.'' The Commission envisions working closely with the FTC to ensure that telephone numbers are not removed at the end of the 5-year registration period, and that telemarketers continue to have access to those numbers. The Commission seeks comment on how best to coordinate with the FTC to most effectively institute this rule change in a meaningful, consistent way.

In light of our tentative conclusion and the FTC's indication that it will retain registrations after the 5-year period, the Commission believes the Registry will continue to operate as it does today. The Commission, therefore,

seeks comment on what impact, if any, our proposed rule change would have on telemarketers, particularly small businesses. Because telemarketers would be required to continue honoring do-not-call registrations as they do now, the Commission tentatively concludes that the enhanced consumer privacy protections created by this proposed rule amendment, taken in conjunction with the benefits to the federal government in administering the National Registry, outweigh any potential impact.

The Commission believes making registrations permanent adequately balances the need to maintain a high level of accuracy in the national registry with the desire to have a simple and effective means to limit unwanted telemarketing calls. The proposed rule changes do not impose any new or modified information collection requirements.

Initial Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission has prepared this present Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in the *Do-Not-Call Registry NPRM.* Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed on or before the dates indicated on the first page of this document. The Commission will send a copy of this *Do-Not-Call Registry NPRM,* including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the *Do-Not-Call Registry NPRM* and IRFA (or summaries thereof) will be published in the **Federal Register**.

Need for, and Objectives of, the Proposed Rules

In 2003, the Commission released the *2003 TCPA Order* revising the TCPA rules to respond to changes in the marketplace for telemarketing. Specifically, the Commission established in conjunction with the FTC a National Do-Not-Call Registry for consumers who wish to avoid unwanted telemarketing calls. The National Do-Not-Call Registry supplements long-standing company-specific rules which require companies to maintain lists of consumers who have directed the company not to contact them by phone.

The *2003 TCPA Order* required telemarketers to honor do-not-call registrations on the National Registry for five years. It also revised the company-specific do-not-call rules to reduce the retention period for such do-not-call requests from ten to five years. This Notice tentatively concludes to amend the Commission's rules so that registrations with the National Do-Not-Call Registry will not expire after a period of five years. Telemarketers will instead be required to honor such registrations until consumers cancel the registrations or the numbers are removed because they were disconnected or reassigned.

Legal Basis

The proposed action is authorized under sections 1–4, 227, and 303(r) of the Communications Act of 1934, as amended; the Telephone Consumer Protection Act of 1991, Public Law Number 102–243, 105 Statute 2394; and the Do-Not-Call Implementation Act, Public Law Number 108–10, 117 Statute 557.

Description and Estimate of the Number of Small Entities To Which the Proposed Rules Will Apply

The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

The modifications to the regulations proposed in this item on telephone solicitation apply to a wide range of entities, including all entities that use the telephone to advertise. That is, the proposed rule changes would affect the myriad of businesses throughout the nation that use telemarketing to advertise. Thus, the Commission expects that the proposals in the *Do-Not-Call Registry NPRM,* could have a significant economic impact on a substantial number of small entities, including the following:

Interexchange Carriers. Neither the Commission nor the SBA has developed a specific size standard for small entities specifically applicable to providers of interexchange services. The closest applicable size standard under the SBA rules is for Wired Telecommunications Carriers. Under that standard, such a business is small if it has 1,500 or fewer employees. According to the FCC's *Telephone Trends Report* data, 281 carriers reported that their primary telecommunications service activity was the provision of interexchange services. Of these 281 carriers, an estimated 254 have 1,500 or fewer employees, and 27 have more than 1,500 employees. Consequently, the Commission estimates that a majority of interexchange carriers may be affected by the rules.

Incumbent Local Exchange Carriers. Neither the Commission nor the SBA has developed a small business size standard for providers of incumbent local exchange services. The closest applicable size standard under the SBA rules is for Wired Telecommunications Carriers. Under that standard, such a business is small if it has 1,500 or fewer employees. According to the FCC's *Telephone Trends Report* data, 1,310 incumbent local exchange carriers reported that they were engaged in the provision of local exchange services. Of these 1,310 carriers, an estimated 1,025 have 1,500 or fewer employees and 285 have more than 1,500 employees. Consequently, the Commission estimates that the majority of providers of local exchange service are small entities that may be affected by the rules and policies adopted herein. *Wireless Service Providers.* In November of 2007, the SBA developed a small business size standard for small businesses in the category ''Wireless Telecommunications Carriers (except satellite).'' Under that SBA category, a business is small if it has 1,500 or fewer employees. Thus, under this category and the associated small business size standard, the great majority of firms can be considered small. For a census category that existed for a prior version of the NAICS codes, namely ''Cellular and Other Wireless Telecommunications,'' Census Bureau data for 2002 show that there were 1,397 firms in this category that operated for the entire year. Of this total, 1,378 firms had employment of 999 or fewer employees, and 19 firms had employment of 1,000 employees or more. Thus, under this category and size standard, the great majority of firms can be considered small.

Ordinarily, the Commission does not seek comment on the entities that must comply with proposed rules. However, the proposed rules in this document potentially could apply to any entity, including any telecommunications carrier that uses the telephone to advertise. Thus, under these unusual circumstances, the Commission seeks comment on whether the approximately 4.44 million small business firms in the United States, as identified in SBA data,

will need to comply with these rules, or whether it is reasonable to assume that only a subset of them will be subject to these rules given that not all small businesses use the telephone for advertising purposes. After evaluating the comments, the Commission will examine further the effect any rule changes might have on small entities not named herein, and will set forth our findings in the final Regulatory Flexibility Analysis.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

The *Do-Not-Call Registry NPRM* proposes to amend the National Do-Not-Call Registry rules to require telemarketers to honor registrations until consumers cancel their registrations. This proposed rule change will affect reporting, recordkeeping and other compliance requirements, as numbers currently registered will not be removed from the Registry after five years. However, as long as the FTC similarly changes its policies, we expect that telemarketers would continue to access the Registry and avoid calling numbers on the Registry as they are required to do so today.

Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

The Commission is considering amending its rules to require telemarketers to honor national do-not-call registrations indefinitely and is seeking comment on this option. The alternative would be to not modify the rules and leave the registration period at 5 years. This would result is millions of national do-not-call registrations being removed from the registry in 2008 and leaving consumers without protection from unwanted telemarketing calls unless they take action to re-register. Small businesses, which believe the elimination of any date of expiration for registrations would impact their business in a negative way, are requested to file comments and advise the Commission about such an impact.

Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rule

The FCC's TCPA rules and the FTC's Telemarketing Sales Rule are duplicative in part. Should the Commission determine to amend its rules and there is no similar amendment made to the FTC's policies, the two sets of rules may be inconsistent.

Ordering Clauses

Pursuant to sections 1–4, 227, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151–154, 227 and 303(r); and § 64.1200 of the Commission's rules, 47 CFR 64.1200, the *Do-Not-Call NPRM* in CG Docket No. 02–278 is adopted.

The Commission's Consumer & Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this *Notice of Proposed Rulemaking,* including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments on the *Do-Not-Call Registry NPRM* on or before January 14, 2008, and reply comments on or before January 28, 2008.

List of Subjects in 47 CFR Part 64

Telecommunications, Telephone.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Proposed Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 64 as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

1. The authority citation for part 64 continues to read as follows:

Authority: 47 U.S.C. 154, 254(k); secs. 403(b)(2)(B),(c), Pub. L. 104–104, 110 Stat. 56. Interpret or apply 47 U.S.C. 201, 218, 222, 225, 226, 228, and 254(k) unless otherwise noted.

2. Section 64.1200 is amended by revising paragraphs (c)(2) introductory text and (c)(2)(i)(D) to read as follows:

§ 64.1200 Delivery restrictions.

* * * * *

(c) * * *

(2) A residential telephone subscriber who has registered his or her telephone number on the national do-not-call registry of persons who do not wish to receive telephone solicitations that is maintained by the federal government. Any person or entity making telephone solicitations (or on whose behalf telephone solicitations are made) will not be liable for violating this requirement if:

(i) * * *

(D) *Accessing the national do-not-call database.* It uses a process to prevent telephone solicitations to any telephone number on any list established pursuant to the do-not-call rules, employing a version of the national do-not-call registry obtained from the administrator of the registry no more than 31 days prior to the date any call is made, and maintains records documenting this process; and

Note to paragraph(c)(2)(i)(D): The requirement in paragraph 64.1200(c)(2)(i)(D) for persons or entities to employ a version of the national do-not-call registry obtained from the administrator no more than 31 days prior to the date any call is made is effective January 1, 2005. Until January 1, 2005, persons or entities must continue to employ a version of the registry obtained from the administrator of the registry no more than three months prior to the date any call is made.

* * * * *

[FR Doc. E7–24280 Filed 12–13–07; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 223

[Docket No. 071120724–7618–01]

RIN 0648–AU92

Endangered and Threatened Species; Conservation of Threatened Elkhorn and Staghorn Corals

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

ACTION: Proposed rule; request for comments; notice of availability of a draft environmental assessment.

SUMMARY: We, NMFS, are proposing to issue protective regulations under the Endangered Species Act (ESA) for two species listed as threatened, the elkhorn

coral and the staghorn coral. The proposed regulations would apply all the prohibitions enumerated in the ESA to these two coral species, with limited exceptions for two specified classes of activities that contribute to the conservation of the listed corals. In addition, we are announcing the availability of an environmental assessment (EA) that analyzes the impacts of promulgating these regulations. We are furnishing this notification to allow other agencies and the public an opportunity to review and comment on the proposed rule. All comments received will become part of the public record and will be available for review.

DATES: Comments on this proposal must be received by March 13, 2008.

ADDRESSES: You may submit comments, identified by the Regulatory Information Number (RIN) 0648–AU92, by any of the following methods:

- Mail: Assistant Regional Administrator, Protected Resources Division, NMFS, Southeast Regional Office, 263 13th Ave. South, St. Petersburg, FL 33701.
- Facsimile (fax) to: 727–824–5309.
- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal *http://www.regulations.gov*

Instructions: All comments received are a part of the public record and will generally be posted to *http://www.regulations.gov* without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do no submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments. Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Jennifer Moore or Sarah Heberling, NMFS, at the address above or at 727–824–5312; or Marta Nammack, NMFS, at 301–713–1401.

SUPPLEMENTARY INFORMATION:

Background

On May 9, 2006, we published a final rule listing elkhorn (Acropora palmata) and staghorn (A. cervicornis) corals as threatened under the ESA (71 FR 26852). The final listing rule describes the background of the listing actions for elkhorn and staghorn corals and provides a summary of our conclusions regarding the status of the listed corals. We have not previously proposed any regulations pursuant to section 4(d) of the ESA for listed corals.

Section 4(d) of the ESA provides that whenever a species is listed as threatened, the Secretary of Commerce (Secretary) shall issue such regulations as the Secretary deems necessary and advisable to provide for the conservation of the species. Such regulations may include any or all of the prohibitions in ESA section 9(a)(1) that apply automatically to species listed as endangered. Those section 9(a)(1) prohibitions make it unlawful with limited specified exceptions, for any person subject to the jurisdiction of the United States to: ''(A) import any such species into, or export any such species from the United States; (B) take any such species within the United States or the territorial sea of the United States; (C) take any such species upon the high seas; (D) possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any such species taken in violation of subparagraphs (B) and (C); (E) deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity, any such species; (F) sell or offer for sale in interstate or foreign commerce any such species; or (G) violate any regulation pertaining to such species or to any threatened species of fish or wildlife listed pursuant to section 4 of this Act and promulgated by the Secretary pursuant to authority provided by this Act.'' Section 11 of the ESA provides for civil and criminal penalties for violation of section 9 or regulations issued under the ESA.

Whether section 9(a)(1) prohibitions or other regulations are necessary and advisable to provide for the conservation of species depends in large part upon the biological status of the species, the potential impacts of various activities on the species, and on factors such as the existence and efficacy of other conservation activities. The two acroporid coral species have survived for millions of years through cycles in ocean conditions and climate. However, as a part of the listing process, we concluded their abundances have been dramatically reduced to less than three percent of former population levels by disease, elevated sea surface temperature, and hurricanes. Additionally, given the extremely reduced population sizes of these species, we determined that the following lesser stressors are contributing to the threatened status of the species: sedimentation, anthropogenic abrasion and breakage, competition, excessive nutrients, predation, contaminants, loss of genetic diversity, African dust, elevated carbon dioxide levels, and sponge boring. We concluded that, within the jurisdiction of the United States, existing regulations have abated the threat posed by collection of the two species; however, existing regulatory mechanisms are inadequate to abate the myriad other threats causing the species' status. Although elkhorn and staghorn corals are not currently endangered, they are likely to become so within the foreseeable future because of a combination of four of the five factors listed in section 4(a)(1) of the ESA, and this status is not being ameliorated by state or foreign government efforts to protect the species. Therefore, as discussed below, we have determined it is necessary and advisable in most circumstances to apply the section 9 prohibitions to both these threatened coral species, in order to provide for their conservation.

Application of Section 9 Prohibitions to Listed Corals

As discussed above, the two coral species have declined to less than three percent of their former abundances and are currently impacted by myriad stressors that are acting simultaneously on the species throughout their ranges. We determined the major stressors (i.e., disease, elevated sea surface temperature, and hurricanes) to these species' persistence are severe, unpredictable, likely to increase in the foreseeable future, and, at current levels of knowledge, unmanageable. While the lesser stressors, enumerated above, have not been the primary causes of the species' decline, managing them will contribute to the conservation of the two species by slowing the rate of decline and reducing the synergistic effects of multiple stressors on the species. Therefore, we believe that the ESA section 9(a)(1) prohibitions are necessary and advisable for the conservation of threatened elkhorn and staghorn corals, specifically to address the lesser stressors that are amenable to management. We believe that the prohibitions are not necessary and advisable in specific circumstances, and we are proposing specific exceptions for importation, exportation, and take, which are more fully described in the next section. Below is our discussion of the section 9 prohibitions which we are proposing to extend to the two listed corals.

Section 9(a)(1)(A) prohibits the importation and exportation of endangered species to or from the United States. We believe that it is necessary and advisable to extend this prohibition to elkhorn and staghorn

corals. Existing laws prohibit and restrict extraction and trade of live elkhorn and staghorn corals. International agreement restricts international trade of both elkhorn and staghorn corals (Convention on the International Trade of Endangered Species or CITES). Federal regulations prohibit harvest or possession of elkhorn or staghorn coral in Federal waters (e.g., Caribbean and Gulf of Mexico and South Atlantic Coral Fisheries Management Plans), and the Lacey Act prohibits trade of illegally obtained specimens. Sale of coral extracted from any waters is illegal in the U.S. Virgin Islands (U.S.V.I.), Puerto Rico, and Florida, except that the sale of live elkhorn and staghorn corals extracted from Florida waters or the Exclusive Economic Zone (EEZ) is legal when these corals are products of aquaculture (e.g., the corals have settled and grown on live rock products). Neither threatened coral species, however, is a product of commercial aquaculture anywhere within the United States, nor is there a directed market for either elkhorn or staghorn corals. More information on the specific Federal, state, and local laws and regulations concerning the import and export of corals is available in the Atlantic *Acropora* Status Review Document (BRT, 2005) or the Regulatory Impact Review for this proposed rule.

As discussed in the status review document, prior to listing the two species as threatened under the ESA, there was no evidence of extraction of live specimens from Federal or state waters, nor evidence of trade of live specimens taken from foreign waters and imported into the United States for aquaria or other uses. Lack of extraction and trade of live specimens prior to the listing of these corals can be attributed mostly to existing laws and regulations. However, it is possible that the ESA listing might encourage a black market for the trade of these species, as evidenced by the trade of other threatened and endangered species (e.g., sturgeon eggs, elephant ivory). The increased public exposure to these rare corals due to the ESA listing may make the two species more desirable for aquaria or other uses. Therefore, to prevent this activity and to support existing regulations concerning the import and export of these corals, we find it necessary and advisable to extend the ESA section 9(a)(1)(A) prohibition to elkhorn and staghorn corals in order to provide for the conservation of the two species.

Section 9(a)(1)(B) of the ESA prohibits the take of endangered species within the United States or the territorial sea of the United States, and section 9(a)(1)(C) of the ESA prohibits the take of endangered species upon the high seas for any person subject to the jurisdiction of the United States. Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Activities that constitute harm may include significant habitat modification or degradation that actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns including breeding, spawning, rearing, migrating, feeding or sheltering (50 CFR 222.102). At the time of the drafting of the ESA, the high seas were defined as those waters not under any country's legal jurisdiction, and no country had yet designated an Exclusive Economic Zone (i.e., 200 nautical miles). Thus, ''take on the high seas'' is interpreted as take beyond any country's territorial seas, in the meaning of the ESA when it was first enacted. Based on available information, the territorial seas of countries within the range of the two threatened coral species end no more than 12 nautical miles NM (22.2 km) offshore (See, ''Table of claims to maritime jurisdiction'' as at December 29, 2006, at *http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/table__summary__of__claims.pdf*).

Take of the listed corals can result from numerous private and public activities, including recreational and commercial activities, by direct and indirect impacts, and intentionally or incidentally. Protecting listed corals from direct forms of take, such as physical injury or killing, whether intentional or incidental, will help preserve the species' remaining populations and slow their rate of decline. Protecting listed corals from indirect forms of take, such as harm that results from habitat degradation, will likewise help preserve the species' populations and also decrease synergistic, negative effects from other stressors. We therefore propose to extend the ESA section 9(a)(1)(B) prohibition to elkhorn and staghorn corals to manage for these threats. There are likely few locations where elkhorn and staghorn corals may possibly occur farther than 12 NM (22.2 km) from land, because typically the depth is too great. However, due to the dramatic decline in abundance and the myriad threats facing them, it is necessary and advisable for these species' conservation to protect the species from take everywhere they occur, including on the high seas, and thus we propose extending the ESA section 9(a)(1)(C) prohibition to the listed corals. Ensuring that take is prohibited everywhere the corals may be found will also avoid difficulty in enforcing these regulations based on claims about the origin of coral specimens.

Sections 9(a)(1)(D), (E), and (F) of the ESA prohibit, among other things, the possession, sale, and transport of endangered species that are taken illegally or that are entered into interstate or foreign commerce. For the same reasons discussed above regarding the prohibition pursuant to ESA section 9(a)(1)(A), it is necessary and advisable to extend these prohibitions to the two corals. The ESA listing of these two species may make them a desirable commodity and encourage a black market. Therefore, the extension of these prohibitions will discourage the development of a black market and reinforce existing regulations on commercial activities involving corals.

Lastly, we are extending the section 9(a)(1)(G) prohibition against violating this and any other regulations we promulgate pertaining to these two corals.

Summary of Exceptions to Section 9 Prohibitions

The ESA allows for specific exceptions to the section 9 prohibitions through interagency consultation as prescribed by ESA section 7 or a permit issued pursuant to section 10. If this proposed rule becomes final and the section 9 prohibitions are extended to these two species, these exceptions would apply.

Section 7 of the ESA requires all Federal agencies to consult with us if actions they fund, authorize, or carry out may affect threatened corals or any other species listed under the ESA. We consult on a broad range of activities conducted, funded, or authorized by Federal agencies. These activities include, but are not limited to, national water quality standards and discharge permits, coastal and nearshore construction, dredging or discharge of fill material, navigation regulation, fishery regulation, and live-rock aquaculture. Incidental take of these two threatened corals that results from federally funded, authorized, or implemented activities for which section 7 consultations are completed, will not constitute violations of section 9 prohibitions against take, provided the activities are conducted in accord with all reasonable and prudent measures (RPMs) and terms and conditions contained in any biological opinion and incidental take statement issued by us.

Sections 10(a)(1)(A) and 10(a)(1)(B) of the ESA provide us with the authority

to grant exceptions to the ESA's prohibitions. Section 10(a)(1)(A) scientific research and enhancement permits may authorize exceptions to any of the section 9 prohibitions and may be issued to Federal and non-Federal entities conducting research or conservation activities that involve a directed take of listed species. A directed take refers to the intentional take of listed species. Section 10(a)(1)(B) incidental take permits may be issued to non-Federal entities performing activities that may incidentally take listed species in the course of an otherwise lawful activity; these permits provide an exception to the section 9(a)(1)(B) prohibitions.

We determined that in certain circumstances described below, extending the ESA section 9(a)(1)(A), (B), and (C) prohibitions to the two corals is not necessary and advisable. We are proposing exceptions to these prohibitions for two classes of activities that provide for the conservation of listed corals. Under specified conditions, (1) scientific research and enhancement activities conducted under six specific existing Federal, state, or territorial research permitting programs are exempt from the section 9(a)(1)(A), (B) and (C) prohibitions; and (2) restoration activities carried out by an authorized (under current laws) Federal, state, territorial, or local natural resource agency are exempt from the section 9(a)(1)(B) and (C) prohibitions. These exceptions are described in more detail in the following sections. These classes of activities are not excepted from the Section 9(a)(1)(D) through (F) prohibitions because allowing commercial activities does not provide for the conservation of the two species. The 9(a)(1)(G) prohibition will be applied to these activities so that it is unlawful to violate this rule or subsequent rules that we may promulgate under the ESA and pertaining to the corals.

Exception to Prohibitions for Scientific Research and Enhancement Activities

This exception would apply to both threatened corals covered by this proposed rule. In carrying out their resource management responsibilities, several Federal, state, and territorial natural resource management agencies permit scientific research and enhancement activities, including monitoring and other studies that are directed at, and occur within the geographic areas occupied by, the listed corals. Research or enhancement activities may involve collection of specimens from one location for study in another location, thus requiring an exception to the import and export, as well as the take prohibitions. The following six agencies have permit programs that include corals, and we have evaluated and found that they provide for the conservation of the listed corals: National Ocean Service (National Marine Sanctuary Program), National Park Service, U.S. Fish and Wildlife Service (FWS), including CITES permit for research purpose only, Florida Fish and Wildlife Conservation Commission, Puerto Rico Department of Natural and Environmental Resources (DNER), and the U.S.V.I. Department of Planning and Natural Resources (DPNR). We compared each of these programs' substantive and procedural requirements to ESA section 10(a)(1)(A) scientific research and enhancement permit regulations. Review of the permitting process used by each of the six specific programs identified above revealed that each of these permit programs allow research activities that yield sufficient data to support the research objectives while limiting, to the maximum extent practicable, the amount of resources collected or impacted. We determined that the programs are restrictive enough to provide important conservation benefits to the listed corals without the additional requirements of section 10(a)(1)(A) scientific research permits. Additionally, we reviewed examples of the types of acroporid research that have been permitted in the past by these agencies (e.g., gene flow, disease etiology) and concluded that the continuation and future permitting of these types of research will provide for the conservation of these species by improving our understanding of the status and risks facing these threatened corals, and providing critical information for assessing the effectiveness of current and future management practices. Each of these programs has application requirements similar to those of the ESA section 10 permitting program. Each requires detailed background information, justifications, and descriptions of expected impacts prior to approval for all proposed scientific research. Additionally, each of these permitting programs has data reporting requirements and the ability to apply stringent terms and conditions on issued permits. If research directed at elkhorn and staghorn coral is in compliance with one of the permit programs listed above, any importation, exportation, or take that occurs under such a permit would not constitute a violation of the prohibitions, and an ESA section 10(a)(1)(A) permit would not be required. The original of the issued permit must be carried and available for inspection during the research or enhancement activity.

Exception to Prohibitions for Certain Restoration Activities

This exception applies to both threatened corals and would except certain Federal, state, and territorial agency personnel, or their designees as applicable, from the prohibitions when they are performing specific restoration activities directed at the listed corals under an existing legal authority that provides for such restoration. For purposes of this exception, a ''restoration activity'' is the methods and processes used to provide immediate aid to injured individuals. For example, reattachment of colonies or fragments dislodged or broken by vessel groundings onto suitable hard substrates would be excepted from the prohibition when it is implemented under an existing legal authority. Thus, Florida Keys National Marine Sanctuary staff actions under the National Marine Sanctuaries Act's authority to undertake all necessary actions to prevent or minimize the destruction or loss of, or injury to, sanctuary resources, (16 U.S.C. 1443), would be excepted from the prohibitions when the restoration activity described in this prohibition is implemented for either of the two acroporid corals. Through this exception, we are not authorizing any activities which are not currently authorized under an existing statute, rather we are excepting these activities from the section 9(a)(1)(B) and (C) take prohibitions for the two listed corals. The activity which caused the injury is not excepted by this rule. Any person claiming this exception shall provide proof they are acting under the authority of the listed laws upon request by a law enforcement agent.

Several Federal, state, and territorial government agencies have authorization to engage in the specific type of restoration activities covered by this proposed exception. We have included response, removal, or remedial authority under several Federal statutes in this proposed exception, because one or more of these authorities have been interpreted to include the type of natural resource restoration activity described above; for example, actions required to respond to a substantial threat of a discharge may dislodge or break coral fragments, and reattaching those fragments are legitimate response activities. However, we are not including removal or remedial authority in state or territorial laws, because we are not aware that these authorities have

been interpreted to include restoration activities. For state and territorial authorities, the following table currently only includes those that expressly provide for direct restoration of natural resources including corals. We are specifically requesting the states and territories included in Table 1 to comment on whether we have included all their authorities that could encompass the restoration activities proposed to be excepted from the prohibitions. The following table lists the authorizing statute, the specific provision, and specific agencies or offices authorized under existing statutes to implement the coral restoration activities defined in this proposed exception. We are also requesting that the agencies listed ensure the rule correctly identifies the specific offices authorized to implement the statutory provisions.

TABLE 1. AGENCIES AND AUTHORIZING STATUTES WHOSE CORAL RESTORATION ACTIVITIES WOULD BE EXCEPTED FROM THE SECTION 9(A)(1)(B) AND (C) PROHIBITION BY THIS PROPOSED RULE IF FINALIZED.

FEDERAL:		
Agency/Person	Statute and Specific Provision(s)	Description of Authority
NOAA, National Ocean Service (NOS)	National Marine Sanctuaries Act 16 U.S.C. 1433	Authorized to conduct, among other things, all necessary actions to prevent or minimize actual or imminent risk of destruction or loss of, or injury to, Sanctuary resources.
NOAA NOS	Coral Reef Conservation Act, 16 U.S.C. 6406	Authorized to conduct activities to conserve coral reefs, including restoration.
Commandant, U.S. Coast Guard (USCG), Authorized representatives of States or Indian Tribes.	″Oil Pollution Act″ 33 U.S.C. 2702	Authorized to conduct the removal of discharges of oil, including the prevention, minimization or mitigation of substantial threats of discharges.
Designated Federal, State or Indian tribal natural resources trustees, including NOAA, Department of Interior (DOI), Florida Department of Environmental Protection (FDEP), Puerto Rico DNER, and U.S. Virgin Islands DPNR.	33 U.S.C. 2706	Authorized to restore or rehabilitate trust natural resources injured, destroyed or lost as a result of discharges of oil, or substantial discharges of oil.
Administrator, Environmental Protection Agency (EPA) or Commandant, USCG; Authorized representatives of States.	″Clean Water Act″ 33 U.S.C. 1321	Authorized to conduct removal of and mitigation or prevention of substantial threats of discharges of oil or hazardous substances to certain waters; protection, rescue, and rehabilitation of, and minimization of risk of damage to, fish and wildlife resources harmed by, or that may be jeopardized by, discharges;
Designated Federal, State or Indian tribal natural resources trustees, including NOAA, DOI, FDEP, DNER, and DPNR.		Authorized to conduct restoration or rehabilitation of public trust natural resources damaged or destroyed as a result of discharges.
Administrator of the EPA; States or Indian Tribes in cooperative agreements with EPA; Heads of other federal agencies where release is from vessel or facility solely under their control.	″Superfund Act″ (CERCLA) 42 U.S.C. 9604	Authorized to conduct removal and other remedial action for releases or substantial threats of releases of hazardous substances into the environment.
Administrator of the EPA	42 U.S.C. 9606	Authorized to conduct abatement actions in response to imminent and substantial endangerment to the public health or welfare or the environment from actual or threatened releases of hazardous substances.
Designated Federal, State or Indian tribal natural resources trustees, including NOAA, DOI, FDEP, DNER, and DPNR	42 U.S.C. 9607	Authorized to conduct restoration and rehabilitation of natural resources injured, destroyed or lost as a result of actual or threatened releases of hazardous substances.
DOI, National Park Service (NPS)	Park System Resource Protection Act, 16 U.S.C. 19jj 16 U.S.C. 668dd-668ee (National Wildlife Refuge System)	Authorized to conduct all necessary actions to prevent or minimize actual or imminent risk of destruction, loss of, or injury to Park System resources, and to restore such resources.
DOI	National Wildlife Refuge System Administration Act, 16 U.S.C. 668	Authorized to administer refuges for the conservation of fish and wildlife within refuges.

TABLE 1. AGENCIES AND AUTHORIZING STATUTES WHOSE CORAL RESTORATION ACTIVITIES WOULD BE EXCEPTED FROM THE SECTION 9(A)(1)(B) AND (C) PROHIBITION BY THIS PROPOSED RULE IF FINALIZED.—Continued

FEDERAL:		
Agency/Person	Statute and Specific Provision(s)	Description of Authority
FLORIDA:		
The Board of Trustees of the Internal Improvement Trust Fund	State Lands; Board of Trustees to Administer FL Statute § 253.03	Authorized, among other things, to administer, manage, conserve, and protect all lands owned by the State or any of its agencies, departments, boards or commissions.
	Duty of Board to Protect, etc. FL Statute. § 253.04 FDEP	Authorized to protect, conserve, and prevent damage to state-owned lands; FDEP authorized to assess civil penalties for damage to coral reefs in state waters.
Governor and Cabinet; FDEP	Land Acquisition for Conservation or Recreation; Conservation and Recreation Lands Trust Fund FL Statute § 259.032	Authorized to use monies in the Fund to, among other things, promote restoration activities, and manage lands acquired under this section to protect or restore their natural resource values.
FDEP	Pollutant Discharge Prevention and Removal; Liability for Damage to Natural Resources FL Statute § 376.121	Authorized to recover the costs of restoration of state natural resources damages by pollution discharges, and to use funds recovered for, among other purposes, restoration of the damaged resources.
FDEP	Land and Water Management; Coral Reef Restoration FL Statute § 390.0558	Authorized to use monies in the Ecosystem Management and Restoration Trust Fund to restore or rehabilitate injured or destroyed coral reefs.
U.S. VIRGIN ISLANDS:		
DPNR	DPNR; Powers and Duties of Department 3 V.I.C. § 401	Authorized to undertake programs and projects for, among other things, the conservation of natural resources of the U.S.V.I., for the restoration and preservation of the scenic beauty of the U.S.V.I., and for the conservation, maintenance and management of U.S.V.I. wildlife, the resources thereof, and its habitat.
DPNR	Conservation; Croix East End Marine Park Established; 12 V.I.C. § 98	Authorized to protect territorially significant marine resources, including coral reefs, in the St. Croix East End Marine Park.
PUERTO RICO:		
DNER	Conservation; Protection, Conservation and Management of Coral Reefs 12 L.P.R.A. §§ 241-241g et seq.	Authorized to, among other things, take all measures needed for the protection, conservation and management of coral reefs and coral communities throughout the territorial waters of the Commonwealth of Puerto Rico.
DNER	Conservation; Natural Patrimony Program 12 L.P.R.A. § 1227	Authorized to acquire, restore and manage lands, natural communities and habitats identified as, among other things, deserving preservation for their natural resource values.
DNER	Conservation; Tres Palmas de Rincon Marine Reserve 12 L.P.R.A. § 5063	Authorized to administer, rehabilitate and conserve the reserve.

Identification of Those Activities That Would Constitute a Violation of Section 9 of the ESA

On July 1, 1994, NMFS and FWS published a policy (59 FR 34272) that requires us to identify, to the maximum extent practicable at the time a species is listed, those activities that would or would not constitute a violation of section 9 of the ESA. The intent of this policy is to increase public awareness of the effect of a listing on proposed and ongoing activities within a species' range. We must identify to the extent known, specific activities not considered likely to result in violations of section 9, as well as activities that will be considered likely to result in violations. We believe that, based on the available information, the following

actions will not result in a violation of section 9:

1. Collection, handling, and possession of listed corals that are acquired lawfully through an ESA section 10 permit or through one of the exceptions in this proposed rule; or

2. Activities that result in incidental take authorized by an incidental take statement issued through a biological opinion pursuant to section 7 or permitted through section 10 of the ESA.

Based on available information, we believe the following categories of activities are those most likely to result in a violation of the ESA section 9 prohibitions. We wish to emphasize that whether a violation results from a particular activity is entirely dependent upon the facts and circumstances of each incident. The mere fact that an activity may fall within one of these categories does not mean that the specific activity will cause a violation; due to such factors as location and scope, specific actions may not result in direct or indirect adverse effects on the species. Further, an activity not listed may in fact result in a violation. However, the following types of activities are those that may be most likely to violate the prohibitions in section 9, which would be extended to the listed corals through this rule:

1. Removing, damaging, poisoning, or contaminating elkhorn or staghorn corals.

2. Removing, poisoning, or contaminating plants, wildlife, or other biota required by listed corals for feeding, sheltering, or other essential behavioral patterns.

3. Removing or altering substrate, vegetation, or other physical structures that are essential to the integrity and function of listed corals' habitat.

4. Altering water flow or currents to an extent that impairs spawning, feeding, or other essential behavioral patterns of listed corals.

5. Discharging pollutants, such as oil, toxic chemicals, radioactivity, carcinogens, mutagens, teratogens, or organic nutrient-laden water, including sewage water, into listed corals' habitat to an extent that disrupts or prevents the reproduction, development, or normal physiology of listed corals.

6. Releasing non-indigenous or artificially propagated species into listed corals' habitat or locations from where they may access the habitat of listed corals.

7. Activities conducted in shallow water coral reef areas, including boating, anchoring, fishing, recreational SCUBA diving, and snorkeling, that result in abrasion of or breakage to the listed corals.

8. Interstate and foreign commerce dealing in listed corals, and importing or exporting listed corals.

9. Shoreline and riparian disturbances (whether in the riverine, estuarine, marine, or floodplain environment) that may disrupt or prevent the reproduction, settlement, reattachment, development, or normal physiology of listed corals (e.g., land development, run-off, dredging, and disposal activities that result in direct deposition of sediment on corals, shading, or covering of substrate for fragment reattachment or larval settlement).

10. Activities that modify water chemistry in coral habitat to an extent that disrupts or prevents the reproduction, development, or normal physiology of listed corals.

11. Activities that result in elevated water temperatures in coral habitat that cause bleaching or other degradation of physiological function of listed corals. For example, in our economic analysis on this rule, we identified discharges of cooling water effluent from power plants as an activity that may result in elevated sea surface temperature.

This list provides examples of the types of activities that could have a high risk of causing a violation, but it is by no means exhaustive. It is intended to help people avoid violating the ESA and to encourage efforts to recover the threatened corals addressed in this proposed rule.

Persons or entities concluding that their activity is likely to violate the ESA are encouraged to immediately adjust that activity to avoid violations and to seek authorization under: (a) an ESA section 10 incidental take permit; (b) an ESA section 10 research and enhancement permit; or (c) an ESA section 7 consultation. The public is encouraged to contact us (see **FOR FURTHER INFORMATION CONTACT**) for assistance in determining whether circumstances at a particular location, involving these activities or any others, might constitute a violation of this proposed rule if finalized.

In making a determination that it is not necessary and advisable to impose ESA section 9 take prohibitions on certain activities, we recognize that new information may require a reevaluation of that conclusion at any time. For any of the exceptions from the prohibitions described in this proposed rule, we will evaluate periodically the activity's effect on the conservation of listed corals. If we determine that it becomes necessary and advisable for the conservation of the species, we will impose take prohibitions on the activities previously excepted through rulemaking.

Public Comments Solicited

To assist us in identifying appropriate prohibitions and exceptions identified in this proposed rule, we held seven public information-gathering workshops in Florida, Puerto Rico, and the U.S.V.I. in May 2006. Representatives from Federal, state, and territorial resource management agencies, non-governmental organizations, local fishing communities, academic and coral research institutions, and the general public attended the Acropora Conservation Workshops. The purpose of these workshops was to gather as much information as possible about activities and programs that affect the two threatened coral species, including information about the impacts of these activities and programs.

We are soliciting comments, information, and/or recommendations on any aspect of this proposed rule from all concerned parties (see DATES and ADDRESSES). We will consider all relevant information, comments, and recommendations received before reaching a final decision on ESA section 4(d) regulations for listed corals. If we determine it is necessary and advisable for the conservation of the species, we may add or remove prohibitions or exceptions on the basis of public comment.

Classification

We determined that this action is consistent to the maximum extent practicable with the enforceable policies of the approved coastal management programs of Florida, Puerto Rico, and U.S.V.I.. This determination has been submitted for review by the responsible state agencies under section 307 of the Coastal Zone Management Act.

Pursuant to E.O. 13132, the Assistant Secretary for Legislative and Intergovernmental Affairs will provide notice of the proposed action and request comments from the appropriate official(s) in the states and territories where the two corals occur.

This proposed rule has been determined not to be significant under Executive Order 12866.

We prepared an initial regulatory flexibility analysis (IRFA), pursuant to section 603 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), that describes the economic impact this proposed rule, if adopted, would have on small entities. A description of the action, why it is being considered, and its legal basis are included in the preamble of this proposed rule. Small entities may be affected if a project they seek to

implement requires ESA section 7 consultation and may adversely affect the listed coral species, requiring minor changes to the project to lessen impacts on the corals (RPMs). Reporting requirements of the rule would be solely associated with implementation of the required section 7 RPMs. No record keeping requirements are proposed. No existing Federal rules or laws duplicate or conflict with the proposed rule. Existing Federal rules and laws overlap the proposed rule only to the extent that they provide for the protection of natural resources or corals in general. A summary of the impacts analysis follows.

The IRFA found that a number of existing Federal, state, or local laws prohibit take, possession, or sale of, and/or damage to, corals. Puerto Rico and U.S.V.I. law prohibit the take and sale of elkhorn and staghorn corals. Florida law prohibits take of these corals, with an exception provided for corals that attach to rock placed by aquaculture operations (i.e. live rock) that have appropriate permits. Florida law allows sales of dead elkhorn or staghorn coral skeletons with proof that the specimens were not taken illegally. There is anecdotal evidence that Florida shell shops have sold dead specimens of these species, and this rule does not preclude sales of dead specimens obtained legally before listing. There is no historical evidence of any live rock operations selling live rock with these species attached in the past 10 years of observations reported by live rock producers. There is also no historical evidence of international trade of either of these species.

It is anticipated that, on average, approximately 44 non-Federal grantees or permittees, or their contractors, could be affected annually if the proposed rule is implemented. Historically, these projects have involved pipeline installation and maintenance, mooring construction and maintenance, dock/pier construction and repair, marina construction, bridge repair and construction, new dredging, maintenance dredging, National Pollutant Discharge Elimination System (NPDES)/water quality standards, cable installation, beach nourishment, shoreline stabilization, reef ball construction and installation, and port construction. Our database does not track whether applicants have been small entities, so it is impossible to determine the number of grantees, permittees, or contractors that may be small entities in the future. There is no indication that affected project applicants or their contractors would be limited to, nor disproportionately comprised of, small entities.

The proposed rule will not result in an increase in the number of ESA section 7 consultations. Based on our experience with section 7 consultations for other species, incremental administrative costs of identifying RPMs will be negligible, compared to the analytical requirements and associated costs already required by the duty to consult to ensure the action does not jeopardize listed species. Hence, we have assumed there will be no administrative costs of consultation associated with the proposed rule. Though we have characterized the costs associated with individual types of project modifications for the projected future activities, no total cost of this rule can be identified; the lack of specific information on the design and location of projected future projects limits our ability to forecast the exact type and amount of modifications required. However, the majority of the project modifications that NMFS would always require for these actions are currently required by other regulatory agencies. In addition, current ESA regulations require that RPMs cannot alter the basic design, location, scope, duration, and timing of an action and may only involve minor changes.

We considered four alternatives for extending section 9(a)(1) prohibitions to threatened corals. These included a preferred alternative (i.e., this proposed rule), a no action alternative, and two additional alternatives. The no action alternative was not selected because it did not meet the conservation objectives of the proposed rule. The remaining two alternatives were not selected because they (1) were judged to have less conservation value for the corals, and (2) could result in smaller annual incomes generated by small businesses that rely on resident and visitor use of coral reefs.

This action does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

This proposed rule is consistent with E.O. 13089, which is intended to preserve and protect the biodiversity, health, heritage, and social and economic value of U.S. coral reef ecosystems and the marine environment.

List of Subjects in 50 CFR Part 223

Endangered and threatened species, Exports, Imports, Transportation.

Dated: December 7, 2007.

William T. Hogarth,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 223 is proposed to be amended as follows:

PART 223—THREATENED MARINE AND ANADROMOUS SPECIES

1. The authority citation for part 223 continues to read as follows:

Authority: 16 U.S.C. 1533(d).

2. In subpart B of part 223, add § 223.208 to read as follows:

§ 223.208 Corals.

(a) *Prohibitions.* (1) The prohibitions of section 9(a)(1) of the ESA (16 U.S.C. 1538(a)(1)) relating to endangered species apply to elkhorn (*Acropora palmata*) and staghorn (*A. cervicornis*) corals listed as threatened in § 223.102(d), except as provided in section 223.208(d).

(2) It is unlawful for any person subject to the jurisdiction of the United States to do any of the following:

(i) Fail to comply immediately, in the manner specified at § 600.730 (b) through (d) of this Title, with instructions and signals specified therein issued by an authorized officer, including instructions and signals to haul back a net for inspection;

(ii) Refuse to allow an authorized officer to board a vessel, or to enter an area where fish or wildlife may be found, for the purpose of conducting a boarding, search, inspection, seizure, investigation, or arrest in connection with enforcement of this section;

(iii) Destroy, stave, damage, or dispose of in any manner, fish or wildlife, gear, cargo, or any other matter after a communication or signal from an authorized officer, or upon the approach of such an officer or of an enforcement vessel or aircraft, before the officer has an opportunity to inspect same, or in contravention of directions from the officer;

(iv) Assault, resist, oppose, impede, intimidate, threaten, obstruct, delay, prevent, or interfere with an authorized officer in the conduct of any boarding, search, inspection, seizure, investigation, or arrest in connection with enforcement of this section;

(v) Interfere with, delay, or prevent by any means, the apprehension of another person, knowing that such person committed an act prohibited by this section;

(vi) Resist a lawful arrest for an act prohibited by this section;

(vii) Make a false statement, oral or written, to an authorized officer or to

the agency concerning applicability of the exceptions enumerated in paragraph (d) of this section relating to elkhorn and staghorn corals;

(viii) Make a false statement, oral or written, to an authorized officer or to the agency concerning the fishing for, catching, taking, harvesting, landing, purchasing, selling, or transferring fish or wildlife, or concerning any other matter subject to investigation under this section by such officer, or required to be submitted under this part 223; or

(ix) Attempt to do, solicit another to do, or cause to be done, any of the foregoing.

(b) *Affirmative defense.* In connection with any action alleging a violation of this section, any person claiming the benefit of any exception, exemption, or permit under this section has the burden of proving that the exception, exemption, or permit is applicable, was granted, and was valid and in force at the time of the alleged violation, and that the person fully complied with the exception, exemption, or permit.

(c) *Exceptions.* Exceptions to the prohibitions of section 9(a)(1) of the ESA (16 U.S.C. 1538(a)(1)) applied in paragraph (a) of this section relating to elkhorn and staghorn corals are described in the following paragraphs (1) through (5):

(1) *Permitted scientific research and enhancement.* Any import, export, or take of elkhorn or staghorn corals resulting from conducting scientific research or enhancement directed at elkhorn and staghorn corals is excepted from the prohibitions in ESA sections 9(a)(1)(A), (B) and (C) provided a valid resource research or enhancement permit has been obtained from one of the following Federal or state agencies: NOAA National Ocean Service National Marine Sanctuary Program, National Park Service, U.S. Fish and Wildlife Service (including CITES permit), Florida Fish and Wildlife Conservation Commission, Puerto Rico Department of Natural and Environmental Resources, or the U.S. Virgin Islands Department of Planning and Natural Resources. The importation, exportation, or take must be in compliance with the applicable terms and conditions of the permit, and the permit must be in the possession of the permittee while conducting the activity.

(2) *Restoration activities.* Any agent or employee of certain governmental agencies may take listed elkhorn or staghorn corals without a permit, when acting in the course of conducting a restoration activity directed at elkhorn or staghorn coral which is authorized by an existing authority (see Table 1). Take of elkhorn or staghorn corals during such restoration activity is excepted from the prohibitions in ESA sections 9(a)(1)(B) and (C). An excepted restoration activity is defined as the methods and processes used to provide immediate aid to injured individuals.

(d) *Section 10 Scientific and enhancement permits.* The Assistant Administrator may issue permits authorizing activities that would otherwise be prohibited under § 223.208(a) for scientific purposes or to enhance the propagation or survival of elkhorn or staghorn corals, in accordance with and subject to the conditions of part 222, subpart C-General Permit Procedures.

(e) *Section 10 Incidental take permits.* The Assistant Administrator may issue permits authorizing activities that would otherwise be prohibited under § 223.208(a) in accordance with section 10(a)(1)(B) of the ESA (16 U.S.C. 1539(a)(1)(B)), and in accordance with, and subject to the conditions of part 222 of this chapter. Such permits may be issued for the incidental taking of elkhorn and staghorn corals.

(f) *Section 7 Interagency consultation.* Any incidental taking that is in compliance with the terms and conditions specified in a written statement provided under section 7(b)(4)(C) of the ESA (16 U.S.C. 1536(b)(4)(C)) shall not be considered a prohibited taking of the elkhorn and staghorn corals pursuant to paragraph (o) of the same subsection (16 U.S.C. 1536(o)(2)).

TABLE 1 TO § 223.208. AGENCIES AND AUTHORIZING STATUTES WHOSE CORAL RESTORATION ACTIVITIES ARE EXCEPTED FROM CERTAIN PROHIBITIONS IN PARAGRAPH (A) OF THIS SECTION.

FEDERAL:	
Agency/Person	Statute and Specific Provision(s)
NOAA, National Ocean Service (NOS)	National Marine Sanctuaries Act 16 U.S.C. 1433
NOAA NOS	Coral Reef Conservation Act 16 U.S.C. 6406
Commandant, U.S. Coast Guard (USCG), Authorized representatives of States or Indian Tribes.	″Oil Pollution Act″ 33 U.S.C. 2702
Designated Federal, State or Indian tribal natural resources trustees, including NOAA, Department of Interior (DOI), Florida Department of Environmental Protection (FDEP), Puerto Rico Department of Natural and Environmental Resources (DNER), and U.S. Virgin Islands Department of Planning and Natural Resources (DPNR)	33 U.S.C. 2706
Administrator, Environmental Protection Agency (EPA) or Commandant, USCG; Authorized representatives of States. Designated Federal, State or Indian tribal natural resources trustees, including NOAA, DOI, FDEP, DNER, and DPNR.	″Clean Water Act″ 33 U.S.C. 1321
Administrator of the EPA; States or Indian Tribes in cooperative agreements with EPA; Heads of other Federal agencies where release is from vessel or facility solely under their control.	″Superfund Act″ (CERCLA) 42 U.S.C. 9604
Administrator of the EPA	42 U.S.C. 9606

TABLE 1 TO § 223.208. AGENCIES AND AUTHORIZING STATUTES WHOSE CORAL RESTORATION ACTIVITIES ARE EXCEPTED FROM CERTAIN PROHIBITIONS IN PARAGRAPH (A) OF THIS SECTION.—Continued

FEDERAL:	
Agency/Person	Statute and Specific Provision(s)
Designated Federal, State or Indian tribal natural resources trustees, including NOAA, DOI, FDEP, DNER, and DPNR	42 U.S.C. 9607
DOI, National Park Service (NPS)	Park System Resource Protection Act, 16 U.S.C. 19jj 16 U.S.C. 668dd-668ee (National Wildlife Refuge System)
DOI	National Wildlife Refuge System Administration Act, 16 U.S.C. 668
FLORIDA:	
The Board of Trustees of the Internal Improvement Trust Fund	State Lands; Board of Trustees to Administer FL Statute § 253.03 Duty of Board to Protect, etc. FL Statute. § 253.04 FDEP
Governor and Cabinet; FDEP	Land Acquisition for Conservation or Recreation; Conservation and Recreation Lands Trust Fund FL Statute § 259.032
FDEP	Pollutant Discharge Prevention and Removal; Liability for Damage to Natural Resources FL Statute § 376.121
FDEP	Land and Water Management; Coral Reef Restoration FL Statute § 390.0558
U.S. VIRGIN ISLANDS:	
DPNR	DPNR; Powers and Duties of Department 3 V.I.C. § 401
DPNR	Conservation; Croix East End Marine Park Established; 12 V.I.C. § 98
PUERTO RICO:	
DNER	Conservation; Protection, Conservation and Management of Coral Reefs 12 L.P.R.A. §§ 241-241g et seq.
DNER	Conservation; Natural Patrimony Program 12 L.P.R.A. § 1227
DNER	Conservation; Tres Palmas de Rincon Marine Reserve 12 L.P.R.A. § 5063

[FR Doc. E7–24211 Filed 12–13–07; 8:45 am]
BILLING CODE 3510–22–S

Notices

Federal Register
Vol. 72, No. 240
Friday, December 14, 2007

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

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

December 10, 2007.

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

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

Rural Utilities Service

Title: Telecommunications System Construction Policies and Procedures.

OMB Control Number: 0572–0059.

Summary of Collection: The Rural Electrification Act of 1936 (RE Act), 7 U.S.C. 901 *et seq.*, was amended in 2002 by Title IV, Rural Broadband Access, by Farm Security and Rural Investment Act, which authorizes Rural Utilities Service (RUS) to provide loans and loan guarantees to fund the cost of construction, improvement, or acquisition for facilities and equipment for the provision of broadband service in eligible rural communities in the States and territories of the United States. Title VI of the RE Act requires that loans are granted only to borrowers who demonstrated that they will be able to repay in full within the time agreed. RUS has established certain standards and specifications for materials, equipment and construction to assure that standards are maintained, loans are not adversely affected, and loans are used for intended purposes.

Need and Use of the Information: RUS has developed specific forms for borrowers to use when entering into contracts for goods or services. The information collected is used to implement certain provisions of loan documents about the borrower's purchase of materials and equipment and the construction of its broadband system and is provided on an as needed basis or when the individual borrower undertakes certain projects. The standardization of the forms has resulted in substantial savings to borrowers by reducing preparation of the documentation and the costly review by the government.

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

Number of Respondents: 513.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 10,724.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. E7–24207 Filed 12–13–07; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket Number: AMS–ST–07–0149; ST08–01]

Request for an Extension and Revision to a Currently Approved Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the Agricultural Marketing Service's (AMS) intention to request approval from the Office of Management and Budget, for an extension of and revision to the currently approved information collection for Recordkeeping Requirements for Certified Applicators of Federally Restricted Use Pesticides (7 CFR part 110).

DATES: Comments received by February 12, 2008 will be considered.

Additional Information or Comments: Contact Bonnie Poli, Pesticide Records Branch, Science and Technology, Agricultural Marketing Service, Suite 203, 8609 Sudley Road, Manassas, Virginia 20110–4582, Telephone (703) 330–7826, Fax (703) 330–6110.

SUPPLEMENTARY INFORMATION:

Title: Recordkeeping Requirements for Certified Applicators of Federally Restricted Use Pesticides (7 CFR part 110)

OMB Number: 0581–0164.

Expiration Date of Approval: May 30, 2008.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: Section 1491 of the Food, Agriculture, Conservation, and Trade Act of 1990, (Pub. L. 101–624; 7 U.S.C. 136i–1) (Act), directs and authorizes the Secretary of Agriculture to require that certified pesticide applicators maintain records of applications of federally restricted use pesticides for a period of two years.

The Act also (1) requires that the pesticide records be made available to Federal or State officials, and to licensed health care professionals who need the records in order to treat an

individual who may have been exposed to restricted use pesticides; (2) requires that the Secretary of Agriculture enforce the recordkeeping and access requirements of the Act and promulgate regulations to administer the Act; and (3) establishes civil penalties for violations of the Act. A certified applicator is an individual who is certified by the Environmental Protection Agency (EPA) or a State under cooperative agreement with EPA to use or supervise the use of restricted use pesticides.

The Secretary of Agriculture delegated his responsibilities under the Act to the Agricultural Marketing Service (AMS), which promulgated regulations to administer the Act at 7 CFR part 110 (regulations). In order to enforce these regulations, AMS must collect information through personal inspections of the application records of certified applicators of restricted use pesticides.

The information collected by AMS is used only by authorized representatives of AMS (AMS' Science and Technology national staff, other designated Federal employees and designated State supervisors and their staffs) who are delegated authority to access the records pursuant to subsection (b) of the Act. The collected information is used to administer the Federal Pesticide Recordkeeping program. AMS is the primary user of this information. The secondary user of the information is each designated State agency which has a cooperative agreement with AMS.

Estimate of Burden: Public reporting burden for this collection of information is estimated as follows:

(a) Approximately 307,151 certified private applicators (recordkeepers) apply restricted use pesticides. It is estimated that certified private applicators average 1.31 hours per recordkeeper for a total of 402,368 annual burden hours. This is a 247,708 increase in burden hours from the previous collection request due to an increase in the number of restricted use pesticide applications being made by certified private applicators. The new data indicates that certified private applicators make an average of 16 restricted use pesticide applications per year. Of the 307,151 certified private applicators, approximately 3,600 are selected annually for recordkeeping inspections. It is estimated that a private applicator that is subject to a pesticide record inspection has an annual burden of .330 hours, which contributes to a total annual burden of 1,195 hours.

(b) There are approximately 281,428 certified commercial applicators nationally who are required to provide copies of restricted use pesticide application records to their clients. It is estimated that certified commercial applicators have a total annual burden of 1,386,877 hours.

(c) It is estimated that State agency personnel who work through cooperative agreements with AMS to inspect certified private applicator's records have a total annual burden of 7,274 hours. This is a decrease of 1,702 burden hours from the previous collection request due to fewer states participating in cooperative agreements with AMS.

Respondents: Certified private and commercial applicators, State governments or employees, and Federal agencies or employees.

Estimated Number of Respondents: 592,233—The total number of respondents includes certified commercial applicators, certified private applicators (recordkeepers) and designated State agency personnel utilized to inspect certified private applicator's records.

Estimated Number of Responses per Respondent: The estimated number of responses per respondent is as follows:

(a) It is estimated that certified private applicators (recordkeepers), record on an average 16 restricted use pesticide application records annually.

(b) It is estimated that certified commercial applicators provide 616 copies of restricted use pesticide records to their clients annually.

(c) State agency personnel, who work under cooperative agreements with AMS to conduct restricted use pesticide records inspections, have approximately 3,591 responses annually.

Estimated Total Annual Burden on Respondents: 1,797,714. This revision in the Total Annual Burden on Respondents increases the current burden by 116,917 hours due to the increase in the number of restricted use pesticides applications that the private applicators are making annually. Although there are fewer states participating in the cooperative program, the total annual burden did increase.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments should be sent to Bonnie Poli, Pesticide Records Branch, Science and Technology, Agricultural Marketing Service, Suite 203, 8609 Sudley Road, Manassas, Virginia 20110–4582. All comments received will be available for public inspection during regular business hours at the same address.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Dated: December 10, 2007.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. E7–24202 Filed 12–13–07; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Forest Service

RIN 0596–AC50

Notice of Extension of Public Comment Period—Proposed Directives for Forest Service Outfitting and Guiding Special Use Permits and Insurance Requirements for Forest Service Special Use Permits

AGENCY: Forest Service, USDA.

ACTION: Notice of Extension of Public Comment Period.

SUMMARY: The Forest Service is extending the public comment period for the proposed directive regarding Forest Service Outfitting and Guiding Special Use Permits and Insurance Requirements for Forest Service Special Use Permits for an additional 30 days. The original notice called for comments to be submitted by January 17, 2008 (72 FR 59246, October 19, 2007).

DATES: Comments must be received in writing by February 19, 2008.

ADDRESSES: Send comments electronically by following the instructions at the Federal eRulemaking portal at *http://www.regulation.gov.* Comments may also be submitted by mail to U.S. Forest Service, Attn: Carolyn Holbrook, Recreation and Heritage Resources Staff (2720), 1400 Independence Avenue, SW., Mailstop 1125, Washington, DC 20250–1125. If comments are sent electronically, the public is requested not to send duplicate comments by mail. Please confine comments to issues pertinent to the proposed directives, explain the

reasons for any recommended changes, and, where possible, reference the specific section and wording being addressed.

All comments, including names and addresses when provided, will be placed in the record and will be available for public inspection and copying. The public may inspect comments received on these proposed directives in the Office of the Director, Recreation and Heritage Resources Staff, 4th Floor Central, Sidney R. Yates Federal Building, 14th and Independence Avenue, SW., Washington, DC., on business days between 8:30 a.m. and 4 p.m. Those wishing to inspect comments are encouraged to call ahead at (202) 205–1426 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Carolyn Holbrook, (202) 205–1426, Recreation and Heritage Resources Staff.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.

Dated: December 7, 2007.

Gloria Manning,

Associate Deputy Chief, National Forest System.

[FR Doc. E7–24240 Filed 12–13–07; 8:45 am]

BILLING CODE 3410–11–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Addition and Deletion

ACTION: Proposed Addition to and Deletion From the Procurement List.

SUMMARY: The Committee is proposing to add to the Procurement List a product to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and to delete a service previously furnished by such agencies.

Comments Must Be Received on or Before: January 13, 2008.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION OR TO SUBMIT COMMENTS CONTACT: Kimberly M. Zeich, Telephone: (703) 603–7740, Fax: (703) 603–0655, or e-mail *CMTEFedReg@jwod.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C 47(a) (2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Addition

If the Committee approves the proposed addition, the entities of the Federal Government identified in this notice for each product will be required to procure the product listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the product to the Government.

2. If approved, the action will result in authorizing small entities to furnish the product to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the products proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

End of Certification

The following product is proposed for addition to Procurement List for production by the nonprofit agencies listed:

Product

Folder, Classification, Pressboard
NSN: 7530–00-NIB–0825—Legal Size—1 Divider/4 Part—Light Green.
NSN: 7530–00-NIB–0824—Legal Size—1 Divider/4 Part—Earth Red.
NPA: Georgia Industries for the Blind, Bainbridge, GA.
Coverage: A-List for the total Government requirement as specified by the General Services Administration.
Contracting Activity: General Services Administration, Office Supplies & Paper Products Acquisition Ctr, New York, NY.

Deletion

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action may result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. If approved, the action may result in authorizing small entities to furnish the service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the service proposed for deletion from the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

End of Certification

The following service is proposed for deletion from the Procurement List:

Service

Service Type/Location: Microfilming, U.S. Bureau of the Census, Washington, DC.
NPA: Business Technology Career Opportunities (BTCO), Wichita, KS.
Contracting Activity: U.S. Bureau of the Census, Washington, DC.

Kimberly M. Zeich,

Director, Program Operations.

[FR Doc. E7–24225 Filed 12–13–07; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase from People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from the Procurement List.

SUMMARY: This action adds to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes from the Procurement List a product and services previously furnished by such agencies.

DATES: *Effective Date:* January 13, 2008.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia, 22202–3259.

FOR FURTHER INFORMATION CONTACT: Kimberly M. Zeich, Telephone: (703) 603–7740, Fax: (703) 603–0655, or e-mail *CMTEFedReg@jwod.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On October 5 and October 19, 2007, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (72 FR 56983; 59251) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the services and impact of the additions on the current or most recent contractors, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action will result in authorizing small entities to furnish the services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List.

End of Certification

Accordingly, the following services are added to the Procurement List:

Services

Service Type/Location: Catering Services, San Antonio Detention Center, 8940 Fourwinds Drive, 1st Floor Detention Branch, San Antonio, TX.
NPA: Goodwill Industries of San Antonio, San Antonio, TX.
Contracting Activity: Immigration and Customs Enforcement, Washington, DC.
Service Type/Location: Document Destruction, Internal Revenue Service, 200 Granby Street, Norfolk, VA.
Service Type/Location: Document Destruction, Internal Revenue Service, 903 Gateway Blvd, Hampton, VA.
NPA: Louise W. Eggleston Center, Inc., Norfolk, VA.
Contracting Activity: U.S. Department of the Treasury, Internal Revenue Service, Chamblee, GA.

Deletions

On October 19, 2007, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (72 FR 59291–59252) of proposed deletions to the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the products and services listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action may result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the product and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the product and services deleted from the Procurement List.

End of Certification

Accordingly, the following product and services are deleted from the Procurement List:

Product

Paper, Xerographic & Inkjet (Large Format)

NSN: 7530–00–NIB–0483
NSN: 7530–00–NIB–0598
NSN: 7530–00–NIB–0599
NSN: 7530–00–NIB–0600
NSN: 7530–00–NIB–0601
NSN: 7530–00–NIB–0602
NSN: 7530–00–NIB–0603
NSN: 7530–00–NIB–0604
NSN: 7530–00–NIB–0605
NSN: 7530–00–NIB–0606
NSN: 7530–00–NIB–0607
NSN: 7530–00–NIB–0608
NSN: 7530–00–NIB–0609
NSN: 7530–00–NIB–0610
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NSN: 7530–00–NIB–0636
NSN: 7530–00–NIB–0637
NSN: 7530–00–NIB–0638
NSN: 7530–00–NIB–0639
NSN: 7530–00–NIB–0640
NSN: 7530–00–NIB–0641
NSN: 7530–00–NIB–0642
NPA: Wiscraft Inc.—Wisconsin Enterprises for the Blind, Milwaukee, WI.
Contracting Activity: General Services Administration, Office Supplies & Paper Products Acquisition Ctr, New York, NY.

Services

Service Type/Location: Food Service Attendant, Air National Guard Base, Building 600, Lincoln, NE.
NPA: Goodwill Services, Inc., Lincoln, NE.
Contracting Activity: Air National Guard, Lincoln, NE.
Service Type/Location: Grounds Maintenance, U.S. Department of Agriculture, Forest Service Office, Beaverhead-Deerlodge National Forest, Butte, MT.
NPA: BSW, Inc., Butte, MT.
Contracting Activity: U.S. Department of Agriculture, Forest Service, Butte, MT.
Service Type/Location: Janitorial/Custodial, U.S. Customs Service, 8855 NE Airport Way, Portland, OR.
NPA: Portland Habilitation Center, Inc., Portland, OR.
Contracting Activity: U.S. Customs Service, Indianapolis, IN.

Kimberly M. Zeich,

Director, Program Operations.

[FR Doc. E7–24226 Filed 12–13–07; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce has submitted 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: International Trade Administration (ITA).

Title: Implementation of Tariff Rate Quota Established Under the Tax Relief and Health Care Act of 2006 for Imports of Certain Cotton Woven Fabrics.

OMB Control Number: 0625–0260.

Form Number(s): ITA–4156P.

Type of Request: Regular submission.

Burden Hours: 10.

Number of Respondents: 10.

Average Hours per Response: 1 hour.

Needs and Uses: The Tax Relief and Heath Care Act of 2006 (''the Act'') contains provisions to assist the men's and boys' cotton shirting industry. Among these provisions, the Act creates an annual Tariff Rate Quota (TRQ) providing for temporary reductions through December 31, 2009, in the import duties of cotton woven fabrics suitable for making men's and boys' cotton shirts (new Harmonized Tariff Schedule of the United States (HTS) headings 9902.52.08, 9902.52.09, 9902.52.10, 9902.52.11, 9902.52.12, 9902.52.13, 9902.52.14, 9902.52.15, 9902.52.16, 9902.52.17, 9902.52.18, and 9902.52.19). The reduction in duty is limited to 85 percent of the total square meter equivalents of all imported woven fabrics of cotton containing 85 percent or more by weight cotton used by manufacturers in cutting and sewing men's and boys' cotton shirts in the United States and purchased by such manufacturer during calendar year 2000.

Section 406(b)(1) of the Act requires the Secretary of Commerce to fairly allocate the tariff rate quota. More specifically, the Secretary of Commerce must issue licenses and ensure that the TRQ is fairly allocated to eligible manufacturers under the above headings. The TRQ is effective for goods entered or withdrawn from warehouse for consumption, on or after January 1, 2007, and will remain in force through 2009. The TRQ will be allocated each year and a TRQ allocation will be valid only in the year for which it is issued.

The reduction of import duties provided by the TRQ will be of considerable benefit to firms that receive TRQ allocations. It will lower these firms' cost of production, enabling them to better compete with foreign imports.

Affected Public: Business or other for-profit organizations.

Frequency: Annually.

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 via the Internet at *David_Rostker@omb.eop.gov*.

Dated: December 10, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7–24198 Filed 12–13–07; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; Comment Request; Census 2010 Participation Survey

AGENCY: U.S. Census Bureau, Department of Commerce.

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, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: To ensure consideration, written comments must be submitted on or before February 12, 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(s) and instructions should be directed to Nancy A. Bates, U.S. Census Bureau, C2PO, Room 8H491, 4600 Silver Hill Road, Washington, DC 20233 at 301–763–5248 (or via the Internet at *Nancy.A.Bates@census.gov*).

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau plans to request clearance to conduct the Census Participation Survey to measure public knowledge, awareness, and perceptions about the 2010 Census. This research is designed to complement previous research conducted for Census 2000 as well as the Census Planning Database (a geographic summary file with Census 2000 response information) to inform the strategic direction of the 2010 Census Integrated Communications Plan (ICP).

Every ten years, the Census Bureau is congressionally mandated to count everyone (citizens and non-citizens) residing in the United States. An accurate count is critical for many reasons including but not limited to:

- Congressional reapportionment,
- Redistricting congressional boundaries;
- Community planning; and
- Distribution of public funds and program development.

The role of the ICP is to increase public awareness and motivate people to respond to the census promptly, saving millions of taxpayer dollars. The specific objectives of the ICP are:

- Increase mail response;
- Improve cooperation with enumerators; and
- Improve overall accuracy and reduce differential undercount

For the first time in Census 2000, the Census Bureau ran a paid advertising campaign to support Census data collection activities. This campaign was considered a very successful initiative and one of several reasons cited with helping to reverse declining mail response rates. In developing the 2000 campaign, the Census Bureau relied on one's likelihood to engage in civic activities as a proxy to one's likelihood to respond to the census. The campaign was built on the slogan, ''This is your Future. Don't leave it blank.'' The intent of this slogan and related variations was to incite a sense of personal benefit, community benefit, and infer a sense of urgency. The target mail response rate for the 2010 Census has been set at 69 percent, higher than the 67 percent obtained in Census 2000. To support this goal, the ICP includes a communications campaign based on behavior during the 2000 Census and current knowledge, attitudes, perceptions, barriers, and motivations specific to 2010 Census participation. This model will provide contemporary insight into public motivations specific to the census. There are many commonalities to Census 2000 such as low Census favorability; lack of

awareness and personal relevancy; and many motivators that were leveraged in 2000 still resonate. However, the social and political landscape has shifted since Census 2000 and the Census Bureau is facing new challenges such as:

- Distrust in government is higher than ever;
- Confidentiality issues heightened;
- Shifting core values (quality of life; family values);
- Definition of community is broadening;
- Recent debates on immigration; and
- Increased language barriers.

The purpose of the Census Participation Survey is to inform tactical and strategic decisions for the ICP. The collected data will not be used to produce official Census Bureau estimates.

II. Method of Collection

The Census Participation Survey will be administered to a sample of adults. Most interviews will be selected though random-digit-dialing and administered via Computer Assisted Telephone Interviewing (CATI), while a small portion of the interviews will be conducted in-person. Some of the CATI interviews will be conducted on the respondent's cell phone. A $10 gift will be provided to respondents as compensation for costs (inbound charges) incurred from the cell phone interview. Additionally, a $10 gift will be provided to respondents to the in-person interview to increase the response rate. When an address is available, respondents will be notified of the data collection with a pre-notification letter. The Census Participation Survey will focus on the following topic areas:

- Awareness about the census and attitudes and perceptions about the Census Bureau;
- Barriers and motivations for census participation;
- Potential 2010 Census messaging alternatives;
- Current issues and their relevancy to census participation;
- Individual-level participation in Census 2000 (self-reported) and participation intent for the 2010 Census; and
- Demographics, socioeconomics, and psychographics.

III. Data

OMB Control Number: None.
Form Number: CPS–2008.
Type of Review: Regular submission.
Affected Public: Individuals or households.
Estimated Number of Respondents: 4,000.
Estimated Time per Response: 25 minutes.
Estimated Total Annual Burden Hours: 1,667.
Estimated Total Annual Cost: There is no cost to the respondents other than their time.
Respondent's Obligation: Voluntary.
Legal Authority: Title 13 U.S.C. Section 182.

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 6, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7–24199 Filed 12–13–07; 8:45 am]
BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Action Affecting Export Privileges; Cirrus Electronics, Cirrus Electronics Pte. Ltd, Cirrus Electronics Marketing (P) Ltd., Parthasarathy Sudarshan, Mythili Gopal, Akn Prasad, and Sampath Sundar; Order Renewing Temporary Denial Order

In the Matter of:

Cirrus Electronics LLC, Washington, DC Department of Corrections, Correctional Treatment Facility, 1901 E Street, SE., Washington, DC 20003; and 22 Redglobe Court, Simpsonville, South Carolina;
Cirrus Electronics Pte., Ltd., Level 3 ECON Building, No. 2 Ang Mo Kio Street 64, Ang Mo Kio Industrial Park 3 Singapore;
Cirrus Electronics Marketing (P) Ltd., #303, Suraj Ganga Arcade, 332/7, 15th Cross 2nd Block, Jayanagar, Bangalore, India;
Parthasarathy Sudarshan, Washington, DC Department of Corrections, Correctional Treatment Facility, 1901 E Street, SE., Washington, DC 20003;
Mythili Gopal, 22 Redglobe Court, Simpsonville, South Carolina;
Akn Prasad, #303, Suraj Ganga Arcade, 332/7, 15th Cross 2nd Block, Jayanagar, Bangalore, India;
Sampath Sundar, Level 3 ECON Building, No. 2 Ang Mo Kio Street 64, Ang Mo Kio Industrial Park 3 Singapore, Respondents.

Pursuant to Section 766.24 of the Export Administration Regulations (''EAR''),[1] the Bureau of Industry and Security (''BIS''), U.S. Department of Commerce, through its Office of Export Enforcement (''OEE''), has requested that I renew for 180 days an Order temporarily denying export privileges under the EAR (''TDO'') of:

(1) Cirrus Electronics, doing business as Cirrus Electronics LLC, Washington, DC Department of Corrections Correctional Treatment Facility, 1901 E Street, SE., Washington, DC 20003 and 22 Redglobe Court, Simpsonsville, South Carolina (''Cirrus U.S.A.'')
(2) Cirrus Electronics Pte Ltd., Level 3, ECON Building, No. 2, Ang Mo Kio Street 64, Ang Mo Kio Industrial Park 3, Singapore (''Cirrus Singapore'')
(3) Cirrus Electronics Marketing (P) Ltd., #303 Suraj Ganga Arcade, 332/7, 15th Cross 2nd Block, Jayanagar, Bangalore, India (''Cirrus India'')
(4) Parthasarathy Sudarshan, Managing Director, CEO, President, and Group Head of Cirrus Washington, DC Department of Corrections Correctional Treatment Facility, 1901 E Street, SE., Washington, DC 20003 and 22 Redglobe Court, Simpsonsville, South Carolina
(5) Mythili Gopal, International Manager of Cirrus, 22 Redglobe Court, Simpsonsville, South Carolina
(6) Akn Prasad, CEO of India Operations of Cirrus, #303 Suraj Ganga Arcade, 332/7, 15th Cross 2nd Block, Jayanagar, Bangalore, India
(7) Sampath Sundar, Director of Operations of Cirrus, Cirrus Electronics Pte Ltd., Level 3, ECON Building, No. 2, Ang Mo Kio Street 64, Ang Mo Kio Industrial Park 3, Singapore

[1] The EAR are currently codified at 15 CFR parts 730–774 (2007). The EAR are issued under the Export Administration Act of 1979, as amended (50 U.S.C. app. 2401–2420 (2000)) (''EAA''). 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)), which has been extended by successive presidential notices, the most recent being that of August 15, 2007 (72 FR 46137 (August 16, 2007)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. § § 1701—1706 (2000)) (''IEEPA'').

(collectively referred to as the ''Respondents'')

On June 1, 2007, I found that evidence presented by BIS demonstrated that the Respondents knowingly violated the EAR on at least five occasions between on or about September 30, 2005 and on or about April 17, 2006 by exporting items subject to the EAR from the United States to the Vikram Sarabhai Space Centre (''VSSC'') and Bharat Dynamics Ltd. (''BDL'') in India without the licenses required by Section 744.1 of the EAR. VSSC and BDL are organizations set forth on the Entity List set forth in Supplement No. 4 to Part 744 of the EAR. In each instance, the items were shipped from the United States to Singapore for subsequent shipment to VSSC and BDL. The Respondents were aware of the Entity List licensing requirements and on at least one occasion provided an end-user statement to a U.S. vendor that falsely represented the end-user in order to conceal the intended actual end user, VSSC, of the vendor's items. I further found that such violations had been significant, deliberate and covert, and were likely to occur again, especially given the nature of the transactions. As such, a TDO was needed to give notice to persons and companies in the United States and abroad that they should cease dealing with the Respondents in export transactions involving items subject to the EAR. Issuance of the TDO, rendered effective as of June 12, 2007, the date of publication in the **Federal Register**, was consistent with the public interest to preclude future violations of the EAR.

OEE has presented additional evidence indicating that Cirrus Singapore remains in business despite issuance of the TDO. I now find, based on the continued circumstances that led to the initial issuance of the TDO on June 1, 2007 and the additional evidence supplied by OEE, that the renewal of this TDO for a period of 180 days is necessary and in the public interest, to prevent an imminent violation of the EAR. All parties to this TDO have been given notice of the request for renewal.

It is therefore ordered:

First, that the Respondents, Cirrus Electronics LLC, Washington, DC Department of Corrections Correctional Treatment Facility, 1901 E Street, SE., Washington, DC 20003, and 22 Redglobe Court, Simpsonsville, South Carolina, 29681–3615, and Cirrus Electronics PTE LTD., Level 3, ECON Building, No. 2, Ang Mo Kio Street 64, Ang Mo Kio Industrial Park 3, Singapore, and Cirrus Electronics Marketing (P) LTD., #303 Suraj Ganga Arcade, 332/7, 15th Cross 2nd Block, Jayanagar, Bangalore, India, and Parthasarsathy Sudarshan, Managing Director, CEO, President, and Group Head of Cirrus, Washington, D.C. Department of Corrections Correctional Treatment Facility, 1901 E Street, SE., Washington, DC 20003, and 22 Redglobe Court, Simpsonsville, South Carolina, 29681–3615, and Mythili Gopal, International Manager of Cirrus, 22 Redglobe Court, Simpsonsville, South Carolina, 29681–3615, and Akn Prasad, CEO of India Operations of Cirrus, #303 Suraj Ganga Arcade, 332/7, 15th Cross 2nd Block, Jayanagar, Bangalore, India, and Sampath Sundar, Director of Operations of Cirrus, Cirrus Electronics Pte Ltd., Level 3, ECON Building, No. 2, Ang Mo Kio Street 64, Ang Mo Kio Industrial Park 3, Singapore (collectively the ''Denied Persons'') 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 Export Administration Regulations (''EAR''), or in any other activity subject to the EAR 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 EAR, or in any other activity subject to the EAR; 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 EAR, or in any other activity subject to the EAR.

Second, that 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 to the EAR;

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 EAR 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 EAR that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the EAR 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 EAR 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 EAR that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, that after notice and opportunity for comment as provided in section 766.23 of the EAR, any other person, firm, corporation, or business organization related to any of the Respondents 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.

Fourth, that this Order does not prohibit any export, reexport, or other transaction subject to the EAR where the only items involved that are subject to the EAR are the foreign-produced direct product of U.S.-origin technology.

In accordance with the provisions of Section 766.24(e) of the EAR, the Respondents may, at any time, appeal this Order by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202–4022.

In accordance with the provisions of Section 766.24(d) of the EAR, BIS may seek renewal of this Order by filing a written request not later than 20 days before the expiration date. The Respondents may oppose a request to renew this Order by filing a written submission with the Assistant Secretary for Export Enforcement, which must be received not later than seven days before the expiration date of the Order.

A copy of this Order shall be served on the Respondents and shall be published in the **Federal Register**.

This Order is effective as of the date that it is signed and shall remain in effect for 180 days.

Entered this 5th day of December, 2007.

Darryl W. Jackson,

Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. E7–24237 Filed 12–13–07; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket Number: 071126747–7750–01]

Precision Measurement Grants Program; Availability of Funds

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice.

SUMMARY: The National Institute of Standards and Technology (NIST) announces that the Precision Measurement Grants Program is soliciting applications for financial assistance for Fiscal Year (FY) 2008. The Precision Measurement Grants Program is seeking proposals for significant research in the field of fundamental measurement or the determination of fundamental constants.

DATES: Abbreviated proposals must be received at the address listed below no later than 5 p.m. Eastern Standard Time on February 1, 2008. Proposals received after this deadline will be returned with no further consideration. Finalists will be selected by approximately March 21, 2008, and will be requested to submit full proposals to NIST. All full proposals, paper and electronic, must be received no later than 5 p.m. Eastern Daylight Time on May 2, 2008.

ADDRESSES: Abbreviated proposals and paper applications must be submitted to: Dr. Peter J. Mohr; Manager, NIST Precision Measurement Grants Program; National Institute of Standards and Technology; 100 Bureau Drive, Stop 8420; Gaithersburg, MD 20899–8420; e-mail: *mohr@nist.gov*. Web site: *http://physics.nist.gov/pmg*. Electronic final proposals should be uploaded to *http://www.Grants.gov*.

FOR FURTHER INFORMATION CONTACT: For complete information about this program and instructions for applying by paper or electronically, read the Federal Funding Opportunity (FFO) Notice at *http://www.grants.gov*. A paper copy of the FFO may be obtained by calling (301) 975–6328. Technical questions should be addressed to: Dr. Peter J. Mohr at the address listed in the Addresses section above, or at Tel: (301) 975–3217; e-mail: *mohr@nist.gov*.; Web site: *http://physics.nist.gov/pmg*. Grants Administration questions should be addressed to: Grants and Agreements Management Division; National Institute of Standards and Technology; 100 Bureau Drive, Stop 1650; Gaithersburg, MD 20899–1650; Tel: (301) 975–6328. For assistance with using Grants.gov contact *support@grants.gov*.

SUPPLEMENTARY INFORMATION:

Authority: The authority for the *Precision Measurement Grants Program* is as follows: As authorized by 15 U.S.C. 272 (b) and (c), NIST conducts directly, and supports through grants, a basic and applied research program in the general area of fundamental measurement and the determination of fundamental constants of nature.

Catalog of Federal Domestic Assistance Name and Number: Measurement and Engineering Research and Standards—11.609.

Program Description: The National Institute of Standards and Technology (NIST) announces that the *Precision Measurement Grants Program* is soliciting applications for financial assistance for FY 2008. The *Precision Measurement Grants Program* is seeking proposals for significant research in the field of fundamental measurement or the determination of fundamental constants. As part of its research program, since 1970 NIST has awarded Precision Measurement Grants primarily to universities and colleges so that faculty may conduct significant research in the field of fundamental measurement or the determination of fundamental constants. NIST sponsors these grants and cooperative agreements primarily to encourage basic, measurement-related research in universities and colleges and other research laboratories and to foster contacts between NIST scientists and those faculty members of academic institutions and other researchers who are actively engaged in such work. The Precision Measurement Grants are also intended to make it possible for researchers to pursue new ideas for which other sources of support may be difficult to find. There is some latitude in research topics that will be considered under the *Precision Measurement Grants Program*. The key requirement is that the proposed project is consistent with NIST's ongoing work in the field of basic measurement science.

Funding Availability: NIST anticipates spending $100,000 this year for two new grants at $50,000 each. Funding for the program listed in this notice is contingent upon the availability of Fiscal Year 2008 appropriations. NIST issues this notice subject to the appropriations made available under the current continuing resolution, H.J. Res. 52, ''Continuing Appropriations Resolution, 2008,'' Public Law 110–92 as amended by H.R. 3222, Public Law 110–116. NIST anticipates making awards for the program listed in this notice provided that funding for the program is continued beyond December 14, 2007, the expiration of the current continuing resolution.

Award start dates for new grants are expected to be October 1, 2008. Applicants should propose multi-year projects for up to three years at no more than $50,000 per year. NIST anticipates spending $100,000 this year for two new grants at $50,000 each for the first year of the research projects. NIST may award both, one, or neither of these new awards. Second and third year funding will be at the discretion of NIST, based on satisfactory performance, continuing relevance to program objectives, and the availability of funds. NIST plans to fund the awards as grants. If collaboration by NIST scientists in the scope of work is appropriate for any award, a cooperative agreement will be issued instead.

Cost Share Requirements: The Precision Measurement Grants Program does not require any matching funds.

Eligibility: Eligible applicants are institutions of higher education; hospitals; non-profit organizations; commercial organizations; state, local and Indian tribal governments; foreign governments; organizations under the jurisdiction of foreign governments; international organizations; and Federal agencies with appropriate legal authority.

Evaluation Criteria: The evaluation criteria to be used in evaluating the abbreviated application proposals and full proposals are:

1. The importance of the proposed research—Does it have the potential of answering some currently pressing question or of opening up a whole new area of activity?

2. The relationship of the proposed research to NIST's ongoing work—Will it support one of NIST's current efforts to develop a new or improved fundamental measurement method or physical standard, test the basic laws of physics, or provide an improved value for a fundamental constant?

3. The feasibility of the research and the potential impact of the grant—Is it likely that significant progress can be made in a three year time period with the funds and personnel available and that the funding will enable work that would otherwise not be done with existing or potential funding?

4. The qualifications of the applicant—Does the educational and employment background and the quality of the research, based on recent publications, of the applicant indicate that there is a high probability that the proposed research will be carried out successfully?

Each of these factors is given equal weight in the evaluation process.

Review and Selection Process: All abbreviated proposals and full applications received in response to this announcement will be reviewed to determine whether or not they are complete and responsive to the scope of the stated objectives for each program. Incomplete or non-responsive abbreviated proposals and full applications will not be reviewed for technical merit. The Program will retain one copy of each non-responsive abbreviated proposal and full application for three years for record keeping purposes. The remaining copies will be destroyed.

All applicants must submit an abbreviated proposal (original and two signed copies), containing a description of the proposed project, including sufficient information to address the evaluation criteria, with a total length of no more than five (5) double spaced pages, to the mailing address given above in the **ADDRESSES** section. These proposals will be screened to determine whether they address the requirements outlined in this notice. Proposals that do not meet those requirements will not be considered further. Eight independent, objective individuals, at least half of whom are NIST employees, and who are knowledgeable about the scientific areas that the program addresses will conduct a technical review of each abbreviated proposal, based on the evaluation criteria described in the Evaluation Criteria section for this program. Each reviewer will evaluate and rank the proposals. The proposals will then be ranked based on the average of the reviewers' rankings. If non-Federal reviewers are used, the reviewers may discuss the proposals with each other, but the ranking will be determined on an individual basis, not as a consensus.

The Chief of the Atomic Physics Division of the Physics Laboratory, the selecting official, will then select approximately four to eight finalists. In selecting finalists, the selecting official will take into consideration the results of the reviewers' evaluations, including rank, and relevance to the program objectives described above in the Program Description section. Applicants not selected as finalists will be notified in writing.

Finalists will then be asked in writing to submit full proposals up to ten (10) pages in accordance with the requirements set forth in the Content and Form of Application Submission section of the FFO notice. The same independent reviewers that reviewed the abbreviated proposals will then evaluate the full proposals based on the same evaluation criteria, and the proposals will be ranked as previously described. In selecting proposals that will be recommended for funding, the selecting official will take into consideration the results of the reviewers' evaluations, including rank and relevance to the program objectives described in the Program Description section of this notice.

The final approval of selected applications and award of grants will be made by the NIST Grants Officer based on compliance with application requirements as published in this notice, compliance with applicable legal and regulatory requirements, compliance with Federal policies that best further the objectives of the Department of Commerce, and whether the recommended applicants appear to be responsible.

Applicants may be asked to modify objectives, work plans, or budgets and provide supplemental information required by the agency prior to award.

The decision of the Grants Officer is final.

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements: The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements, 69 FR 78,389 (Dec. 30, 2004) applies to this notice. On the form SF–424, the applicant's 9-digit Dun and Bradstreet Data Universal Numbering System (DUNS) number must be entered in the Applicant Identifier block (68 FR 38402).

Collaborations with NIST Employees: All applications should include a description of any work proposed to be performed by an entity other than the applicant, and the cost of such work should ordinarily be included in the budget.

If an applicant proposes collaboration with NIST, the statement of work should include a statement of this intention, a description of the collaboration, and prominently identify the NIST employee(s) involved, if known. Any collaboration by a NIST employee must be approved by appropriate NIST management and is at the sole discretion of NIST. Prior to beginning the merit review process, NIST will verify the approval of the proposed collaboration. Any unapproved collaboration will be stricken from the proposal prior to the merit review.

Use of NIST Intellectual Property: If the applicant anticipates using any NIST-owned intellectual property to carry out the work proposed, the applicant should identify such intellectual property. This information will be used to ensure that no NIST employee involved in the development of the intellectual property will participate in the review process for that competition. In addition, if the applicant intends to use NIST-owned intellectual property, the applicant must comply with all statutes and regulations governing the licensing of Federal government patents and inventions, described at 35 U.S.C. 200–212, 37 CFR Part 401, 15 CFR 14.36, and in Section B.20 of the Department of Commerce Pre-Award Notification Requirements 69 FR 78,389 (Dec. 30, 2004). Questions about these requirements may be directed to the Counsel for NIST, 301–975–2803.

Any use of NIST-owned intellectual property by a proposer is at the sole discretion of NIST and will be negotiated on a case-by-case basis if a project is deemed meritorious. The applicant should indicate within the statement of work whether it already has a license to use such intellectual property or whether it intends to seek one.

If any inventions made in whole or in part by a NIST employee arise in the course of an award made pursuant to this notice, the United States government may retain its ownership rights in any such invention. Licensing or other disposition of NIST's rights in such inventions will be determined solely by NIST, and include the possibility of NIST putting the intellectual property into the public domain.

Collaborations Making Use of Federal Facilities: All applications should include a description of any work proposed to be performed using Federal Facilities. If an applicant proposes use of NIST facilities, the statement of work should include a statement of this intention and a description of the facilities. Any use of NIST facilities must be approved by appropriate NIST management and is at the sole discretion of NIST. Prior to beginning the merit review process, NIST will verify the availability of the facilities and approval of the proposed usage. Any unapproved facility use will be stricken from the proposal prior to the merit review. Examples of some facilities that may be available for collaborations are listed on the NIST Technology Services Web site, *http://ts.nist.gov/.*

Paperwork Reduction Act: The standard forms in the application kit involve a collection of information subject to the Paperwork Reduction Act. The use of Standard Forms 424, 424A, 424B, SF–LLL, and CD–346 have been approved by OMB under the respective

Control Numbers 0348–0043, 0348–0044, 0348–0040, 0348–0046, and 0605–0001.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

Research Projects Involving Human Subjects, Human Tissue, Data or Recordings Involving Human Subjects: Any proposal that includes research involving human subjects, human tissue, data or recordings involving human subjects must meet the requirements of the Common Rule for the Protection of Human Subjects, codified for the Department of Commerce at 15 CFR part 27. In addition, any proposal that includes research on these topics must be in compliance with any statutory requirements imposed upon the Department of Health and Human Services (DHHS) and other federal agencies regarding these topics, all regulatory policies and guidance adopted by DHHS, the Food and Drug Administration, and other Federal agencies on these topics, and all Presidential statements of policy on these topics.

NIST will accept the submission of human subjects protocols that have been approved by Institutional Review Boards (IRBs) possessing a current registration filed with DHHS and to be performed by institutions possessing a current, valid Federal-wide Assurance (FWA) from DHHS. NIST will not issue a single project assurance (SPA) for any human subjects protocol proposed to NIST.

On August 9, 2001, the President announced his decision to allow Federal funds to be used for research on existing human embryonic stem cell lines as long as prior to his announcement (1) the derivation process (which commences with the removal of the inner cell mass from the blastocyst) had already been initiated and (2) the embryo from which the stem cell line was derived no longer had the possibility of development as a human being. NIST will follow guidance issued by the National Institutes of Health at *http://ohrp.osophs.dhhs.gov/humansubjects/guidance/stemcell.pdf* for funding such research.

Research Projects Involving Vertebrate Animals: Any proposal that includes research involving vertebrate animals must be in compliance with the National Research Council's ''Guide for the Care and Use of Laboratory Animals'' which can be obtained from National Academy Press, 2101 Constitution Avenue, NW., Washington, DC 20055. In addition, such proposals must meet the requirements of the Animal Welfare Act (7 U.S.C. 2131 *et seq.*), 9 CFR parts 1, 2, and 3, and if appropriate, 21 CFR part 58. These regulations do not apply to proposed research using pre-existing images of animals or to research plans that do not include live animals that are being cared for, euthanized, or used by the project participants to accomplish research goals, teaching, or testing. These regulations also do not apply to obtaining animal materials from commercial processors of animal products or to animal cell lines or tissues from tissue banks.

Limitation of Liability: Funding for the program listed in this notice is contingent upon the availability of Fiscal Year 2008 appropriations. NIST issues this notice subject to the appropriations made available under the current continuing resolution, H.J. Res. 52, ''Continuing Appropriations Resolution, 2008,'' Public Law 110–92 as amended by H.R. 3222, Public Law 110–116. NIST anticipates making awards for the program listed in this notice provided that funding for the program is continued beyond December 14, 2007, the expiration of the current continuing resolution. In no event will NIST or the Department of Commerce be responsible for proposal preparation costs if these programs fail to receive funding or are cancelled because of other agency priorities. Publication of this announcement does not oblige the agency to award any specific project or to obligate any available funds. Funding of any award under any program announced in this notice is subject to the availability of funds.

Executive Order 12866: This funding notice was determined to be not significant for purposes of Executive Order 12866.

Executive Order 13132 (Federalism): It has been determined that this notice does not contain policies with federalism implications as that term is defined in Executive Order 13132.

Executive Order 12372: Applications under this program are not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

Administrative Procedure Act/Regulatory Flexibility Act: Notice and comment are not required under the Administrative Procedure Act (5 U.S.C. 553) or any other law, for rules relating to public property, loans, grants, benefits or contracts (5 U.S.C. 553(a)). Because notice and comment are not required under 5 U.S.C. 553, or any other law, for rules relating to public property, loans, grants, benefits or contracts (5 U.S.C. 553(a)), a Regulatory Flexibility Analysis is not required and has not been prepared for this notice, 5 U.S.C. 601 *et seq.*

Dated: December 5, 2007.

Richard F. Kayser,

Acting Deputy Director, NIST.

[FR Doc. E7–24276 Filed 12–13–07; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE27

Taking of Marine Mammals Incidental to Specified Activities; Central California Seabird Research Operations

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

ACTION: Notice of issuance of an incidental harassment authorization.

SUMMARY: In accordance with provisions of the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that an Incidental Harassment Authorization (IHA) to take marine mammals, by harassment, incidental to conducting seabird research in central California, have been issued to PRBO Conservation Science (PRBO) for a period of one year.

DATES: The authorization of the IHA is effective from December 12, 2007, until December 11, 2008.

ADDRESSES: A copy of the application, IHA, Environmental Assessment (EA), and a list of references used in this document may be obtained by writing to P. Michael Payne, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3225, or by telephoning one of the contacts listed here (see FOR FURTHER INFORMATION CONTACT).

FOR FURTHER INFORMATION CONTACT: Shane Guan, Office of Protected Resources, NMFS, (301) 713–2289, ext 137, or Monica DeAngelis, Southwest Regional Office, NMFS, (562) 980–3232.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct

the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, notice of a proposed authorization is provided to the public for review.

An authorization shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for certain subsistence uses and the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such taking are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''...an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as:

> any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Section 101(a)(5)(D) establishes a 45–day time limit for NMFS review of an application followed by a 30–day public notice and comment period on any proposed authorizations for the incidental harassment of small numbers of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny issuance of the authorization.

Summary of Request

On December 15, 2006, PRBO submitted an application to NMFS requesting an Incidental Harassment Authorization (IHA) for the possible harassment of small numbers of California sea lions (*Zalophus californianus*), Pacific harbor seals (*Phoca vitulina richardsi*), northern elephant seals (*Mirounga angustirostris*), and Steller sea lions (*Eumetopias jubatus*) incidental to central California seabird research operations on Southeast Farallon Island, Ano Nuevo Island, and Point Reyes NS. A detailed description of the proposed activity is provided in the July 27, 2007, **Federal Register** notice (72 FR 41294), therefore, it is not repeated here.

Comments and Responses

A notice of receipt and request for 30–day public comment on the applications and proposed authorizations was published on July 27, 2007 (72 FR 41294). During the 30–day public comment period, NMFS received comments from the Marine Mammal Commission (Commission).

Comment: The Commission recommends that NMFS issue the IHAs subject to the mitigation measures proposed by the applicant. The Commission further recommends that any authorization issued specify that, if a mortality or serious injury of a marine mammal occurs that appears to be related to the research, activities will be suspended while NMFS determines whether steps can be taken to avoid further injuries or mortalities or until such taking can be authorized by regulations promulgated under section 101(a)(5)(A) of the MMPA.

Response: NMFS agrees with the Commission's comments and recommendation that the applicant must institute monitoring and mitigation measures sufficient to afford the potentially affected marine mammal species adequate protection from sources of disturbance, including disturbance of behavior.

NMFS further agrees with the Commission that research activities must be suspended immediately if a dead or injured marine mammal is found in the vicinity of the project area and the death or injury of the animal could be attributable to the applicant's activities. This requirement is a condition in the IHA.

Description of the Marine Mammals Potentially Affected by the Activity

The marine mammals most likely to be found in the proposed seabird research areas are the California sea lions, Pacific harbor seals, Steller sea lions, and northern elephant seals. General information of these species can be found in Caretta et al. (2007), which is available at the following URL: *http://www.nmfs.noaa.gov/pr/pdfs/sars/po2006.pdf*. Additional information on these species is provided in the July 27, 2007, **Federal Register** notice (72 FR 41294). Refer to these documents for information on these species.

Potential Effects on Marine Mammals and Their Habitat

The only anticipated impacts would be temporary disturbances caused by the appearance of researchers near the pinnipeds. The potential disturbance might alter pinniped behavior and cause animals to flush from the area. Animals may return to the same site once researchers have left or go to an alternate haul out site, which usually occurs within 30 minutes (Allen et al., 1985). Long term effects of this disturbance are unlikely, as very few breeding animals will be present in the vicinity of the proposed seabird research areas. The proposed seabird research would not result in the physical altering of marine mammal habitat. No marine mammal habitat is expected to be affected by the proposed action. No marine mammal critical habitat is found within the proposed research area.

There is no subsistence harvest of marine mammals in the proposed research area, therefore, there will be no impact of the activity on the availability of the species or stocks of marine mammals for subsistence uses.

Number of Marine Mammals Estimated to Be Taken

It is estimated that approximately 2,422 California sea lions, 500 harbor seals, 273 northern elephant seals, and 14 Steller sea lions could be potentially taken by Level B harassment. This estimate is based on previous research experiences, with the same activities conducted in the proposed research area, and on marine mammal research activities in these areas. These incidental harassment take numbers represent approximately 1 percent of the U.S. stock of California sea lion, 1.5 percent of the California stock of Pacific harbor seal, 0.3 percent of the California breeding stock of northern elephant seal, and 0.03 percent of the eastern U.S. stock of Steller sea lion. All of the potential takes are expected to be Level B behavioral harassment only. No injury or mortality to pinnipeds is expected or requested.

Mitigation, Monitoring, and Reporting

The researchers would take all possible measures to reduce marine mammal disturbance for the activities described above. Researchers would keep their voices hushed and bodies low in the visual presence of pinnipeds. Seabird observations at North Landing on Southeast Farallon Island would be conducted in an observation blind

where researchers are shielded from the view of hauled out pinnipeds. Beach landings on Ano Nuevo Island would only occur after any pinnipeds that might be present on the landing beach have entered the water. Researchers accessing seabird nest boxes would crawl slowly if pinnipeds are within view.

Visits to intertidal areas of Southeast Farallon Island during research activities would be coordinated to reduce potential take. All research goals on Ano Nuevo Island would be coordinated to minimize the necessary number of trips to the island. Once on Ano Nuevo Island, researchers would coordinate monitoring schedules so areas near any pinnipeds would be accessed only once per visit.

Researchers would take notes of sea lions and seals observed within the proposed research area during studies. The notes would provide dates, time, tidal height, species, numbers of sea lions and seals present, and any behavior changes. PRBO will submit a final report, including these notes, to NMFS within 90 days after the expiration of the IHA, if it is issued.

National Environmental Policy Act (NEPA)

In July 2007, NMFS prepared a draft EA on the issuance of an IHA to PRBO to take marine mammals by Level B harassment incidental to conducting seabird research in central California. The draft EA was released for public review and comment along with the application and the proposed IHA. All comments are addressed in full in the Comments and Responses section. Subsequently, NMFS finalized the draft EA and on December 4, 2007, issued a Finding of No Significant Impact on the proposed project. No environmental impact statement was prepared.

ESA

A section 7 consultation under the ESA was conducted with NMFS Headquarters Office of Protected Resources' Endangered Species Division. On October 19, 2007, NMFS issued a Biological Opinion and concluded that the issuance of an IHA to PRBO is likely to affect, but not likely to jeopardize the continued existence of Steller sea lions. An incidental take statement is included in the Biological Opinion.

Determinations

For the reasons discussed in this document and in the identified supporting documents, NMFS has determined that the impact of seabird research on Southeast Farallon Island, Ano Nuevo Island, and Point Reyes NS would result, at worst, in the Level B harassment of small numbers of California sea lions, Pacific harbor seals, northern elephant seals, and Steller sea lions hauled out in the vicinity of the proposed research area. While behavioral modifications, including temporarily vacating the area during the survey period, may be made by these species, this action will have a negligible impact on California sea lions, Pacific harbor seals, northern elephant seals, and Steller sea lions.

In addition, no take by Level A harassment (injury) or death is anticipated and harassment takes should be at the lowest level practicable due to incorporation of the mitigation measures described in this document.

Authorization

NMFS has issued an IHA to PRBO for the potential harassment of small numbers of California sea lions, harbor seals, northern elephant seals, and Steller sea lions incidental to conducting of seabird research on Southeast Farallon Island, Ano Nuevo Island, and Point Reyes NS, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: December 10, 2007.

Helen Golde,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E7–24255 Filed 12–13–07; 8:45 am]

BILLING CODE 3510–22–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comment on Short Supply Petition under the North American Free Trade Agreement (NAFTA)

December 11, 2007.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Request for Public Comments concerning a request for modification of the NAFTA rules of origin for textile filaments, staple yarns, and woven fabrics and nonwoven and other textile articles from rayon fiber.

SUMMARY: On October 16, 2007, the Chairman of CITA received a request from the National Textile Association (NTA), alleging that certain rayon fibers (other than ''lyocell'') cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting that CITA consider whether the North American Free Trade Agreement (NAFTA) rule of origin for textile filaments, staple yarns, and woven fabrics, classified under chapters 52, 54 and 55 of the Harmonized Tariff Schedule of the United States (HTSUS) and nonwoven and other textile articles of chapter 56, should be modified to allow the use of non-North American rayon fibers (other than ''lyocell''). CITA is also considering a broad change in the rule of origin for all other textile products to allow the use of non-North American rayon fibers (other than ''lyocell''). The President may proclaim a modification to the NAFTA rules of origin under these circumstances to implement an agreement with the other NAFTA countries on the modification. CITA hereby solicits public comments on this request, in particular with regard to whether rayon fibers (other than ''lyocell'') can be supplied by the domestic industry in commercial quantities in a timely manner. Comments must be submitted by (January 14, 2008 to the Chairman, Committee for the Implementation of Textile Agreements, Room 3001, United States Department of Commerce, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Robert Carrigg, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3400.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 USC 1854); Section 202(q) of the North American Free Trade Agreement Implementation Act (19 USC 3332(q)); Executive Order 11651 of March 3, 1972, as amended.

BACKGROUND

Under the North American Free Trade Agreement (NAFTA), NAFTA countries are required to eliminate customs duties on textile and apparel goods that qualify as originating goods under the NAFTA rules of origin, which are set out in Annex 401 to the NAFTA. The NAFTA provides for the Parties to consult to consider issues of availability of supply of fibers, yarns or fabrics in the free trade area. See NAFTA Annex 300-B, Section 7.2(a). The NAFTA implementing legislation authorizes the President to modify the rules of origin pursuant to any agreement reached by the NAFTA Parties, as provided in Section 7.2(a) of Annex 300-B. See Section 202(q)(3)(A) of the NAFTA Implementation Act. The Statement of Administrative Action (SAA) that accompanies the NAFTA Implementation Act stated that any interested person may submit to CITA a

request for a modification to a particular rule of origin based on a change in the availability in North America of a particular fiber, yarn or fabric and that the requesting party would bear the burden of demonstrating that a change is warranted. NAFTA Implementation Act, SAA, H. Doc. 103-159, Vol. 1, at 491 (1993). The SAA provides that CITA may make a recommendation to the President regarding a change to a rule of origin for a textile or apparel good. SAA at 491. The NAFTA Implementation Act provides the President with the authority to proclaim modifications to the NAFTA rules of origin as are necessary to implement an agreement with one or more NAFTA country on such a modification. See section 202(q) of the NAFTA Implementation Act.

On October 16, 2007, the Chairman of CITA received a request from the National Textile Association (NTA), alleging that certain rayon fibers (other than ''lyocell'') cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting that CITA consider whether the North American Free Trade Agreement (NAFTA) rule of origin for textile filaments, staple yarns, and woven fabrics, classified under chapters 52, 54 and 55 of the Harmonized Tariff Schedule of the United States (HTSUS) and nonwoven and other textile articles of chapter 56, should be modified to allow the use of non-North American rayon fibers (other than ''lyocell''). CITA is also considering a broad change in the rule of origin for all other textile products to allow the use of non-North American rayon fibers (other than ''lyocell'').

CITA is soliciting public comments regarding this request, particularly with respect to whether the rayon fiber described above can be supplied by the domestic industry in commercial quantities in a timely manner. Comments must be received no later than January 14, 2008. Interested persons are invited to submit six copies of such comments or information to the Chairman, Committee for the Implementation of Textile Agreements, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, DC 20230.

If a comment alleges that these rayon fibers can be supplied by the domestic industry in commercial quantities in a timely manner, CITA will closely review any supporting documentation, such as a signed statement by a manufacturer stating that it produces fiber that is the subject of the request, including the quantities that can be supplied and the time necessary to fill an order, as well as any relevant information regarding past production.

CITA will protect any business confidential information that is marked business confidential from disclosure to the full extent permitted by law. CITA will make available to the public non-confidential versions of the request and non-confidential versions of any public comments received with respect to a request in room 3001 in the Herbert Hoover Building, 14th and Constitution Avenue, N.W., Washington, DC 20230. Persons submitting comments on a request are encouraged to include a non-confidential version and a non-confidential summary.

R. Matthew Priest,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. E7–24281 Filed 12–13–07; 8:45 am]

BILLING CODE 3510–DS

DEPARTMENT OF DEFENSE

Office of the Secretary

Amendment to Department of Defense Federal Advisory Committees

AGENCY: DoD.

ACTION: Amendment to Federal Advisory Committee.

SUMMARY: Under the provisions of the Federal Advisory Committee Act of 1972, (5 U.S.C. Appendix, as amended), the Sunshine in the Government Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.85, the Department of Defense gives notice that it is amending the charter for the Defense Advisory Board for Employer Support of the Guard and Reserve (hereafter referred to as the Board).

The Department of Defense hereby authorizes the Board to establish and use subcommittees as necessary and consistent with its mission. These subcommittees or working groups shall operate under the provisions of the Federal Advisory Committee Act of 1972, the Sunshine in the Government Act of 1976, and other appropriate Federal regulations.

Such subcommittees or workgroups shall not work independently of the chartered Board, and shall report all their recommendations and advice to the Board for full deliberation and discussion. Subcommittees or workgroups have no authority to make decisions on behalf of the chartered Board nor can they report directly to the Department of Defense or any federal officers or employees who are not Board Members.

SUPPLEMENTARY INFORMATION: The Board is a discretionary federal advisory committee established by the Secretary of Defense to provide the Department of Defense independent advice concerning matters arising from the military service obligations of members of the National Guard and Reserve members and the impact on their civilian employment. Pursuant to DoD policy, the Assistant Secretary of Defense (Reserve Affairs) may act upon the advice of the Board.

The Board shall be composed of no more than fifteen members appointed by the Secretary of Defense for three-year terms, and their appointments will be renewed on an annual basis. Those members, who are not full-time federal officers or employees, shall serve as Special Government Employees under the authority of 5 U.S.C. 3109.

Board members, with the exception of travel and per diem for official travel, shall serve without compensation. The Assistant Secretary of Defense (Reserve Affairs) shall select the Board's Chairperson from the Board membership at large.

The Board shall meet at the call of the Board's Designated Federal Officer, in consultation with the Chairperson. The Designated Federal Officer, pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee, and shall be appointed in accordance with established DoD policies and procedures. The Designated Federal Officer or duly appointed Alternate Designated Federal Officer shall attend all committee meetings and subcommittee meetings.

Pursuant to 41 CFR 102–3.105(j) and 102–3.140, the public or interested organizations may submit written statements to the Defense Advisory Board for Employer Support of the Guard and Reserve membership about the Board's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the Defense Advisory Board for Employer Support of the Guard and Reserve.

All written statements shall be submitted to the Designated Federal Officer for the Defense Advisory Board for Employer Support of the Guard and Reserve, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Defense Advisory Board for Employer Support of the Guard and Reserve's Designated Federal Officer can be obtained from the GSA's FACA Database—*https://www.fido.gov/facadatabase/public.asp*.

The Designated Federal Officer, pursuant to 41 CFR 102–3.150, will

announce planned meetings of the Defense Advisory Board for Employer Support of the Guard and Reserve. The Designated Federal Officer, at that time, may provide additional guidance on the submission of written statements that are in response to the stated agenda for the planned meeting in question.

FOR FURTHER INFORMATION CONTACT: Contact Jim Freeman, Deputy Committee Management Officer for the Department of Defense, 703–601–2554, extension 128.

Dated: December 7, 2007.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. E7–24224 Filed 12–13–07; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

The Release of the Draft Environmental Impact Statement and the Announcement of a Public Hearing for the North Topsail Beach Shoreline Protection Project, in North Topsail Beach, Onslow County, NC

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice.

SUMMARY: The U.S. Army Corps of Engineers (COE), Wilmington District, Wilmington Regulatory Field Office has received a request for Department of the Army authorization, pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act, from the Town of North Topsail Beach to nourish approximately 11.1 miles of beachfront to protect residential homes and town infrastructures, to reposition the New River Inlet channel, and to implement an inlet management plan to control the positioning of the new inlet channel, and to conduct periodic renourishment events. The new channel will be centrally located and the proposal will be to maintain that position, which essentially will be located perpendicular to the adjacent shorelines of North Topsail Beach and Onslow Beach. The proposed source of the material for the nourishment will be dredged from an offshore borrow area and from the repositioning of the inlet. The projected amount of material needed to nourish the oceanfront shoreline is approximately 3.21 million cubic yards. The placement of beach fill along the Town's shoreline would result in the initial widening of the beach by 50 to 100 feet. The widened beach would be maintained through a program of periodic beach nourishment events with the material extracted from the New River Inlet; and if necessary, supplemental materials from the offshore borrow area. All work will be accomplished using a hydraulic dredge. The proposed project construction will be conducted in a five phase approach to correspond with the Town's anticipated annual generation of funds.

The ocean shoreline of the Town of North Topsail Beach encompasses approximately 11.1 miles along the northern end of Topsail Island. Of the 11.1 miles, approximately 7.25-miles of the shoreline in the project area, with the exception of two small areas, is located within the Coastal Barrier Resource System (CBRS), which prohibits the expenditure of Federal funds that would encourage development.

The channel through New River Inlet has been maintained by the COE for commercial and recreational boating interest for over 55 years. The COE is authorized to maintain the channel in the inlet to a depth of 6 feet mean low water (mlw) over a width of 90 feet.

DATES: The Public Hearing will be held at the North Topsail Beach Town Hall, located at 2008 Loggerhead Court, off NC Hwy 210, on January 9, 2007 at 6:30 p.m. Written comments on the Draft EIS will be received until January 29, 2008.

ADDRESSES: Copies of comments and questions regarding the Draft EIS may be addressed to: U.S. Army Corps of Engineers, Wilmington District, Regulatory Division. *ATTN:* File Number 2005–344–067, P.O. Box 1890, Wilmington, NC 28402–1890. Copies of the Draft EIS can be reviewed on the Coastal Planning & Engineering homepage at, *http://www.coastalplanning.net/projects/temp/ntopsail.html,* or contact Ms. Gwen Dye, at (910) 251–4494, to receive written or CD copies of the Draft EIS.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and DEIS can be directed to Mr. Mickey Sugg, Wilmington Regulatory Field Office, telephone: (910) 251–4811.

SUPPLEMENTARY INFORMATION: 1. Project Description. The Town of North Topsail Beach, located along the north-northeast 11.1 miles of Topsail Island in North Carolina, is proposing to nourish the oceanfront shoreline and reposition New River Inlet channel as a means to address a severe erosion problem that is threatening development and town infrastructure. The entire stretch of the Town's shoreline has experienced a considerable amount of erosion over the last 20 years due primarily to the impact of numerous tropical storms and hurricanes during the mid to late 1990's and due to impacts of the uncontrolled movement of the main ebb channel in New River Inlet. The Town has stated that the shoreline erosion and residual effects of the storms have left North Topsail Beach in an extremely vulnerable position with regard to its ocean front development and infrastructure. They have estimated that over $250 million in property tax value as well as roads, water and sewer lines, and other utilities are at risk. The stated goals and objectives of the project are the following: (1) Stabilize the oceanfront shoreline located immediately south of New River Inlet, (2) Provide short-term protection to the 31 imminently threatened residential structures over the next zero to five years, (3) Provide long-term protection to Town infrastructure and approximately 1,200 homes over the next thirty years, (4) Reduce or mitigate for historic shoreline erosion along 11.1 miles of oceanfront shoreline, (5) Improve recreational opportunities, (6) Use beach compatible material, (7) Maintain the Town's tax base, and (8) Balance the needs of the human environment with the protection of existing natural resources.

The project is divided into three sections; North, South, and Central. The North Section starts from the inlet shoulder and runs approximately 21,000 linear feet along the ocean shoreline. The Central Section is located both north and south of NC Hwy 210/55 Bridge and is approximately 16,500 linear feet, while the South Section, which is outside of the CBRS designation, includes approximately 20,320 linear feet of shoreline. The Town is proposing to undertake the nourishment along the 11.1 miles of oceanfront in a five phase approach within a dredging window between November 16 and March 31 of any year. The first phase will include the relocation of the inlet channel with the dredged inlet material being used to nourish approximately 14,000 linear feet of shoreline in the North Section. Construction timeline for Phase One will be within the 2008–2009 dredging window. Phase Two would take place during the 2010–2011 dredging window using the offshore borrow source, and will nourish approximately 5,140 linear feet in the North Section. The third phase will place offshore borrow material along approximately 11,500 linear feet within the southern part of the Central Section, and is proposed during the 2012–2013 dredging window. For Phase Four, offshore

material will be used to nourish 6,880 linear feet of shoreline in the north part of the Central Section and part of the southern tip of the North Section. This construction will take place in the 2014–2015 dredging window. The final phase of nourishment will encompass the entire South Section, using the offshore borrow site, and will be conducted in the 2016–2017 dredging window.

2. Proposed Action. Within the Town's preferred alternative, the relocation of the inlet channel is a main component in the protection of the North Section of the project area. The inlet management plan includes the repositioning the main ocean bar channel to a more southerly alignment along an approximate 150 degree azimuth and maintaining that position and alignment approximately every four years. Initial construction of the new channel and subsequent maintenance events will result in a channel width of 500 feet at −18 foot NAVD depth. The new channel will start within the inlet gorge and will extend approximately 3,500 linear feet southeast breaching through the ocean bar. The amount of material to be extracted during the realignment of the channel is approximately 635,800 cubic yards. The composite mean grain size of the dredged material is approximately 0.32mm, compared to the native beach material at 0.23mm.

For the remaining phases, all the material used to nourish the beaches will be dredged from an offshore borrow area. The borrow area is located approximately 1.5 miles offshore within the Central Section, and just southwest of the NC 210 bridge. The site is approximately 482 acres in size and is divided into two sections: (1) A 459-acre area with finer grain size (composite mean grain size of 0.21mm) containing approximately 6.19 million cubic yards and (2) a 23-acre area with coarser material at a composite mean grain size of 0.33mm encompassing approximately 357,000 cubic yards. The division of the borrow site into coarser and finer materials resulted in the use of the Point of Intercept Concept or ''perched beached'' for the placement of material in areas where nearshore hard bottom communities were present. For nourishment in areas within close proximity to nearshore hard bottoms, the beach profiles were designed to use coarser material in order to reduce the fill toe of equilibrium.

3. Alternatives. Several alternatives have been identified and evaluated through the scoping process, and further detailed description of all alternatives is disclosed in Section 3.0 of the Draft EIS. The applicant's preferred alternative is to relocate the main ocean bar channel to a southerly alignment, implement an inlet management plan, nourish approximately 11.1 miles of ocean shoreline, and to construct the work in a five phase approach.

4. Scoping Process. A public scoping meeting was held on June 5, 2005 and a Project Delivery Team (PDT) was developed to provide input in the preparation of the EIS. The PDT comprised of local, state, and federal government officials, local residents and nonprofit organizations.

The COE has initiated consultation with the U.S. Fish and Wildlife Service under the Endangered Species Act and the Fish and Wildlife Coordination Act, and with the National Marine Fisheries Service under the Magnuson-Stevens Act and Endangered Species Act. Additionally, the EIS assesses the potential water quality impacts pursuant to Section 401 of the Clean Water Act, and is coordinated with the North Carolina Division of Coastal Management (DCM) to insure the projects consistency with the Coastal Zone Management Act. The COE is coordinating closely with DCM in the development of the EIS to ensure the process complies with State Environmental Policy Act (SEPA) requirements, as well as the NEPA requirements. The Draft EIS has been designed to consolidate both NEPA and SEPA processes to eliminate duplications.

Dated: December 6, 2007.

John E. Pulliam, Jr.,

Colonel, U.S. Army, District Commander.

[FR Doc. E7–24247 Filed 12–13–07; 8:45 am]

BILLING CODE 3710–GN–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability and Notice of Public Hearings for Draft Environmental Impact Statement for the Activities To Implement 2005 Base Realignment and Closure Actions at National Naval Medical Center, Bethesda, MD

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: Pursuant to Section (102)(2)(C) of the National Environmental Policy Act of 1969 (NEPA), the regulations implemented by the Council on Environmental Quality (40 CFR parts 1500–1508), and the Department of the Navy (DON) NEPA regulation (32 CFR part 775), DON announces the availability of the Draft Environmental Impact Statement (DEIS) for potential environmental impacts associated with implementing actions directed by the Defense Base Closure and Realignment (BRAC) Act of 1990, Public Law 101–510, as amended in 2005 (BRAC Law), at the National Naval Medical Center (NNMC) in Bethesda, MD.

Under the BRAC law, the Walter Reed Army Medical Center (WRAMC) will realign all tertiary and complex health care services to the NNMC campus in Bethesda. The transfer and integration of these services with existing functions at NNMC will result by law in creation of a new premier military health care center to be named the Walter Reed National Military Medical Center (WRNMMC) at Bethesda, MD.

The BRAC law calls for completion of the realignment, establishment of the WRNMMC, and closure of WRAMC to be accomplished by 15 September 2011.

The realignment of tertiary and complex medical care will bring additional patients and visitors requiring additional staff and facilities to be provided at NNMC. The DEIS provides information on the proposed new construction and facility alterations, current estimates of the additional staff that will be needed, and an assessment of the potential environmental impacts associated with implementation of these realignment actions at NNMC in Bethesda, MD.

DATES: The public comment period for the DEIS will end 45 days after publication of an NOA in the **Federal Register** by the United States Environmental Protection Agency. All comments on the DEIS must be postmarked, faxed, or e-mailed by midnight January 28, 2008.

ADDRESSES: Send comments to Officer in Charge—BRAC, National Naval Medical Center, 8901 Wisconsin Avenue, Bethesda, MD 20889, fax: 301–295–5020 or e-mail: *NNMCEIS@med.navy.mil*.

FOR FURTHER INFORMATION CONTACT: Officer in Charge—BRAC, National Naval Medical Center, 8901 Wisconsin Avenue, Bethesda, MD 20889, Telephone: 301–295–2722 during normal business hours Monday through Friday, fax: 301–295–5020, or e-mail: *NNMCEIS@med.navy.mil*.

SUPPLEMENTARY INFORMATION: This DEIS evaluates the potential environmental effects of construction and operation of new facilities at the National Naval Medical Center (NNMC), Bethesda, Maryland. Alternative One would add approximately 1,144,000 square feet

(SF) of new building construction, provide approximately 508,000 SF of renovation to existing building space at NNMC, and provide approximately 824,000 SF of new parking facilities. It would accommodate approximately 2,500 additional staff. The new construction or improvements to existing facilities would provide medical care and administration additions and alterations, a Traumatic Brain Injury/Post Traumatic Stress Disorder Intrepid Center of Excellence, permanent and temporary lodging facilities (Bachelor Enlisted Quarters and Fisher Houses™), a new physical fitness center, additional parking, and road and utility improvements on the installation as needed to support the new facilities. Under Alternative Two, the same facilities are proposed; some facility sites change and the choice of new construction versus renovation of some facilities differs from Alternative One. Alternative Two would add to NNMC approximately 1,230,000 SF feet of new building construction, approximately 423,000 SF of building renovation, and approximately 824,000 SF of new parking facilities. The estimated staffing increase would also be approximately 2,500 personnel under Alternative Two.

The Notice of Intent (NOI), published in the **Federal Register** on November 21, 2006, identified the following alternatives to be under consideration in the EIS: (1) Implement the BRAC recommendation; (2) Implement the BRAC recommendation and provide for future anticipated growth, support activities, and changes to the installation; (3) No action, with NNMC continuing to maintain and repair existing facilities without additional growth.

Since November 2006, a number of planning decisions have been made by Department of Defense (DoD) that have affected, but not substantially changed, the proposed NEPA analysis on the best way to ensure world-class care is provided for the Nation's wounded veterans both today and in the post-BRAC environment. Special housing, billeting, food service, medical support, and administrative support requirements were determined and then appropriately sited on the NNMC Bethesda campus. The decisions made by DoD resulted in a refocused effort in this DEIS to concentrate in the Proposed Action entirely on implementation of the BRAC mandate through Warrior Care. Any other non-BRAC related future growth, support activities, or changes to the installation are considered when reasonably foreseeable in the analysis of cumulative impacts.

The DEIS finds that environmental impacts from Alternative One and Alternative Two would be similar. The DEIS analysis indicates an increase in off-base traffic volumes due to the increase in staff, patients, and visitors. The off-base traffic impact would be the same for either alternative. The DEIS finds that proposed new facilities would involve a small increase in impervious surface area and minimal impacts to biological resources because the new facilities would be constructed on either existing development such as parking lots or on landscaped areas. The increase in runoff resulting from the increase in impervious surface would be controlled with storm water management and erosion and sediment control measures.

Emissions of air pollutants from the Proposed Action during construction and operations would not exceed *de minimis* levels or ambient standards established by the U.S. Environmental Protection Agency for protection of the airshed and thus air quality impacts would not be significant. Short-term increases in noise levels would occur during construction that are typical of construction activities. No major issues are anticipated for utilities required to support the NNMC expansion.

Formal consultation under the National Historic Preservation Act with appropriate agencies will be conducted by the DON to ensure that construction of new buildings in the NNMC Bethesda Historic District would be accomplished with minimal impacts to cultural resources.

The DEIS finds that the Proposed Action is compatible with existing land use plans and land use planning underway within NNMC. Beneficial economic impacts to the surrounding economy are anticipated under each action alternative, resulting from the large investment in construction and renovation of facilities. Local residents could experience increased traffic on weekdays and weekends. Personnel relocating from their positions at WRAMC are not expected to change their off base residences; therefore, impacts to local housing, schools, or community services are expected to be minimal. Adherence to applicable regulations and guidance will avoid impacts to human health and safety.

The DEIS has been distributed to various federal, state, and local agencies, elected officials, special interest groups, and interested parties. The DEIS is also available for public review at the following local libraries and public facilities: Bethesda Library, 7400 Arlington Road, Bethesda, MD 20814; Chevy Chase Library, 8005 Connecticut Avenue, Chevy Chase, MD 20815; Davis Library, 6400 Democracy Boulevard, Bethesda, MD 20817; Kensington Park Library, 4201 Knowles Avenue, Kensington, MD 20895; Rockville Library, 21 Maryland Avenue, Rockville, MD 20850; Bethesda-Chevy Chase Regional Services Center, 4805 Edgemoor Lane, Bethesda, MD 20814; Bethesda Urban Partnership, Inc., 7700 Old Georgetown Road, Bethesda, MD 20814; and Bethesda-Chevy Chase Chamber of Commerce, 7910 Woodmont Avenue, Suite 1204, Bethesda, MD 20814.

The DEIS is also available at the following Web sites: *http://www.bethesda.med.navy.mil/Professional/Public_Affairs/BRAC/*; and *http://www.montgomerycountymd.gov/brac*.

The DON also invites the general public, local governments, state and other federal agencies to participate in the public hearings where the DON will receive oral and written comments on the DEIS. Two hearings will be held: January 9 and 10, 2008 from 6 p.m. to 8 p.m., at Pooks Hill Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

The public hearings will be conducted in English. A court reporter will be available to record oral comments. The DON requests that people desiring to speak submit, in writing, their intention to participate and that they frame their statements to meet a three (3) minute limitation on the length of any oral statement. The limit is not intended to constrain an individual's ability to make comments but rather to ensure that all persons requesting to make a comment are given that opportunity. The DON also requests that technical statements or statements of considerable length be submitted in writing.

For requests for special assistance, sign language interpretation for the hearing impaired, language interpreters, or other auxiliary aids at the scheduled public hearings, please contact: Officer in Charge—BRAC, National Naval Medical Center, 8901 Wisconsin Avenue, Bethesda, MD 20889, Telephone: 301–295–2722 during normal business hours Monday through Friday, fax: 301–295–5020, or e-mail: *NNMCEIS@med.navy.mil*.

To allow time for the arrangements to be made, any request for special assistance at the public hearings must be made to the DEIS point of contact by January 04, 2008.

Dated: December 10, 2007.

T.M. Cruz,

Lieutenant, Judge Advocate Generals Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. E7–24214 Filed 12–13–07; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Prepare an Environmental Impact Statement for the U.S. Marine Corps Grow the Force Initiative (or GTF) at Marine Corps Base Camp Lejeune, Marine Corps Air Station New River, and Marine Corps Air Station Cherry Point, NC

AGENCY: Department of the Navy; DoD.

ACTION: Notice.

SUMMARY: Pursuant to section (102)(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as implemented by the Council on Environmental Quality Regulations (40 Code of Federal Regulations parts 1500–1508) and U.S. Marine Corps (USMC) NEPA implementing regulations in Marine Corps Order P5090.2A, the USMC announces its intent to prepare an Environmental Impact Statement (EIS) to evaluate the potential environmental consequences that may result from the permanent assignment of approximately 9,900 additional Marines and support service personnel at three installations in North Carolina: Marine Corps Base Camp Lejeune (MCBCL) and Marine Corps Air Station New River (MCASNR) in Jacksonville and Marine Corps Air Station Cherry Point (MCASCP) in Havelock.

The proposed action includes incremental permanent personnel increases at existing USMC installations. By Fiscal Year (FY) 2011 MCBCL, MCASNR, and MCASCP personnel (military and civilian) increases are expected to be approximately 7,700 (MCBCL), 1,400 (MCASNR), and 800 (MCASCP). Alternatives to be examined in the EIS may consist of alternative sitting locations on these installations for new facility construction, renovation and use of existing facilities, or a combination of both new and existing facilities. The no-action alternative, of not permanently basing these Marines and associated personnel, will also be examined.

The USMC is initiating the scoping process with this notice of intent. Scoping assists the USMC in identifying community concerns and local issues related to the proposed action.

DATES: Three open house scoping meetings will be held in the Jacksonville and Havelock regional area from 4 p.m. to 7 p.m. on the following dates and locations:

(1) Tuesday, January 29, 2008, Havelock Tourist and Event Center, 201 Tourist Center Drive, Havelock, NC.

(2) Wednesday, January 30, 2008, Coastal Carolina Community College, 444 Western Boulevard, Jacksonville, NC.

(3) Thursday, January 31, 2008, Dixon High School, 160 Dixon School Road, Holly Ridge, NC.

ADDRESSES: Federal, state, and local agencies, and interested groups and persons are encouraged to attend the scoping open house meetings. All are encouraged to provide comments on the proposed action either at the scoping meetings or by mail, postmarked no later than February 3, 2008 to ensure proper consideration in the EIS to the following address: Mr. Michael H. Jones, Naval Facilities Engineering Command Mid-Atlantic, Code BMEV31 Building C, Room 3012, 6506 Hampton Blvd, Norfolk, VA 23508–1278.

FOR FURTHER INFORMATION CONTACT: Mr. Michael H. Jones, 757–322–4942. Please submit requests for special assistance, sign language interpretation for the hearing impaired or other auxiliary aids at the public meeting to Mr. Jones by January 8, 2008.

SUPPLEMENTARY INFORMATION: In January 2007, the President of the United States, on the recommendation of the Secretary of Defense, announced that the Marine Corps would increase its end strength from approximately 180,000 to 202,000 by 2011. This increase is needed to provide adequate time to recover between deployments, train to meet combat readiness, and prepare for redeployment. The purpose of the proposed action is to ensure that Marines are properly prepared and trained for existing combat and homeland protection missions and future conflicts.

The Marine Corps uses the Total Force Structure Process (TFSP) to transform strategic guidance, policy constraints, and commander-generated recommendations into the integrated capabilities required to execute Marine Corps missions. The TFSP relies on a detailed, integrated examination of doctrine, organization, training, material, leadership, personnel, and facilities, ensuring that no aspect of the enterprise is ignored when new requirements for the Corps are identified. In order to meet the purpose and need, the proposed action of increasing the Marine Corps must be expedited while not compromising the current Marine Corps missions. Existing force structure and organization would be maintained in order to not further complicate, retard, or jeopardize the Marine Corps mission. The proposed action accomplishes this by augmenting existing units with Marines possessing the appropriate skill sets. These existing units are already established at current Marine Corps bases. Consequently, alternative bed-down locations to the proposed action are not feasible because they would not meet the purpose and need of the proposed action.

Specifically, the EIS will evaluate the potential environmental effects of the proposed action at the three installations on the following resources: Land; water resources (e.g., wetlands and coastal zones); natural resources, including threatened and endangered species; air; earth resources (e.g., soils and geology); visual resources, and cultural resources. Issues and activities that will be addressed include: Hazardous materials and hazardous waste; noise; recreation; transportation; socioeconomics; and environmental justice. Other resources, activities, and issues as identified through the scoping process will be included in the EIS and the analysis will evaluate both direct and indirect impacts, and account for cumulative impacts from other past, present, and reasonably foreseeable future actions in the Jacksonville and Havelock, NC regional area.

The USMC values the good relationship between its three installations in eastern NC and the surrounding communities, and will work closely with community stakeholders to assess the potential impacts of the proposed action on traffic and other transportation issues; stormwater and other environmental concerns; population increases and the related concerns with respect to schools, child care, and other quality of life issues; and other potential impacts that may be identified.

Dated: December 10, 2007.

T.M. Cruz,

Lieutenant, Office of the Judge Advocate General, U.S. Navy, Administrative Law Division, Federal Register Liaison Officer.

[FR Doc. E7–24234 Filed 12–13–07; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management

Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before January 14, 2008.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, Washington, DC 20503. Commenters are encouraged to submit responses electronically by e-mail to *oira_submission@omb.eop.gov* or via fax to (202) 395–6974. Commenters should include the following subject line in their response: ''Comment: [insert OMB number], [insert abbreviated collection name, e.g., ''Upward Bound Evaluation'']. '' Persons submitting comments electronically should not submit paper copies.

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.

Dated: December 11, 2007.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Federal Student Aid

Type of Review: Extension of a currently approved collection.

Title: Lender's Application for Payment of Insurance Claim, ED Form 1207.

Frequency: On Occasion.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs; Businesses or other for-profit.

Reporting and Recordkeeping Hour Burden:

Responses: 51.

Burden Hours: 14.

Abstract: The ED Form 1207—Lender's Application for Payment of Insurance Claim is completed for each borrower for whom the lender is filing a Federal claim. Lenders must file for payment within 90 days of the default, depending on the type of claim filed.

Requests for copies of the information collection submission for OMB review may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 3488. 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*, 202–245–6432. 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. E7–24269 Filed 12–13–07; 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 12, 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 11, 2007.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Federal Student Aid

Type of Review: Revision of a currently approved collection.

Title: Loan Discharge Application: Unpaid Refund.

Frequency:

Affected Public: Individuals or household.

Reporting and Recordkeeping Hour Burden:

Responses: 400.

Burden Hours: 200.

Abstract: If a school fails to make a required refund of a Federal Family Education Loan Program or William D. Ford Federal Direct Loan Program loan, a borrower uses this form to apply for a discharge of the portion of the loan that was not refunded.

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 3546. 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. E7–24272 Filed 12–13–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[Certification Notice–215]

Office Electricity Delivery and Energy Reliability; Notice of Filings of Self-Certifications of Coal Capability Under the Powerplant and Industrial Fuel Use Act

AGENCY: Office Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of Filings.

SUMMARY: On October 23, 2007, The WCM Group, Inc., on behalf of three owners and operators of new base load electric powerplants, submitted coal capability self-certifications to the Department of Energy (DOE) pursuant to section 201(d) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended, and DOE regulations in 10 CFR 501.60, 61. Section 201(d) of FUA requires DOE to publish a notice of receipt of self-certifications in the **Federal Register**.

ADDRESSES: Copies of coal capability self-certification filings are available for public inspection, upon request, in the Office of Electricity Delivery and Energy Reliability, Mail Code OE–20, Room 8G–024, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Ellen Russell at (202) 586–9624.

SUPPLEMENTARY INFORMATION: Title II of FUA, as amended (42 U.S.C. 8301 *et seq.*), provides that no new base load electric powerplants may be constructed or operated without the capability to use coal or another alternate fuel as a primary energy source. Pursuant to FUA section 201(d), in order to meet the requirement of coal capability, the owner or operator of such facilities proposing to use natural gas or petroleum as its primary energy source shall certify to the Secretary of Energy (Secretary) prior to construction, or prior to operation as a base load electric powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with FUA section 201(a) as of the date it is filed with the Secretary. The Secretary is required to publish a notice in the **Federal Register** reciting that the certification has been filed.

The following owners of proposed new base load electric powerplants have filed self-certifications of coal-capability with DOE pursuant to FUA section 201(d) and in accordance with DOE regulations in 10 CFR 501.60, 61:

Owner: Nueces Bay WLE, LP
Capacity: 700 MW
Plant Location: Corpus Christi, Nueces County, Texas
In-Service Date: June, 2009

Owner: Laredo WLE, LP
Capacity: 200 MW
Plant Location: Laredo, Webb County, Texas
In-Service Date: June, 2008

Owner: Barney M. Davis, LP
Capacity: 700 MW
Plant Location: Corpus Christi, Nueces County, Texas
In-Service Date: June, 2009

Issued in Washington, DC, on December 3, 2007.

Anthony J. Como,

Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.

[FR Doc. E7–24232 Filed 12–13–07; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC08–725C–000]

Proposed Information Collection and Request for Comments

December 7, 2007.

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Request for Office of Management and Budget Emergency Processing of proposed information collection and request for comments.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is providing notice of its request to the Office of Management and Budget (OMB) for emergency processing of a proposed collection of information in connection with steps being taken by the electric industry to address potential cyber vulnerabilities, and is soliciting public comment on that information collection.

DATES: The Commission and OMB must receive comments on or before January 14, 2008.

ADDRESSES: Send comments to:

(1) Nathan Frey, FERC Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget. Mr. Frey may be reached by telephone at (202) 395–7345.

(2) Michael Miller, Office of the Executive Director, ED–30, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Mr. Miller may be reached by telephone at (202) 502–8415 and by e-mail at *michael.miller@ferc.gov*.

FOR FURTHER INFORMATION CONTACT: Jonathan First, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Mr. First may be reached by telephone at (202) 502–8529 and by e-mail at *jonathan.first@ferc.gov*.

SUPPLEMENTARY INFORMATION: A recent experiment conducted for the Department of Homeland Security by the Idaho National Laboratory demonstrated that under certain conditions energy infrastructure could be intentionally damaged through cyber attack. In that experiment, researchers caused a generator to malfunction through an experimental cyber attack. This potential cyber vulnerability, which was recently broadcast on CNN, was the subject of an October 17, 2007 hearing before the Homeland Security Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology, U.S. House of Representatives.

The Commission intends to immediately issue a directive that requires all generator owners, generator operators, transmission owners, and transmission operators that are registered by the North American Electric Reliability Corporation (NERC) and located in the United States to provide to NERC certain information related to actions they have taken or intend to take to protect against the potential cyber vulnerability discussed above. The Commission will also require NERC to make this information available for Commission review.

Section 215 of the Federal Power Act, 16 U.S.C. 824o, vests the Commission with authority over the Electric Reliability Organization (ERO) and over the users, owners and operators of the Bulk-Power System for purposes of approving and enforcing mandatory Reliability Standards. Under section 215, the term ''Reliability Standard'' includes requirements for the cyber security protection of the Bulk-Power System. Moreover, the Commission is charged not merely with approving (or remanding) Reliability Standards filed by the ERO, but also with ordering the ERO to submit a proposed standard or a modification to an existing standard that ''addresses a specific matter if the Commission considers such a new or modified reliability standard appropriate to carry out this section.''

A number of efforts are underway to secure the Nation's electric infrastructure against potential cyber vulnerabilities. One such effort is an advisory issued by NERC, acting through the Electric Sector-Information Sharing and Analysis Center (ES–ISAC), to generator owners, generator operators, transmission owners, and transmission operators. This advisory identified a number of short-term measures, mid-term measures and long-term measures designed to mitigate the potential cyber vulnerability discussed above.

It has been represented that a number of entities are already either secured against the potential cyber vulnerability referred to above or have taken steps to mitigate this vulnerability, and NERC has since sent a data request to industry members. That data request is limited in scope. It is essentially a request that industry members indicate if their mitigation plans are ''complete,'' ''in progress,'' or ''not performing.'' This information is not sufficient for the Commission to discharge its duties under section 215 of the Federal Power Act because it does not provide information on what facilities are the subject of the mitigation plans, what steps to mitigate the potential cyber vulnerability are being taken, when those steps are planned to be taken, and, if certain actions are not being taken, why not.

In sum, given the seriousness of this potential vulnerability and given that the NERC data request does not provide information that the Commission needs to discharge its statutory responsibilities, the Commission believes further action is necessary in order to ensure that the owners and operators of the Bulk-Power System have taken or are taking appropriate steps to protect the Bulk-Power System.

Section 307 of the Federal Power Act, 16 U.S.C. 825f, authorizes the Commission to ''investigate any facts, conditions, practices, or matters which it may find necessary or proper * * * to aid in * * * prescribing rules or regulations [under the Federal Power Act], or in obtaining information to serve as a basis for recommending further legislation.'' Section 39.2(d) of the Commission's regulations, 18 CFR 39.2(d), requires owners and operators to ''provide the Commission * * * such information as is necessary to implement section 215 of the Federal Power Act as determined by the Commission.''

The Commission believes that the information that will be requested is critical to ensuring that appropriate mitigation of this potential cyber vulnerability is put in place and that it is put in place as quickly as possible. The Commission believes that an accurate overview of the actions taken and expected to be taken in the industry is a necessary first step to determine whether any further measures need to be taken by the Commission to ensure the safety and reliability of the Bulk-Power System. The Commission is very sensitive to the need to preserve confidentiality of the information requested and the need to minimize the burden on industry. Accordingly, the information will be examined on-site at NERC headquarters, and disclosure by NERC will be on a need-to-know basis to NERC personnel and the Commission and its staff.

Respondents will provide the information listed below to NERC, which will secure the information and treat the responses as nonpublic information available, as noted above, on a need-to-know basis to NERC personnel and to the Commission and its staff. Following Commission review, the information will be returned to the submitters.

Each respondent will be required to provide the following information to NERC:

1. A copy of the owner or operator's plan for responding to the cyber vulnerability outlined in the ES–ISAC advisory, along with a general description of the facility for each plan,

2. A description of the measures—short-term, mid-term, and long-term—taken or planned to be taken (and the timeframe for implementing such measures) as recommended by the ES–ISAC advisory to mitigate the risks associated with this cyber vulnerability including projected completion dates if they fall outside the ES–ISAC advisory deadlines,

3. An explanation of how the plan and measures described above secure the owners or operators' facilities against this cyber vulnerability, and

4. If an owner or operator believes no actions are necessary regarding a measure, an explanation why it believes that to be so, along with a general description of the facility that the respondent proposes to exempt from actions under the advisory.

The Commission estimates that it would take each respondent no more than 12 hours to generate the requested information. The Commission estimates that the number of respondents will be approximately 1,150. Therefore, the total number of hours it would take to comply with the reporting requirement would be 13,800. The Commission estimates a total cost of $1,214,400 to respondents @ $88 per hour, based on salaries for professional and clerical staff, as well as direct and indirect overhead costs.

The Commission has submitted this reporting requirement to OMB for approval. OMB's regulations describe the process that federal agencies must follow in order to obtain OMB approval of reporting requirement. *See* 5 CFR part 1320. The standards for emergency processing of information collections appear at 5 CFR 1320.13. If OMB approves a reporting requirement, then it will assign an information collection control number to that requirement. If a request for information subject to OMB review has not been given a valid control number, then the recipient is not required to respond.

OMB requires federal agencies seeking approval of reporting requirements to allow the public an opportunity to comment on the proposed reporting requirement. 5 CFR 1320.5(a)(1)(iv). Therefore, the Commission is soliciting comment on:

(1) Whether the collection of the information is necessary for the proper performance of the Commission's functions, including whether the information will have practical utility;

(2) The accuracy of the Commission's estimate of the burden of the collection of this information, including the validity of the methodology and assumptions used;

(3) The quality, utility, and clarity of the information to be collected; and

(4) How to minimize the burden of the collection of this information on respondents, including the use of appropriate automated electronic,

mechanical, or other forms of information technology.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–24249 Filed 12–13–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. QF08–110–000]

Tiqun Energy, Inc.; Notice of Filing of Notice of Self-Certification of Qualifying Status of a Cogeneration Facility

December 7, 2007.

Take notice that on December 6, 2007, Tiqun Energy, Inc. filed with the Federal Energy Regulatory Commission a notice of self-certification of a facility as a qualifying cogeneration facility pursuant to 18 CFR 292.207(a) of the Commission's regulations.

The facility is a cogeneration facility with the primary energy source being natural gas. The production equipment will consist of two GE LM 6000 PF Sprint gas turbine generators each with a duct-fired heat recovery steam generator driving a steam turbine generator for a total net output capacity of 140 MWe. The facility will be located in Anchorage, Alaska.

Chugach Electric Association, Inc. and Anchorage Municipal Light & Power are the electric utilities with which the facility expects to interconnect, transmit or sell electric energy to, or purchase supplementary, standby, back-up and maintenance power.

A notice of self-certification does not institute a proceeding regarding qualifying facility status; a notice of self-certification provides notice that the entity making the filing has determined the facility meets the applicable criteria to be a qualifying facility. Any person seeking to challenge such qualifying facility status may do so by filing a motion pursuant to 18 CFR 292.207(d)(iii).

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

Kimberly D. Bose,

Secretary.

[FR Doc. E7–24248 Filed 12–13–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

December 7, 2007.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC08–19–000.

Applicants: Quachita Power, LLC, Entergy Arkansas, Inc.

Description: Quachita Power, LLC & Entergy Arkansas, Inc's application for order authorizing acquisition & disposition of jurisdictional assets under Section 203 of the FPA.

Filed Date: 11/30/2007.

Accession Number: 20071205–0128.

Comment Date: 5 p.m. Eastern Time on Friday, December 21, 2007.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER96–25–031; ER01–1363–009.

Applicants: Coral Power LLC; Coral Energy Management, LLC.

Description: Coral Power, LLC and Coral Energy Management, LLC submit a notice of non-material change in status and compliance filing.

Filed Date: 12/03/2007.

Accession Number: 20071205–0123.

Comment Date: 5 p.m. Eastern Time on Monday, December 24, 2007.

Docket Numbers: ER97–420–017.

Applicants: ProLiance Energy, LLC.

Description: ProLiance Energy LLC submits revised tariff sheet to replace the 11/5/07 filing along with a redlined copy of its tariff.

Filed Date: 11/29/2007.

Accession Number: 20071203–0009.

Comment Date: 5 p.m. Eastern Time on Friday, December 14, 2007.

Docket Numbers: ER99–2984–009.

Applicants: Green Country Energy, LLC.

Description: Green County Energy, LLC submits a supplement to its 11/9/07 filing of a notice of a non-material change in status.

Filed Date: 11/30/2007.

Accession Number: 20071204–0069.

Comment Date: 5 p.m. Eastern Time on Friday, December 14, 2007.

Docket Numbers: ER01–48–010.

Applicants: Powerex Corp.

Description: Powerex Corp submits a notice of non-material change in status.

Filed Date: 12/03/2007.

Accession Number: 20071205–0117.

Comment Date: 5 p.m. Eastern Time on Monday, December 24, 2007.

Docket Numbers: ER03–774–005.

Applicants: Eagle Energy Partners I, LP.

Description: Eagle Energy Partners I, LP amends its 10/24/07 filing of a Notice of Change in Status by including Appendix B and submits Substitute First Revised Sheet 1 *et al* to reflect a 9/18/07 effective date etc.

Filed Date: 12/03/2007.

Accession Number: 20071204–0155.

Comment Date: 5 p.m. Eastern Time on Monday, December 24, 2007.

Docket Numbers: ER05–1420–004.

Applicants: Lehman Brothers Commodity Services Inc.

Description: Lehman Brothers Commodity Services Inc submits a revised tariff sheets (Attachment II) to reflect a 9/18/07 effective date for its market based rate tariff.

Filed Date: 12/03/2007.

Accession Number: 20071204–0154.

Comment Date: 5 p.m. Eastern Time on Monday, December 24, 2007.

Docket Numbers: ER05–1232–006; ER05–283–007.

Applicants: JPMorgan Ventures Energy Corporation; JPMorgan Chase Bank, N.A.

Description: Errata to Notice on Non-Material Change in Status Regarding Market-Based Rate Authority of JPMorgan Chase Bank, N.A.

Filed Date: 12/04/2007.

Accession Number: 20071203–5088.

Comment Date: 5 p.m. Eastern Time on Wednesday, December 26, 2007.

Docket Numbers: ER06–1346–002.

Applicants: White Creek Wind I, LLC.

Description: White Creek Wind LLC submits its revised Third Revised Sheet 1 of its FERC Electric Tariff, Original Volume 1.

Filed Date: 12/04/2007.

Accession Number: 20071206–0228.

Comment Date: 5 p.m. Eastern Time on Wednesday, December 26, 2007.

Docket Numbers: ER07–527–002.

Applicants: Longview Fibre Paper and Packaging, Inc.

Description: Longview Fibre Paper and Packaging, Inc submits notice of a non-material change in status related to a change in its upstream ownership.

Filed Date: 11/30/2007.

Accession Number: 20071204–0060.

Comment Date: 5 p.m. Eastern Time on Friday, December 21, 2007.

Docket Numbers: ER07–1094–003.

Applicants: Niagara Mohawk Power Corporation.

Description: Niagara Mohawk Power Corp dba National Grid submits Service Agreement 1151 with an updated effective date pursuant to FERC's 11/2/07 Letter Order.

Filed Date: 12/03/2007.

Accession Number: 20071205–0119.

Comment Date: 5 p.m. Eastern Time on Monday, December 24, 2007.

Docket Numbers: ER07–1105–001.

Applicants: Cedar Creek Wind Energy, LLC.

Description: Notice of Change in Facts Relied Upon by the Commission in Granting Cedar Creek Wind Energy, LLC Market-Based Rate Authority.

Filed Date: 12/03/2007.

Accession Number: 20071203–5029.

Comment Date: 5 p.m. Eastern Time on Monday, December 24, 2007.

Docket Numbers: ER07–1126–004.

Applicants: Niagara Mohawk Power Corporation.

Description: Niagara Mohawk Power Corp dba National Grid submits Service Agreement 1153 with an updated effective date pursuant to FERC's 11/2/07 Letter Order.

Filed Date: 12/03/2007.

Accession Number: 20071205–0118.

Comment Date: 5 p.m. Eastern Time on Monday, December 24, 2007.

Docket Numbers: ER07–1174–002; OA07–74–002.

Applicants: MATL LLP.

Description: MATL LLP submits 11/26/07 revised tariff sheets to its open access transmission tariff.

Filed Date: 12/03/2007.

Accession Number: 20071204–0153.

Comment Date: 5 p.m. Eastern Time on Monday, December 24, 2007.

Docket Numbers: ER07–1249–003.

Applicants: Lockport Energy Associates, L.P.

Description: Lockport Energy Associates, LP submits a revised generation market power screens and a revised description of the seasonal capacity ratings of its facility.

Filed Date: 12/03/2007.

Accession Number: 20071204–0061.

Comment Date: 5 p.m. Eastern Time on Friday, December 14, 2007.

Docket Numbers: ER08–19–003.

Applicants: Energy Algorithms, LLC.

Description: Amendment to application of Energy Algorithms LLC for order accepting market based rate tariff, granting waivers and blanket authority, and request for waiver of prior notice requirement.

Filed Date: 11/26/2007.

Accession Number: 20071207–0199.

Comment Date: 5 p.m. Eastern Time on Friday, December 14, 2007.

Docket Numbers: ER08–88–001.

Applicants: Old Dominion Electric Cooperative, Inc.

Description: Old Dominion Electric Cooperative submits a Revised Interconnection Agreement with A&N Electric Cooperative and 12/4/07 submit an errata to this filing.

Filed Date: 12/04/2007; 12/03/07.

Accession Number: 20071205–0122; 20071205–0121.

Comment Date: 5 p.m. Eastern Time on Tuesday, December 25, 2007.

Docket Numbers: ER08–110–002.

Applicants: Starwood Power-Midway, LLC.

Description: Starwood Power-Midway, LLC submits their revised FERC Electric Tariff, Original Volume 1 and request for shortened notice period of no more than seven days and to waive the Commission's prior notice requirements.

Filed Date: 12/03/2007.

Accession Number: 20071204–0062.

Comment Date: 5 p.m. Eastern Time on Friday, December 14, 2007.

Docket Numbers: ER08–112–001.

Applicants: Idaho Power Company.

Description: Idaho Power Co submits its Open Access Transmission Tariff and a revision to their Annual Informational Filing filed on 10/29/07.

Filed Date: 12/04/2007.

Accession Number: 20071206–0121.

Comment Date: 5 p.m. Eastern Time on Wednesday, December 26, 2007.

Docket Numbers: ER08–169–001.

Applicants: Midwest Independent Transmission System Operator, Inc.; Allete, Inc.

Description: Midwest Independent Transmission System Operator, Inc and ALLETE, Inc submits an errata to their 11/2/07 filing of proposed revisions to Attachment P of their FERC Electric Tariff, Third Revised Volume 1.

Filed Date: 12/04/2007.

Accession Number: 20071206–0123.

Comment Date: 5 p.m. Eastern Time on Wednesday, December 26, 2007.

Docket Numbers: ER08–173–001.

Applicants: Florida Power Corporation.

Description: Florida Power Corp dba Progress Energy Florida, Inc. files an amendment to its cost-based power sales agreement with the City of Williston, Florida.

Filed Date: 12/03/2007.

Accession Number: 20071205–0120.

Comment Date: 5 p.m. Eastern Time on Monday, December 24, 2007.

Docket Numbers: ER08–213–001.

Applicants: Round Rock Energy, LP.

Description: Round Rock Energy, LP submits a supplemental filing to Sheet 1, FERC Electric Tariff, Original Volume 1.

Filed Date: 11/30/2007.

Accession Number: 20071203–0193.

Comment Date: 5 p.m. Eastern Time on Friday, December 21, 2007.

Docket Numbers: ER08–281–000.

Applicants: Oklahoma Gas and Electric Company.

Description: Oklahoma Gas and Electric Co. submits revised tariff sheets for Attachment H and T to the Southwest Power Pool, Inc Open Access Transmission Tariff etc.

Filed Date: 11/30/2007.

Accession Number: 20071204–0071.

Comment Date: 5 p.m. Eastern Time on Friday, December 21, 2007.

Docket Numbers: ER08–282–000

Applicants: New England Power Pool Participants Committee

Description: The New England Power Pool Participants Committee submits Revised Sheet 58 et al to their Second Restated NEPOOL Agreement.

Filed Date: 11/30/2007.

Accession Number: 20071204–0066.

Comment Date: 5 p.m. Eastern Time on Friday, December 21, 2007.

Docket Numbers: ER08–283–000.

Applicants: New York Independent Transmission System Operator, Inc.

Description: New York Independent System Operator, Inc submits amendments to Section 5.14.1(b) of its Market Administration and Control Area Services Tariff for year 2008/2009.

Filed Date: 11/30/2007.

Accession Number: 20071204–0070.

Comment Date: 5 p.m. Eastern Time on Friday, December 21, 2007.

Docket Numbers: ER08–285–000.

Applicants: Tampa Electric Company.

Description: Tampa Electric Co. submits notice of cancellation of its Second Revised Rate Schedule 39, comprising the Agreement to Provide Qualifying Facility Transmission Service with Mosaic Fertilizer, LLC.

Filed Date: 12/03/2007.

Accession Number: 20071204–0063.

Comment Date: 5 p.m. Eastern Time on Monday, December 24, 2007.

Docket Numbers: ER08–286–000.

Applicants: American Electric Power Service Corporation.

Description: AEP Operating Companies submits their first revision to the Interconnection and Local Delivery Service Agreement 1421 with the Village of Vygnet.

Filed Date: 12/03/2007.

Accession Number: 20071204–0065.

Comment Date: 5 p.m. Eastern Time on Monday, December 24, 2007.

Docket Numbers: ER08–287–000.

Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc. submits an executed Service

Agreement for Network Integration Transmission Service with Kansas Municipal Energy Agency.

Filed Date: 12/03/2007.

Accession Number: 20071204–0058.

Comment Date: 5 p.m. Eastern Time on Monday, December 24, 2007.

Docket Numbers: ER08–288–000.

Applicants: Southern California Edison Company.

Description: Southern California Edison Co. submits revised rate sheets for the Large Generator Interconnection Agreement with El Segundo Power II, LLC.

Filed Date: 12/03/2007.

Accession Number: 20071204–0059.

Comment Date: 5 p.m. Eastern Time on Monday, December 24, 2007.

Docket Numbers: ER08–289–000.

Applicants: Pacific Gas and Electric Company.

Description: Pacific Gas and Electric Co. submits a generator interconnection agreement with Liberty V Biofuels Power, LLC.

Filed Date: 12/03/2007.

Accession Number: 20071204–0087.

Comment Date: 5 p.m. Eastern Time on Monday, December 24, 2007.

Docket Numbers: ER08–290–000.

Applicants: Niagara Mohawk Power Corporation.

Description: Niagara Mohawk Power Corp dba National Grid submits Service Agreement 1165 and Amendment 1 to the 4/11/02 interconnection agreement.

Filed Date: 12/03/2007.

Accession Number: 20071205–0116.

Comment Date: 5 p.m. Eastern Time on Monday, December 24, 2007.

Docket Numbers: ER08–291–000.

Applicants: Niagara Mohawk Power Corporation.

Description: Niagara Mohawk Power Corp dba National Grid submits Service Agreement 1164, an amended and restated interconnection agreement with Bio-Energy Partners.

Filed Date: 12/03/2007.

Accession Number: 20071205–0111.

Comment Date: 5 p.m. Eastern Time on Monday, December 24, 2007.

Docket Numbers: ER08–292–000.

Applicants: Niagara Mohawk Power Corporation.

Description: Niagara Mohawk Power Corp dba National Grid submits Service Agreement 1163, an amended and restated interconnection agreement with Fibertek Energy, LLC.

Filed Date: 12/03/2007.

Accession Number: 20071205–0113.

Comment Date: 5 p.m. Eastern Time on Monday, December 24, 2007.

Docket Numbers: ER08–293–000.

Applicants: Forward Windpower, LLC.

Description: Petition of Forward Windpower, LLC for order accepting market-based rate tariff for filing and granting waivers and blanket approvals.

Filed Date: 12/03/2007.

Accession Number: 20071205–0112.

Comment Date: 5 p.m. Eastern Time on Monday, December 24, 2007.

Docket Numbers: ER08–294–000.

Applicants: Niagara Mohawk Power Corporation.

Description: Niagara Mohawk Power Corp. dba National Grid submits a power purchase and interconnection agreement dated 4/27/98 with Cogen Energy Technology, LP.

Filed Date: 12/03/2007.

Accession Number: 20071205–0126.

Comment Date: 5 p.m. Eastern Time on Monday, December 24, 2007.

Docket Numbers: ER08–295–000.

Applicants: Niagara Mohawk Power Corporation.

Description: Niagara Mohawk Power Corp dba National Grid submits a power purchase agreement with Indeck-Yerkes Limited Partnership.

Filed Date: 12/03/2007.

Accession Number: 20071205–0124.

Comment Date: 5 p.m. Eastern Time on Monday, December 24, 2007.

Docket Numbers: ER08–296–000.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Midwest Independent Transmission System Operator, Inc et al submits revisions to section 37.

Filed Date: 12/03/2007.

Accession Number: 20071205–0114.

Comment Date: 5 p.m. Eastern Time on Monday, December 24, 2007.

Docket Numbers: ER08–297–000.

Applicants: Lookout Windpower, LLC.

Description: Petition of Lookout Windpower, LLC for order accepting market-based rate tariff for filing and granting waivers and blanket approvals.

Filed Date: 12/03/2007.

Accession Number: 20071205–0115.

Comment Date: 5 p.m. Eastern Time on Monday, December 24, 2007.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES08–6–000.

Applicants: Southwestern Electric Power Company.

Description: Supplemental Info of Southwestern Electric Power Company.

Filed Date: 11/30/2007.

Accession Number: 20071130–5092.

Comment Date: 5 p.m. Eastern Time on Friday, December 14, 2007.

Take notice that the Commission received the following open access transmission tariff filings:

Docket Numbers: OA07–51–001.

Applicants: Mid-Continent Area Power Pool.

Description: Mid-Continent Area Power Pool submits Third Revised Sheet 2 *et al* to its FERC Electric Tariff, First Revised Volume 1, effective 11/30/07.

Filed Date: 11/30/2007.

Accession Number: 20071205–0130.

Comment Date: 5 p.m. Eastern Time on Friday, December 21, 2007.

Docket Numbers: OA07–74–002.

Applicants: MATL LLP.

Description: MATL LLP submits 11/26/07 revised tariff sheets to its open access transmission tariff.

Filed Date: 12/03/2007.

Accession Number: 20071204–0153.

Comment Date: 5 p.m. Eastern Time on Monday, December 24, 2007.

Docket Numbers: OA08–17–000.

Applicants: WSPP Inc.

Description: WSPP Inc submits revisions to its Open Access Transmission Tariff incorporating specific changes to the Order 888 proforma OATT adopted by the FERC in Order 890.

Filed Date: 12/03/2007.

Accession Number: 20071206–0125.

Comment Date: 5 p.m. Eastern Time on Monday, December 24, 2007.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov*. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the web site that enables subscribers to receive email notification when a document is added to a subscribed dockets(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. E7–24241 Filed 12–13–07; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2007–1138; FRL–8506–5]

Agency Information Collection Activities; Proposed Collection; Comment Request; Reporting and Recordkeeping Requirements for Importation of Nonroad Engines and Recreational Vehicles; EPA ICR No. 1723.05, OMB Control No. 2060–0320

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a request to renew an existing approved Information Collection Request (ICR) to the Office of Management and Budget (OMB). This ICR is scheduled to expire on May 31, 2008. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before February 12, 2008.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2007–1138, by one of the following methods:

- *http://www.regulations.gov*: Follow the on-line instructions for submitting comments.
- *Fax:* 202–566–9744.
- *Mail:* Environmental Protection Agency, EPA Docket Center (EPA/DC), Air and Radiation Docket, Mailcode 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.
- *Hand Delivery:* Docket Center, (EPA/DC), EPA, West Room B102, 1301 Constitution Ave., NW., Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OAR–2007–1138. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

FOR FURTHER INFORMATION CONTACT: Lynn Sohacki, Compliance and Innovative Strategies Division, Office of Transportation and Air Quality, Environmental Protection Agency, 2000 Traverwood, Ann Arbor, Michigan, 48105; telephone number: 734–214–4851; fax number: 734–214–4869; e-mail address: *sochacki.lynn@epa.gov*.

SUPPLEMENTARY INFORMATION:

How Can I Access the Docket and/or Submit Comments?

EPA has established a public docket for this ICR under Docket ID No EPA–HQ–OAR–2007–1138, which is available for online viewing at *http://www.regulations.gov,* or in person viewing at the Air Docket in the Docket Center (EPA/DC), EPA West, EPA Headquarters Library, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202–566–1744, and the telephone number for the Air Docket is 202–566–1742.

Use *http://www.regulations.gov* to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the docket ID number identified in this document.

What Information Is EPA Particularly Interested in?

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) enhance the quality, utility, and clarity of the information to be collected; and

(iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

What Should I Consider When I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible and provide specific examples.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Offer alternative ways to improve the collection activity.
6. Make sure to submit your comments by the deadline identified under **DATES**.
7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

What Information Collection Activity or ICR Does This Apply to?

[Docket ID No. EPA–HQ–OAR–2007–1138]

Affected entities: Entities potentially affected by this action are importers into the United States of nonroad engines and vehicles.

Title: Reporting and Recordkeeping Requirements for Importation of Nonroad Engines and Recreational Vehicles.

ICR numbers: EPA ICR No. 1723.05, OMB Control No. 2060–0320.

ICR status: This ICR is currently scheduled to expire on May 31, 2008. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: This ICR covers the burden associated with EPA Form 3520–21, a declaration form for importers of nonroad vehicles or engines into the United States, which identifies the regulated category of engine or vehicle and the regulatory provisions under which the importation is taking place. In addition, this ICR covers the possible burden of EPA Form 3520–8 if it comes to be used to request final importation clearance for Independent Commercial Importers of nonroad Compression Ignition engines, who would have to bring the engines into compliance and provide test results, comparable to the use of Form 3520–8 for on-road vehicles and engines as covered by OMB 2060–0095. The information is used by Agency enforcement personnel to verify that all nonroad vehicles and engines subject to Federal emission requirements have been declared upon entry or that the category of exclusion or exemption from emissions requirements has been identified in the declaration. The information is also used to identify and prosecute violators of the regulations and to monitor the program in achieving the objectives of the regulations. The Forms are required before making customs entry; see 19 CFR 12.73 and 12.74.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 0.81 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The ICR provides a detailed explanation of the Agency's estimate, which is only briefly summarized here:

Estimated total number of potential respondents: 4,801.

Frequency of response: Once per entry. (One form per shipment may be used.)

Estimated total average number of responses for each respondent: 2.5.

Estimated total annual burden hours: 9749.

Estimated total annual costs: $520,787. This includes an estimated burden cost of $484,785 and an estimated cost of $36,002 for capital investment or maintenance and operational costs.

What Is the Next Step in the Process for This ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: December 7, 2007.

Karl J. Simon,

Director, Compliance and Innovative Strategies Division.

[FR Doc. E7–24229 Filed 12–13–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL–6694–1]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at 202–564–7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 6, 2007 (72 FR 17156).

Draft EISs

EIS No. 20070386, ERP No. D–NRC–E06024–GA, Vogtle Electric Generating Plant Site, Issuance of an Early Site Permit (ESP) for Construction and Operation of a New Nuclear Power Generating Facility, NUREG–1872, Burke County, GA.

Summary: EPA expressed environmental concern about impacts to surface water under level 4 drought conditions and impacts to drinking water sources. EPA also requested radiological monitoring of all plant effluents, appropriate storage and disposition of radioactive waste and compliance with the NPDES Permit. Rating EC1.

EIS No. 20070400, ERP No. D–FRC–K05065–CA, Upper American River Hydroelectric FERC NO. 2101–084, El Dorado and Sacramento Counties, CA

and Chili Bar Hydroelectric FERC No. 2155–024, El Dorado County, CA, Issuance of a New License for the Existing and Proposed Hydropower Projects.

Summary: EPA has no objections to the proposed project. Rating LO.

EIS No. 20070412, ERP No. D–TVA–E08022–TN, Ruthford-Williamson-Davidson Power Supply Improvement Project, Proposes to Construct and Operate a New 500–kilovolt (kV) Ruthford Substation, a New 27-mile 500–kV Transmission Line and Two New 9- and 15-mile 161-kV Transmission Lines, Ruthford, Williamson Counties, TN.

Summary: EPA expressed concern about impacts to water quality, wetlands, forested wetlands, and riparian vegetation. Rating EC2.

EIS No. 20070425, ERP No. D–COE–E39071–00, Wolf Dam/Lake Cumberland Project, Emergency Measures in Response to Seepage, Mississippi River, South Central Kentucky and Central Tennessee.

Summary: EPA expressed environmental concerns about impacts related to water quantity and water quality in the reservoir and project dam releases, and recommends that specific mitigation measures and monitoring efforts be implemented. Rating EC1.

EIS No. 20070431, ERP No. D–NOA–E91020–00, Snapper Grouper Fishery Amendment 15A, Proposes Management Reference Points and Rebuilding Plans for Snowy Grouper, Black Sea Bass and Red Porgy, South Atlantic Region.

Summary: While EPA has no objections to the proposed action, we suggested that shorter recovery schedules are considered. Rating LO.

Final EISs

EIS No. 20070395, ERP No. F–USA–D15001–MD, Fort George G. Meade Base Realignment and Closure 2005 and Enhanced Use Lease (EUL) Actions, Implementation, Anne Arundel, Howard, Montgomery, Prince George's Counties, MD.

Summary: EPA continues to express concern about natural resource impacts, and recommends additional avoidance, minimization, and mitigation measures be implemented.

EIS No. 20070397, ERP No. F–AFS–L65537–WA, Tripod Fire Salvage Project, Proposal to Salvage Harvest Dead Trees and Fire-Injured Trees Expected to Die Within One Year, Methow Valley and Tonasket Ranger Districts, Okanogan and Wenatchee National Forests, Okanogan County, WA.

Summary: EPA has no objections to the action as proposed.

EIS No. 20070434, ERP No. F–USN–K13000–GU, Kilo Wharf Extension (MILCON P–52), To Provide Adequate Berthing Facilities for Multi-Purpose Dry Cargo/Ammunition Ship (the T–AKE), Apra Harbor Naval Complex, Mariana Island, GU

Summary: EPA has continuing concerns regarding sufficiency of mitigation for impacts to coral reefs. EPA recommends the Navy commit to the preferred mitigation watershed restoration project agreed upon by the Navy and resource agencies and avoid selecting the contingency mitigation plan, which does not sufficiently replace lost ecosystem functions.

EIS No. 20070444, ERP No. F–USA–E15000–GA, Fort Benning U.S. Army Infantry Center, Base Realignment and Closure (BRAC) 2005 and Transformation Actions, Implementation, Chattahoochee and Muscogee Counties, GA.

Summary: EPA continues to have environmental concern about air quality impacts and requested additional work toward the development of a comprehensive alternative transportation program to assist the Columbus area in meeting air quality standards in the future.

EIS No. 20070460, ERP No. F–FRC–F03010–WI, Guardian Expansion and Extension Project, Construction and Operation Natural Gas Pipeline Facilities, Jefferson, Dodge, Fond du Lac, Calument, Brown, Walworth, Outagamie Counties, WI.

Summary: EPA continues to have environmental concerns about mitigation for wetland, upland forest, and wildlife habitat impacts.

EIS No. 20070461, ERP No. F–IBR–K39106–00, Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead, Implementation, Colorado River, CO and CA.

Summary: EPA does not object to the proposed project.

EIS No. 20070462, ERP No. F–MMS–E02011–00, Eastern Planning Area Outer Continental Shelf (OCS) Oil and Gas Lease Sale 224, Gulf of Mexico Offshore Marine Environment and Coastal Parishes/Counties of LA, MS, AL, and North Western Florida.

Summary: EPA continues to have environmental concerns about drilling fluid impacts, and requested additional field investigations on the effects of synthetic-based drilling fluids in the deep water environment.

EIS No. 20070479, ERP No. F–GSA–D11037–DC, Armed Forces Retirement Home (AFRH–W), Proposed Master Plan for Campus Located at 3700 North Capitol Street, NW., AFRH Trust Fund, Washington, DC.

Summary: EPA continues to have environmental concerns about Impacts to historic properties and developmental impacts.

EIS No. 20070438, ERP No. FS–NOA–B91017–00, Atlantic Sea Scallop Fishery Management Plan (FMP), Amendment 11, Implementation to Control Capacity and Mortality in the General Category Scallop Fishery, Gulf of Maine, Georges Bank, NC.

Summary: EPA's previous issues have been resolved; therefore, EPA has no objection to the proposed action.

Dated: December 11, 2007.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E7–24228 Filed 12–13–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6693–9]

Environmental Impacts Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 or *http://www.epa.gov/compliance/nepa/*.

Weekly receipt of Environmental Impact Statements Filed 12/03/2007 through 12/07/2007 Pursuant to 40 CFR 1506.9.

EIS No. 20070511, Final EIS, BLM, AK, Bay Resource Management Plan, Implementation, Located within the Bristol Bay and Goodnews Bay Areas, AK, Wait Period Ends: 01/14/2008, Contact: Chuck Denton 907–267–1246.

EIS No. 20070512, Draft EIS, FHW, TX, Tier 1 DEIS—I–69/Trans-Texas Corridor Study, Improvement to International, Interstate and Intrastate Movement of Good and People, Louisiana-Mexico/Northeast Texas to Mexico, Comment Period Ends: 03/19/2008, Contact: Donald Davis 512–536–5900.

EIS No. 20070513, Final EIS, FHW, TX, Grand Parkway/TX–99 Segment E Improvement Project, IH–10 to U.S. 290, Funding, Right-of-Way Grant and U.S. Army COE Section 404 Permit

Issuance, Harris County, TX, Wait Period Ends: 01/14/2008, Contact: Donald Davis 512–536–5960.

EIS No. 20070514, Draft EIS, AFS, CO, San Juan Public Lands, Draft Land Management Plan (DLMP), Implementation, San Juan National Forest, Archuleta, Conejos, Dolores, Hinsdale, LaPlata, Mineral, Montezuma, Montrose, Rio Grande, San Juan and San Miguel Counties, CO, Comment Period Ends: 03/12/2008, Contact: Gary Thrash 970–247–4874.

EIS No. 20070515, Final Supplement, FHW, IA, IA–100 Extension Around Cedar Rapids, Edgewood Road to U.S. 30, Reevaluation of the Project Corridor and Changes in Environmental Requirements, Funding and U.S. Army COE 404 Permit Issuance, Linn County, IA, Wait Period Ends: 01/14/2008, Contact: Phillip E. Barnes 515–233–7300.

EIS No. 20070516, Final EIS, FHW, DE, U.S. 301 Project Development, Transportation Improvements from MD State Line to DE–1, South of the Chesapeake and Delaware Canal, New Castle County, DE, Wait Period Ends: 01/14/2008, Contact: Robert Kleinburd 302–734–2966.

EIS No. 20070517, Draft EIS, USA, MD, National Naval Medical Center, Activities to Implement 2005 Base Realignment and Closure Actions, Construction and Operation of New Facilities for Walter Reed National Military Medical Center, Bethesda, MD, Comment Period Ends: 01/28/2008, Contact: Andrew Gutberlet 301–295–2722.

EIS No. 20070518, Draft EIS, COE, PA, Southern Beltway Transportation Project, Transportation Improvement between I–79 to Mon/Fayette Expressway (PA Turnpike 43), Application for U.S. Army COE Section 404 Permit, Washington County, PA, Comment Period Ends: 02/08/2008, Contact: Scott A. Hans 412–395–7152.

EIS No. 20070519, Draft EIS, AFS, MO, Cooney McKay Forest Health and Fuels Reduction Project, Proposed to Restore Desirable Vegetative Conditions, Swan Valley near Condon, Swan Lake Ranger District, Flathead National Forest, Lake and Missoula Counties, MT, Comment Period Ends: 01/28/2008, Contact: Steve Brady 406–837–7501.

EIS No. 20070520, Final EIS, FHW, NY, NY–17—Elmira to Chemung Project, Proposed Highway Reconstruction, New Highway Construction, Bridge Rehabilitation/Replacement, Funding and U.S. Army COE Section 404 Permit, Town and City of Elmira, Town of Ashland and Chemung, Chemung County, NY, Wait Period Ends: 01/28/2008, Contact: Amy Jackson-Grove 518–431–4127.

EIS No. 20070521, Draft Supplement, NOA, 00, Reef Fish Amendment 30A: Greater Amberjack—Revise Rebuilding Plan, Accountability Measures: Gray Triggerfish—Establish Rebuilding Plan, End Overfishing, Accountability Measures, Regional Management, Management Thresholds and Benchmarks, Gulf of Mexico, Comment Period Ends: 01/28/2008, Contact: Roy E. Crabtree, MD 727–824–5701.

Amended Notices

EIS No. 20070021, Draft Supplement, BLM, MT, Montana Statewide Oil and Gas, Development Alternative for Coal Bed Natural Gas Production and Amendment of the Powder River and Billings Resource Management Plans, Additional Information Three New Alternatives, Implementation, U.S. Army COE Section 404 Permit, NPDES Permit, Several Cos, MT, Comment Period Ends: 03/13/2008, Contact: Mary Bloom 406–233–2852.

Revision to FR Notice Published 02/02/2007: Reopening of the Comment Period is Only for the Supplemental Air Quality Analysis Portion for the above DSEIS from 05/02/2007 to 03/13/2008.

EIS No. 20070411, Draft EIS, FRC, NC, Yadkin—Yadkin-Pee Dee Hydro Electric Project (Docket Nos. P–2197–073 & P–2206–030), Issuance of New Licenses for the Existing and Proposed Hydropower Projects, Yadkin—Yadkin-Pee Dee Rivers, Davidson, Davie, Montgomery, Rowan, Stanly, Anson and Richmond Counties, NC, Comment Period Ends: 12/10/2007, Contact: Andy Black 1–866–208–3372.

Revision of FR Notice Published 10/05/2007: Extending Comment Period from 12/03/2007 to 12/10/2007.

Dated: December 11, 2007.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E7–24227 Filed 12–13–07; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ELECTION COMMISSION

Sunshine Act Notices

DATE AND 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.

THE FOLLOWING ITEM HAS BEEN ADDED TO THE AGENDA: Final Rules on Candidate Travel.

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

Mary W. Dove,

Secretary of the Commission.

[FR Doc. 07–6059 Filed 12–12–07; 11:57 am]

BILLING CODE 6715–01–M

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than January 2, 2008.

A. Federal Reserve Bank of Kansas City (Todd Offenbacker, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. Theodore Thieman; to retain control of Rae Valley Financials, Inc., and thereby indirectly retain control of Petersburg State Bank, all of Petersburg, Nebraska.

Board of Governors of the Federal Reserve System, December 11, 2007.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E7–24217 Filed 12–13–07; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 10 a.m., Tuesday, December 18, 2007.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th Street

entrance between Constitution Avenue and C Streets, NW., Washington, DC 20551.

STATUS: Open.

We ask that you notify us in advance if you plan to attend the open meeting and provide your name, date of birth, and social security number (SSN) or passport number. You may provide this information by calling 202–452–2474 or you may **register online**. You may pre–register until close of business December 17, 2007. You also will be asked to provide identifying information, including a photo ID, before being admitted to the Board meeting. The Public Affairs Office must approve the use of cameras; please call 202–452–2955 for further information. If you need an accommodation for a disability, please contact Penelope Beattie on 202–452–3982. For the hearing impaired only, please use the Telecommunication Device for the Deaf (TDD) on 202– 263–4869.

Privacy Act Notice: Providing the information requested is voluntary; however, failure to provide your name, date of birth, and social security number or passport number may result in denial of entry to the Federal Reserve Board. This information is solicited pursuant to Sections 10 and 11 of the Federal Reserve Act and will be used to facilitate a search of law enforcement databases to confirm that no threat is posed to Board employees or property. It may be disclosed to other persons to evaluate a potential threat. The information also may be provided to law enforcement agencies, courts, and others, but only to the extent necessary to investigate or prosecute a violation of law.

MATTERS TO BE CONSIDERED:

Discussion Agenda:

1. Proposed amendments to Regulation Z (Truth in Lending) addressing unfair or deceptive acts or practices in connection with mortgage loans.

Note: This meeting will be recorded for the benefit of those unable to attend. Cassettes will then be available for listening in the Board's Freedom of Information Office, and copies can be ordered for $6 per cassette by calling 202–452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

FOR FURTHER INFORMATION CONTACT: Michelle Smith, Director, or Dave Skidmore, Assistant to the Board, Office of Board Members at 202–452–2955.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 for a **recorded announcement** of this meeting; or you may contact the Board's Web site at *http://www.federalreserve.gov* for an **electronic announcement**. (The Web site also includes procedural and other information about the open meeting.)

Board of Governors of the Federal Reserve System, December 11, 2007.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 07–6056 Filed 12–12–07; 9:37 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–0937–0191]

Agency Information Collection Request. 60-Day Public Comment Request

AGENCY: Office of the Secretary.

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

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, e-mail your request, including your address, phone number, OMB number, and OS document identifier, to *Sherette.funncoleman@hhs.gov*, or call the Reports Clearance Office on (202) 690–6162. Written comments and recommendations for the proposed information collections must be directed to the OS Paperwork Clearance Officer at the above email address within 60-days.

Proposed Project: Application Packets for Real Property for Public Health Purposes—OMB No. 0937–0191—Revision-Program Support Center.

Abstract: The Federal Property Assistance Program is requesting a 3 year approval for a previously approved collection. Annually, HHS receives approximately 20 applications from eligible groups which include state and local governments as well as nonprofit institutions. The eligible groups are applying for acquisition of excess/surplus, underutilized/unutilized, and/or off-site Federal real property. The applications are used to determine if institutions or organizations are eligible to purchase, lease, or use property under the provisions of the surplus real property program.

ESTIMATED ANNUALIZED BURDEN TABLE

Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
State, local, or tribal governments, nonprofits	20	1	200	4,000

Dated: December 7, 2007.

John Teeter,

Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. E7–24235 Filed 12–13–07; 8:45 am]

BILLING CODE 4150–37–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid Services

[Document Identifier: CMS–10177]

Emergency Clearance: Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB)

AGENCY: Center for Medicare and Medicaid Services, Department of Health and Human Services.

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

We are, however, requesting an emergency review of the information collection referenced below. In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we have submitted to the Office of Management and Budget (OMB) the following requirements for emergency review. We are requesting an emergency review because the collection of this information is needed before the expiration of the normal time limits under OMB's regulations at 5 CFR Part 1320(a)(2)(ii). This is necessary to ensure compliance with an initiative of the Administration. We cannot reasonably comply with the normal clearance procedures because of an unanticipated event, as stated in 5 CFR 1320.13(a)(2)(ii).

1. *Type of Information Collection Request:* New collection; *Title of Information Collection:* Survey of Contract Labor in Selected Health Industries; *Form Number:* CMS–10177 (OMB#: 0938-New); *Use:* The Office of the Actuary (OACT), Centers for Medicare and Medicaid Services (CMS) is requesting emergency review and approval of an information collection request (ICR) for a one-time, seven-question survey of professional contract labor costs in selected health industries. The survey will empirically quantify the locally-purchased and nationally-purchased proportions of professional contract labor costs incurred by hospitals, skilled nursing facilities (SNF), and kidney dialysis centers (ESRD). The results of this study will determine the proportion of professional contract labor costs that should be included in the labor-related share (LRS). The LRS of Medicare perspective payment system (PPS) payments is the proportion of said payment that is subject to the area wage index adjustment. This adjustment accounts for geographic variation, thus the survey will directly impact the distribution of Medicare hospital and SNF payments to PPS providers. ESRD providers are not paid prospectively at this time, although that appears likely at some point in the future. *Frequency:* One-time; *Affected Public:* Private Sector and State, Tribal and Local governments; *Number of Respondents:* 4,000; *Total Annual Responses:* 4,000; *Total Annual Hours:* 4,000.

CMS is requesting OMB review and approval of this collection by *January 14, 2008,* with a 180-day approval period. Written comments and recommendations will be considered from the public if received by the individuals designated below by December 31, 2007.

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

Interested persons are invited to send comments regarding the burden or any other aspect of these collections of information requirements. However, as noted above, comments on these information collection and recordkeeping requirements must be mailed and/or faxed to the designees referenced below by December 31, 2007: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development—B, Attn: William N. Parham, III, Room C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850. and, OMB Human Resources and Housing Branch, Attention: Carolyn Lovett, New Executive Office Building, Room 10235, Washington, DC 20503, Fax Number: (202) 395–6974.

Dated: December 7, 2007.

Michelle Shortt,

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

[FR Doc. E7–24261 Filed 12–13–07; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–R–218 and CMS–10252]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Department of Health and Human Services.

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

1. *Type of Information Collection Request:* Extension of currently approved collection; *Title of Information Collection:* Information Collection Requirements Contained in 45 CFR Part 162; HIPAA Standards for Electronic Transactions; *Use:* This submission contains information collection requirements in HCFA–0149–F, CMS–0003–P, CMS–0005–P, and CMS–003/005–F. This collection establishes standards for electronic

transactions and for code sets to be used in those transactions. The collection standardizes the approximately 400 formats of electronic health care claims used in the United States. The use of these standards significantly reduces the administrative burden associated with paper documents, lowers operating costs, and improves data quality for health care providers and health plans; *Form Number:* CMS–R–218 (OMB# 0938–0866); *Frequency:* On occasion; *Affected Public:* Business or other for-profit; *Number of Respondents:* 3,400,000; *Total Annual Responses:* 3,400,000; *Total Annual Hours:* 1.

2. *Type of Information Collection Request:* New collection; *Title of Information Collection:* Certificate of Destruction for Data Acquired from the Centers for Medicare and Medicaid Services; *Use:* The Certificate of Destruction will be used by recipients of CMS data to certify that they have destroyed the data they have received through a CMS Data Use Agreement (DUA). The DUA requires the destruction of the data at the completion of the project/expiration of the DUA. The DUA addresses the conditions under which CMS will disclose and the User will maintain CMS data that are protected by the Privacy Act of 1974, § 552a and the Health Insurance Portability Accountability Act of 1996. CMS has developed policies and procedures for such disclosures that are based on the Privacy Act and the Health Insurance Portability Act (HIPAA). The Certificate of Destruction is required to close out the DUA and to ensure the data are destroyed and not used for another purpose. *Form Number:* CMS–10252 (OMB# 0938—New); *Frequency:* On occasion; *Affected Public*: Business or other for-profit; *Number of Respondents:* 500; *Total Annual Responses:* 500; *Total Annual Hours:* 84.

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

To be assured consideration, comments and recommendations for the proposed information collections must be received at the address below, no later than 5 p.m. on *February 12, 2008.*

CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development—B, Attention: William N. Parham, III, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: December 7, 2007.

Michelle Shortt,

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

[FR Doc. E7–24264 Filed 12–13–07; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10218 and CMS–10250]

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

AGENCY: Centers for Medicare & Medicaid Services

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

1. *Type of Information Collection Request:* New Collection; *Title of Information Collection:* Survey for the Evaluation of the Low Vision Rehabilitation Demonstration; *Use:* This information collection request relates to the collection of health status indicators for the Low Vision Rehabilitation Demonstration through the beneficiary survey. The survey will be conducted among Medicare beneficiaries with vision problems who have received vision services. CMS intends to administer the Low Vision Survey (LVS) for approximately eighteen months. Data on the process of implementing the demonstration will also be collected through telephone interviews with physicians and beneficiaries who receive low vision services. Focus groups will be conducted with low vision rehabilitation specialists. *Form Numbers:* CMS–10218 (OMB#: 0938-NEW); *Frequency:* Reporting—Once and Yearly; *Affected Public:* Individuals and households; *Number of Respondents:* 2131; *Total Annual Responses:* 2131; *Total Annual Hours:* 1059.

2. *Type of Information Collection Request:* New Collection; *Title of Information Collection:* Submission of Information for the Hospital Outpatient Quality Data Program; *Use:* The submission of outpatient hospital quality of care information builds on the requirement to submit such data for inpatient hospital care as required under 501(b) of the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA) (Pub. L. 108–173). The requirement to submit hospital quality of care information is intended to empower consumers with quality of care information to make more informed decisions about their health care while also encouraging hospitals and clinicians to improve the quality of care. This information is used by CMS to direct its contractors, including Quality Improvement Organizations (QIOs), to focus on particular areas of improvement, and to develop quality improvement initiatives. The information will be made available to hospitals for their use in internal quality improvement initiatives. Most importantly, this information is available to beneficiaries, as well as to the public in general, to provide hospital information to assist them in making decisions about their health care. *Form Numbers:* CMS–10250 (OMB#: 0938—NEW); *Frequency:* Reporting—quarterly; *Affected Public:* Private Sector—For-profit and not-for-profit institutions; *Number of Respondents:* 3,500; *Total Annual Responses:* 17,500; *Total Annual Hours:* 914,000.

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

To be assured consideration, comments and recommendations for the proposed information collections must be received by the OMB desk officer at

the address below, no later than 5 p.m. on *January 14, 2008:*

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

Dated: December 7, 2007.

Michelle Shortt,

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

[FR Doc. E7–24274 Filed 12–13–07; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Advisory Council on Alcohol Abuse and Alcoholism.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

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 Advisory Council on Alcohol Abuse and Alcoholism.

Date: February 6–7, 2008.

Closed: February 6, 2008, 5:30 p.m. to 7:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5635 Fishers Lane, Bethesda, MD 20892.

Open: February 7, 2008, 9 a.m. to 3:30 p.m.

Agenda: Program reports and presentations.

Place: National Institutes of Health, 5635 Fishers Lane, Bethesda, MD 20892.

Contact Person: Abraham P. Bautista, PhD, Executive Secretary, National Institute on Alcohol Abuse & Alcoholism, National Institutes of Health, 5635 Fishers Lane, Rm. 3039, Rockville, MD 20852, 301–443–9737, *bautistaa@mail.nih.gov.*

Information is also available on the Institute's/Center's home page: *silk.nih.gov/silk/niaaa1/about/roster.htm,* where an agenda and any additional information for the meeting will be posted when available.

(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 7, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–6046 Filed 12–13–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Advisory Child Health and Human Development Council.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Advisory Child Health and Human Development Council; NACHHD Subcommittee on Planning and Policy.

Date: January 7, 2008.

Time: 3 p.m. to 4 p.m.

Agenda: Topics to be discussed include: (1) Report of the Director; (2) Budget Updates; (3) Legislative Updates.

Place: National Institutes of Health, Building 31, 31 Center Drive, Bethesda, MD 20892(Telephone Conference Call).

Contact Person: Susanne Strickland, Acting Deputy Director for Science Policy, Analysis & Communication, NICHD/NIH/DHHS, 31 Center Drive, Suite 2A–18, Bethesda, MD 20892, 301–435–3440.

Information is also available on the Institute's/Center's home page: *www.nichd.nih.gov/about/nachhd.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: December 7, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–6047 Filed 12–13–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meeting

AGENCY: Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel; Regional Mouse Vivarium Resource.

Date: January 18, 2008.

Time: 10 a.m. to 3 p.m.

Agenda: To review and evaluate contract proposals.

Place: NIEHS/National Institutes of Health, Building 4401, East Campus, 79 T.W. Alexander Drive, Research Triangle Park, NC 27709 (Telephone Conference Call).

Contact Person: RoseAnne M. McGee, Associate Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute of Environmental Health Sciences, P.O. Box 12233, MD EC–30, Research Triangle Park, NC 27709, (919) 541–0752, *mcgee1@niehs.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risk from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: December 7, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–6048 Filed 12–13–07; 8:45 am]

BILLING CODE 4140–01–M

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 Peoria and Joliet, IL; Memphis, TN; and Buffalo, NY

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 Peoria and Joliet, IL; Memphis, TN; and Buffalo, NY.

DATES: TWIC enrollment in Peoria and Joliet, IL will begin on December 20, 2007; Memphis, TN on December 27, 2007; and Buffalo, NY 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 Peoria and Joliet, IL; Memphis, TN; and Buffalo, NY. Enrollment in Peoria and Joliet will begin on December 20, 2007, Memphis on December 27, 2007, and Buffalo 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 Upper Mississippi River, including those in the Port of Peoria; Captain of the Port Zone Lake Michigan, including those in the Port of Joliet; Captain of the Port Zone Lower Mississippi River, including those in the Port of Memphis; and Captain of the Port Zone Buffalo, including those in the Port of Buffalo 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 10, 2007.

Rex Lovelady,

Program Manager, Transportation Worker Identification Credential Program, Office of Transportation Threat Assessment and Credentialing, Transportation Security Administration.

[FR Doc. E7–24253 Filed 12–13–07; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5125–N–50]

Federal Property Suitable as Facilities to Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

DATES: *Effective Date: December 14, 2007.*

FOR FURTHER INFORMATION CONTACT: Kathy Ezzell, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7262, Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess, and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: December 6, 2007.

Mark R. Johnston,

Deputy Assistant Secretary for Special Needs.

[FR Doc. E7–24005 Filed 12–13–07; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Statement of Findings: Gila River Indian Community Water Rights Settlement Act of 2004

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of Statement of Findings in accordance with Title II of Public Law 108–451.

SUMMARY: The Secretary of the Interior is publishing this notice in accordance with section 207(c) of the Gila River Indian Community Water Rights

Settlement Act of 2004 (Settlement Act), Public Law 108–451, 118 Stat. 3499, 3519–20. Congress enacted the Settlement Act as Title II of the Arizona Water Settlements Act (AWSA), Public Law 108–451, 118 Stat. 3478 *et seq.* The publication of this notice causes the waivers and releases of certain claims to become effective as required by the Settlement Act.

DATES: *Effective Date:* In accordance with section 207(b) of the Settlement Act, the waivers and releases of claims described in paragraphs (1) and (3) through (5) of section 207(a) and the remaining provisions of section 207 of the Settlement Act are effective on December 14, 2007.

FOR FURTHER INFORMATION CONTACT: Address all comments and requests for additional information to Deborah Saint, Chair, Arizona Water Settlements Act Implementation Team, Department of the Interior, Bureau of Reclamation, Lower Colorado Region, Native American Affairs Office, 400 N 5th Street, Suite 1470, Phoenix, AZ 85004. (602) 379–3199.

SUPPLEMENTARY INFORMATION: On February 4, 2003, the Gila River Indian Community (Community) and other parties entered into the Gila River Indian Community Water Rights Settlement Agreement (Gila River Agreement). The Gila River Agreement established the basis to resolve the Community's water rights claims to the Gila River in Arizona. On December 10, 2004, Congress enacted the Settlement Act as Title II of AWSA and authorized, ratified, and confirmed the provisions of the Gila River Agreement except to the extent that any provision of the agreement conflicts with the Settlement Act.

The purposes of the Settlement Act are:

(1) To resolve permanently certain damage claims and all water rights claims among the United States on behalf of the Community, its members, and allottees, and the Community and its neighbors;

(2) To authorize, ratify, and confirm the Gila River Agreement;

(3) To authorize and direct the Secretary to execute and perform all obligations of the Secretary under the Gila River Agreement;

(4) To authorize the actions and appropriations necessary for the United States to meet its obligations under the Gila River Agreement and the Settlement Act; and

(5) To authorize and direct the Secretary to execute the New Mexico Consumptive Use and Forbearance Agreement to allow the Secretary to exercise the rights authorized by subsections (d) and (f) of section 304 of the Colorado River Basin Project Act (43 U.S.C. 1524).

In order for the waivers and releases set forth in the Gila River Agreement and Settlement Act to become fully effective and enforceable, the Secretary is required to make a statement of findings that certain conditions have been met.

Statement of Findings

In accordance with section 207(c) of the Settlement Act, I find as follows:

1. The Gila River Agreement has been revised through an amendment to eliminate any conflict with the Settlement Act and, as so revised, the Gila River Agreement has been executed by the Secretary and the Governor of the State of Arizona.

2. In accordance with subsections 104(a)(1)(A)(i) and (a)(2) of AWSA, 102,000 acre-feet of Central Arizona Project (CAP) agricultural priority water has been reallocated to the Community and up to 96,295 acre-feet of CAP agricultural priority water has been reallocated to the Arizona Department of Water Resources (ADWR) to be held under contract in trust for further allocation. This reallocation is memorialized through a decision published in the **Federal Register** on August 25, 2006, and the Arizona Water Settlement Agreement which prohibits direct use of the water by ADWR.

3. In accordance with subsection 104(b) of AWSA, 65,647 acre-feet of uncontracted CAP municipal and industrial water has been reallocated as memorialized in the **Federal Register** notice of August 25, 2006, and subcontracts for delivery have been offered. Amendments to all CAP contracts and subcontracts to include the requirements of subsection 104(d) have been offered.

4. In accordance with section 204 of the Settlement Act, the Secretary has reallocated and contracted with the Community for additional CAP entitlements of 18,600 acre-feet from the Roosevelt Water Conservation District; 18,100 acre-feet relinquished by the Harquahala Valley Irrigation District; and 102,000 acre-feet as provided in section 104 of AWSA.

5. The Community's CAP Water Delivery Contract has been amended in accordance with section 205 of the Settlement Act. The Secretary has executed leases of Community CAP water to Phelps Dodge and to the Cities of Goodyear, Peoria, Phoenix and Scottsdale, and has executed the Reclaimed Water Exchange Agreement.

6. The Secretary has established a program to repair and remediate subsidence damage and related damage in accordance with section 209(a) of the Settlement Act.

7. The parties have executed the Arizona Water Settlement Agreement, the ''master agreement'' authorized, ratified, and confirmed by section 106(a) of AWSA, and all conditions to its enforceability have been satisfied.

8. $53 million has been identified and retained in the Lower Colorado River Basin Development Fund for the benefit of the Community in accordance with section 107(b) of the Settlement Act.

9. Pursuant to paragraph 27.4 of the Gila River Agreement, the Arizona State legislature and the Governor of Arizona have determined that the appropriate and commensurate contribution from the State of Arizona is the State's recognition of the Community's interest in acquiring and placing into trust status a parcel located within the exterior boundaries of the Community's reservation and the State's willingness to cooperate in this effort, together with the firming of 15,000 acre-feet of non-Indian agricultural priority CAP water to the equivalent of municipal and industrial priority water.

10. Pursuant to subparagraph 16.9 of the Gila River Agreement, the Salt River Project has paid $500,000 to the Community.

11. The judgments and decrees attached to the Gila River Agreement as exhibits 25.18A (Gila River adjudication proceedings) and 25.18B (Globe Equity Decree proceedings) have been approved by the respective courts.

12. The dismissals attached to the Gila River Agreement as exhibits 25.17.1A and B, 25.17.2, and 25.17.3A and B have been filed with the respective courts and any necessary dismissal orders have been entered.

13. The State of Arizona has enacted legislation to implement the Southside Replenishment Program in accordance with subparagraph 5.3 of the Gila River Agreement; to authorize the firming program required by section 105 of AWSA; and to establish the Upper Gila River Watershed Maintenance Program in accordance with subparagraph 26.8.1 of the Gila River Agreement.

14. The State of Arizona, through the Arizona Water Banking Authority, has entered into an agreement with the Secretary to carry out the obligation of the State to firm CAP agricultural priority water to municipal and industrial priority water under section 105(b)(2)(A) of AWSA.

15. Final judgment has been entered in *Central Arizona Water Conservation District* v. *United States* (No. CIV 95–

625–TUC–WDB (EHC), No. CIV 95–1720–PHX–EHC) (Consolidated Action) in accordance with the repayment stipulation in that case.

Dated: December 10, 2007.

Dirk Kempthorne,

Secretary of the Interior.

[FR Doc. E7–24257 Filed 12–13–07; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Statement of Findings: Southern Arizona Water Rights Settlement Amendments Act of 2004

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of Statement of Findings in accordance with Title III of Public Law 108–451.

SUMMARY: The Secretary of the Interior is publishing this notice in accordance with section 302(b) of the Southern Arizona Water Rights Settlement Amendments Act of 2004 (Settlement Amendments Act), Public Law 108–451, 118 Stat. 3536, 3571–72. Congress enacted the Settlement Amendments Act as Title III of the Arizona Water Settlements Act (AWSA), Public Law 108–451, 118 Stat. 3478 *et seq.* The publication of this notice causes the amendments to the Southern Arizona Water Rights Settlement Act of 1982 (1982 Act), Public Law 97–293, 96 Stat. 1274 (as amended), made by the Settlement Amendments Act to take effect.

DATES: *Effective Date:* In accordance with section 302(b) of the Settlement Amendments Act, Title III of Public Law 108–451 and the amendments made by Title III are effective on December 14, 2007.

FOR FURTHER INFORMATION CONTACT: Address all comments and requests for additional information to Deborah Saint, Chair, Arizona Water Settlements Implementation Team, Department of the Interior, Bureau of Reclamation, Lower Colorado Region, Native American Affairs Office, 400 N 5th Street, Suite 1470, Phoenix, AZ 85004. (602) 379–3199.

SUPPLEMENTARY INFORMATION: The 1982 Act was enacted to resolve the water right claims of the San Xavier and Shuk Toak Districts of the Tohono O'odham Nation (Nation). Disagreement about the allocation of settlement benefits precluded implementation of the 1982 Act. On December 10, 2004, the Settlement Amendments Act was enacted as Title III of AWSA in order to resolve issues which precluded implementation of the 1982 Act.

The purposes of the Settlement Amendments Act are:

(1) To authorize, ratify, and confirm the Tohono O'odham settlement agreement, the Tucson agreement, the Asarco agreement and related leases, and the FICO agreement;

(2) To authorize and direct the Secretary to execute and perform all obligations of the Secretary under those agreements; and

(3) To authorize the actions and appropriations necessary for the United States to meet its obligations under those agreements and the Settlement Amendments Act.

In order for the Settlement Amendments Act and its amendments to be effective and enforceable, the Secretary is required to make a statement of findings that certain conditions have been met.

Statement of Findings

In accordance with section 302(b) of the Settlement Amendments Act, I find as follows:

1. The Tohono O'odham settlement agreement has been revised to eliminate any conflicts with the Settlement Amendments Act and, as so revised, has been executed by the parties and the Secretary.

2. The Secretary and other parties to the Tucson agreement, the Asarco agreement and the FICO agreement described in section 309(h)(2) Settlement Amendments Act (as contained in the amendment made by section 301) have executed those agreements.

3. The Secretary has approved the interim allottee water rights code described in section 308(b)(3)(A) of the Settlement Amendments Act (as contained in the amendment made by section 301).

4. Final dismissal with prejudice has been entered in the Alvarez case and the Tucson case on the sole condition that this Statement of Findings be published.

5. The State court having jurisdiction over the Gila River Adjudication proceedings has approved the judgment and decree attached to the Tohono O'odham settlement agreement as exhibit 17.1, and that judgment and decree have become final and nonappealable.

6. Implementation costs totaling $24,068,400, as specified in section 302(b)(6) of the Settlement Amendments Act, have been identified and retained in the Lower Colorado River Basin Development Fund.

7. The State of Arizona has enacted legislation that qualifies the Nation to earn long-term storage credits under the Asarco agreement; implements the San Xavier groundwater protection program in accordance with paragraph 8.8 of the Tohono O'odham settlement agreement; enables the State to assist the Secretary in firming Central Arizona Project water pursuant to section 306(b); and confirms the jurisdiction of the State court having jurisdiction over Gila River Adjudication proceedings and decrees to carry out the provisions of sections 312(d) and 312(h) of the Settlement Amendments Act (as contained in the amendment made by section 301).

8. The Secretary and the State of Arizona have agreed to an acceptable schedule under which the State shall firm 15,000 acre-feet of agricultural priority Central Arizona Project water as referred to in section 105(b)(2)(C) of AWSA.

9. Final judgment has been entered in *Central Arizona Water Conservation District* v. *United States* (No. CIV 95–625–TUC–WDB (EHC), No. CIV 95–1720–PHX–EHC) (Consolidated Action) in accordance with the repayment stipulation in that case.

Dated: December 10, 2007.

Dirk Kempthorne,

Secretary of the Interior.

[FR Doc. E7–24258 Filed 12–13–07; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comment.

SUMMARY: We invite the public to comment on the following applications to conduct certain activities with endangered species.

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

ADDRESSES: Written data or comments should be submitted to the U.S. Fish and Wildlife Service, Endangered Species Program Manager, Region 8, 2800 Cottage Way, Room W–2606, Sacramento, CA, 95825 (*telephone:* 916–414–6464; fax: 916–414–6486). Please refer to the respective permit number for each application when submitting comments. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

FOR FURTHER INFORMATION CONTACT: Daniel Marquez, Fish and Wildlife Biologist, see **ADDRESSES**, (*telephone:* 760–431–9440; *fax:* 760–431–9624).

SUPPLEMENTARY INFORMATION: The following applicants have applied for scientific research permits to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*). The U.S. Fish and Wildlife Service (''we'') solicits review and comment from local, State, and Federal agencies, and the public on the following permit requests. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Permit No. TE–168924

Applicant: Jeff E. Gurule, North Fork, California.

The applicant requests a permit to take (capture, and collect and kill) the Conservancy fairy shrimp (*Branchinecta conservatio*), the longhorn fairy shrimp (*Branchinecta longiantenna*), the Riverside fairy shrimp (*Streptocephalus wootoni*), the San Diego fairy shrimp (*Branchinecta sandiegonensis*), and the vernal pool tadpole shrimp (*Lepidurus packardi*) in conjunction with surveys throughout the range of each species in California for the purpose of enhancing their survival.

Permit No. TE–168923

Applicant: Randall L. Stringer, Carmichael, California.

The applicant requests a permit to take (capture, and collect and kill) the Conservancy fairy shrimp (*Branchinecta conservatio*), the longhorn fairy shrimp (*Branchinecta longiantenna*), the Riverside fairy shrimp (*Streptocephalus wootoni*), and the vernal pool tadpole shrimp (*Lepidurus packardi*) in conjunction with surveys throughout the range of each species in California for the purpose of enhancing their survival.

Permit No. TE–043630

Applicant: San Francisco Estuary Institute, Oakland, California

The applicant requests an amendment to take (harass by survey) the California clapper rail (*Rallus longirostris obsoletus*) in conjunction with ecological research in San Francisco, Contra Costa, Sacramento, Solano, Napa, Sonoma, and Marin Counties for the purpose of enhancing its survival.

Permit No. TE–066621

Applicant: Naval Base Ventura County Point Mugu, Point Mugu, California.

The permittee requests and amendment to take (harass by survey) the light footed clapper rail (*Rallus longirostris levipes*) and take (band chicks) the California least tern (*Sterna antillarum browni*) in conjunction with surveys and population monitoring at Naval Base Ventura County Point Mugu, California, for the purpose of enhancing their survival.

Permit No. TE–110373

Applicant: Eric F. Kline, San Diego, California.

The applicant requests an amendment to take (*survey by pursuit*) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with surveys throughout the range of the species in California for the purpose of enhancing its survival.

Permit No. TE–168927

Applicant: Drew C. Stokes, San Diego, California.

The permittee requests a permit to take (harass by survey, capture, handle, tag, collect tissue, mark by toe-clipping, and release) the arroyo southwestern toad (*Bufo microscaphus californicus*) in conjunction with surveys throughout the range of the species in California for the purpose of enhancing its survival.

Permit No. TE–839480

Applicant: Richard Zembal, Laguna Hills, California.

The applicant requests an amendment to take (harass by survey and monitor) the California least tern (*Sterna antillarum browni*) in conjunction with population monitoring and other life history studies in Orange County California for the purpose of enhancing its survival.

Permit No. TE–168926

Applicant: Kailash K. Mozumder, Encinitas, California.

The applicant requests a permit to take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with surveys throughout the range of the species in California for the purpose of enhancing its survival.

Permit No. TE–168957

Applicant: Virginia M. VonBerg, San Luis Obispo, California.

The applicant requests a permit to take (capture, and collect and kill) the Conservancy fairy shrimp (*Branchinecta conservatio*), the longhorn fairy shrimp (*Branchinecta longiantenna*), the Riverside fairy shrimp (*Streptocephalus wootoni*), the San Diego fairy shrimp (*Branchinecta sandiegonensis*), and the vernal pool tadpole shrimp (*Lepidurus packardi*) in conjunction with surveys throughout the range of each species in California for the purpose of enhancing their survival.

Permit No. TE–142435

Applicant: Debra Shier, Topanga, California.

The applicant requests an amenment to take (capture, handle, mark, translocate, and release) the Stephens' kangaroo rat (*Dipodomys stephensi*) in conjunction with surveys and population monitoring throughout the range of the species in California for the purpose of enhancing its survival.

We solicit public review and comment on each of these recovery permit applications. Comments and materials we receive will be available for public inspection, by appointment, during normal business hours at the address listed in the **ADDRESSES** section of this notice.

Dated: December 10, 2007.

Michael Fris,

Acting Regional Director, Region 8, Sacramento, California.

[FR Doc. E7–24246 Filed 12–13–07; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Notice of Intent To Prepare an Environmental Impact Statement for the Soboba Band of Luiseño Indians' Proposed Trust Acquisition and Casino/Hotel Project, City of San Jacinto, Riverside County, CA

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA), in cooperation with the Soboba Band of Luiseño Indians (Tribe), intends to gather information necessary for preparing an Environmental Impact Statement (EIS) for a proposed fee-to-trust land acquisition and casino and hotel project (Proposed Action) located within the City of San Jacinto, Riverside County, California. The purpose of the Proposed Action is to improve the tribal economy in order to better enable the

Tribe to provide governmental services, perform governmental functions, create jobs and career opportunities for tribal members and develop programs that would assist tribal members to attain economic self-sufficiency. This notice also announces a public scoping meeting to identify potential issues, alternatives and content for inclusion in the EIS.

DATES: Written comments on the scope of the EIS must arrive by January 22, 2008. The public scoping meeting will be held January 8, 2008, from 6 p.m. to 8 p.m., or until all those who register to make statements have been heard.

ADDRESSES: You may mail or hand carry written comments to Ms. Amy Dutschke, Acting Regional Director, Pacific Regional Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825.

The public scoping meeting will be held at the Hemet Public Library, 2nd floor, 300 E. Latham, Hemet, California 92543.

FOR FURTHER INFORMATION CONTACT: John Rydzik, (916) 978–6042.

SUPPLEMENTARY INFORMATION: The Tribe proposes that 289.88± acres of land located within the City of San Jacinto, Riverside County, California, be acquired into trust for the Tribe. The land is located in the foothills on the west side of the San Jacinto Mountains that separate the San Jacinto River Basin to the west from the Coachella Valley to the east, and adjacent to the San Jacinto River.

Of the 289.88± acres, 35 to 40 acres are proposed for development. The remaining acreage would remain in its current state, which consists of an existing golf course (156.36 acres) and maintenance facility, and on-going club house development. The proposed new development would consist of a 90,000± square foot casino facility with 70,000± square foot gaming floor, various food and beverage establishments, conference space, spa, and four retail establishments; a 300-room, 224,000± square foot hotel; a multi-level, 2200 space parking garage; a tribal fire station; a wastewater treatment plant; and supporting facilities. The new gaming facility would replace the existing one located on reservation lands.

Access to the site would be via Lake Park Drive and Soboba Road, by way of a new access point/driveway. The proposed hotel and casino complex would be generally located at the intersection of Soboba Road and Lake Park Drive and abut the existing golf course. The proposed wastewater treatment plant and fire station would be on the southern side of Lake Park Drive.

The Soboba Band of Luiseño Indians is a federally recognized Indian tribe governed by a tribal council consisting of five members, under a federally approved constitution. The Tribe currently has a federally approved tribal-state gaming compact with the State of California.

Public Comment and Solicitation

Comments, including names and addresses of respondents, will be available for public review at the BIA address shown in the **ADDRESSES** section, during business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Before including your address, phone number, e-mail address or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority

This notice is published in accordance with section 1501.7, 1506.6 and 1508.22 of the Council on Environmental Quality Regulations (40 CFR parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 *et seq.*), and the Department of the Interior Manual (516 DM 1–6), and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8.1.

Dated: November 9, 2007.

Carl J. Artman,

Assistant Secretary—Indian Affairs.

[FR Doc. E7–24293 Filed 12–13–07; 8:45 am]

BILLING CODE 4310–W7–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–010–08–1410-PN]

Notice of Closure of Aviation Areas at Campbell Tract Facility Administrative Site

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Closure.

SUMMARY: In the interest of public and operational safety, the Bureau of Land Management is closing four areas used by aircraft at its Campbell Tract Facility in Anchorage, Alaska, to public or private entry, access or use. The four areas are: The Campbell Airstrip and the Campbell Tract Facility heliport, aircraft ramp, and aircraft taxiway between the airstrip and aircraft ramp areas. Recreational uses authorized on other portions of the Campbell Tract and the adjacent Municipality of Anchorage Far North Bicentennial Park are prohibited within the four areas named above. This order is issued under the authority of 43 CFR 8364.1 and affects the following public lands:

Seward Meridian, Alaska.

T. 12 N., R. 3 W.

Portions of Sections 2 and 3.

DATES: The closure is effective upon publication of this notice and will remain in effect year-round until amended or rescinded by the authorized officer.

ADDRESSES: Maps of the affected area and closure information are available at the BLM Anchorage Field Office, 6881 Abbott Loop Road, Anchorage, Alaska.

FOR FURTHER INFORMATION, CONTACT: Mike Zaidlicz, Field Manager, Anchorage Field Office, 6881 Abbott Loop Road, Anchorage, Alaska 99507, (907) 267–1246 or toll free (800) 478–1263.

SUPPLEMENTARY INFORMATION: Pursuant to 43 CFR 8364.1, the following areas within the 730-acre administrative site known as the Campbell Tract Facility, located in Anchorage, Alaska, and managed by the Bureau of Land Management Anchorage Field Office, are closed to all public and private access, use and entry: (1) Campbell Airstrip, (2) Campbell Tract Facility heliport, (3) Campbell Tract Facility aircraft ramp, and (4) Campbell Tract Facility aircraft taxiway between the airstrip and aircraft ramp. These affected areas are actively used by aircraft on an intermittent basis. This closure is necessary to ensure public safety, as well as operational management and safety.

Within the areas described above:

1. No person shall use, remain on, occupy, or access any land unless specifically authorized by the BLM.

2. All private or public use, including recreational use allowed on other portions of the Campbell Tract Facility and adjacent Municipality of Anchorage Far North Bicentennial Park lands, is prohibited.

3. All access or use by people and domestic animals, including, but not limited to, dogs and horses, is prohibited.

This closure does not apply to:

1. Any federal, state, or local government officer or member of an organized rescue or firefighting force engaged in official fire, emergency, or law enforcement activities, including associated vehicles and/or aircraft used for administrative and emergency purposes.

2. Federal, state, or local government employees while on official business of their respective agencies and engaged in official duties, including associated vehicle use for administrative and emergency purposes.

3. Persons specifically authorized by the BLM to use, remain on, or occupy lands in the area affected by this notice, including associated vehicle or domestic animal use.

4. That portion of Coyote Trail that crosses the aircraft taxiway, which will only be closed during aircraft taxi operations.

5. Emergency use of Campbell Airstrip by aircraft.

After publication of this notice, signs will be posted to inform the public that the affected areas are closed to unauthorized entry, use and/or access. In accordance with 43 CFR 8360.0–7, violation of this closure order is punishable by a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months.

Thomas P. Lonnie,

State Director.

[FR Doc. E7–24251 Filed 12–13–07; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–020–07–1310-DT]

Notice of Availability of the Supplemental Air Quality Analyses for the Draft Supplement to the Montana Statewide Final Oil and Gas Environmental Impact Statement and Amendment of the Powder River and Billings RMPs (Draft SEIS), Miles City, MT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability.

SUMMARY: Pursuant to the Federal Land Policy and Management Act of 1976 and the National Environmental Policy Act (NEPA) of 1969, as amended, the Bureau of Land Management (BLM), Miles City Field Office, has prepared supplemental air quality information for public review. On May 2, 2007, the public comment period on the Draft Supplement to the *Montana Statewide Oil and Gas Environmental Impact Statement and Amendment of the Powder River and Billings RMPs* (Draft SEIS) ended. The Environmental Protection Agency (EPA) notified the BLM of air quality analysis deficiencies in the Draft SEIS. As a result, the BLM has prepared additional air quality analyses to demonstrate that predicted visibility effects in Class I airsheds can be mitigated. This new air quality analyses supplements the Draft SEIS.

DATES: The 90-day public comment period on the supplemented air analyses will begin the date the EPA publishes their Notice of Availability in the **Federal Register**. Additional announcements are being made through local media by news releases and information will be posted on the SEIS Web site: *http://www.blm.gov/eis/mt/milescity_seis/.*

ADDRESSES: You may submit comments on the new air quality analyses by any of the following methods (your name and mailing address must be submitted as part of your comments):

- *Web Site: http://www.blm.gov/eis/mt/milescity_seis/.*
- *Fax:* (406) 233–2921.
- *Mail:* Draft SEIS Air Comments, Bureau of Land Management, P.O. Box 219, Miles City, Montana 59301 or hand deliver to 111 Garryowen Road, Miles City, Montana.

FOR FURTHER INFORMATION CONTACT: Mary Bloom, Project Manager, Miles City Field Office, P.O. Box 219, Miles City, Montana 59301. Ms. Bloom may also be reached by telephone at (406) 233–2852.

SUPPLEMENTARY INFORMATION: Public comments and information submitted regarding the supplemental air quality analysis, including names, e-mail addresses, and street addresses of the respondents, will be available for public review and disclosure at the above address during regular business hours (7:45 a.m. to 4:30 p.m.), Monday through Friday, except holidays. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Gene R. Terland,

State Director.

[FR Doc. E7–24205 Filed 12–13–07; 8:45 am]

BILLING CODE 4310–$$–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–800–1610–DP 016C]

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Availability of Draft San Juan Land Management Plan and Draft Environmental Impact Statement, Colorado

AGENCY: Bureau of Land Management, Interior. Forest Service, Agriculture.

ACTION: Notice of Availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969 (NEPA, 42 U.S.C. 4321 *et seq.*), the Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA), as amended by the National Forest Management Act of 1976, (NFMA, Sec. 6, 16 U.S.C. 1600.), and the Federal Land Policy and Management Act of 1976 (FLPMA, 43 U.S.C. 1701 *et seq.*), the Bureau of Land Management (BLM) San Juan Field Office and San Juan National Forest, U.S. Forest Service (USFS) has prepared a Draft Land Management Plan/Draft Environmental Impact Statement (DLMP/DEIS) for the public and National Forest System Lands under their jurisdiction and by this notice is announcing the opening of the comment period. The BLM San Juan Field Office and San Juan National Forest are managed under Service First. The San Juan Public Lands Center (SJPLC) is the joint USFS/BLM Service First Office responsible for the management of these public lands. Service First is a partnership strategy to provide better customer service and be more cost effective in the delivery of those services to users of the public lands in southwest Colorado. This notice also meets BLM requirements in 43 CFR part 1610, 7–2(b) concerning potential Areas of Critical Environmental Concern (ACECs).

DATES: The San Juan DLMP/DEIS will be available for public review for 90 days from the date the Environmental Protection Agency publishes its Notice of Availability in the **Federal Register**. The SJPLC can best use comments and resource information submitted within

this review period. The SJPLC will announce future meetings or hearings and any other public involvement activities at least 15 days in advance through public notices, local media news releases, and/or mailings, and posting on the project Web site at *http://ocs.fortlewis.edu/forestPlan*. Public meetings will be held in Pagosa Springs, Durango and Cortez, Colorado and in other locations, if warranted.

ADDRESSES: The document will be available electronically at the following Web site: *http://ocs.fortlewis.edu/forestPlan*. Copies of the DLMP/DEIS are also available at the following government office addresses during regular business hours:

- San Juan Public Lands Center, 15 Burnett Court, Durango, CO 81301.
- Columbine Field Office, 367 Pearl St., Bayfield, CO 81122.
- Dolores Public Lands Office, 100 North 6th St., Dolores, CO 81323.
- Pagosa Springs Field Office, 180 Pagosa Street, Pagosa Springs, CO 81147.
- Colorado State Office BLM, 2850 Youngfield Street, Lakewood, CO 80215.
- USDA Forest Service, Rocky Mountain Region, 740 Simms St, Golden, CO 80401.

Libraries in Cortez, CO; Durango, CO; Pagosa Springs, CO; Colorado State University, Ft. Collins, CO; University of Colorado, Boulder, CO; and Ft. Lewis College, Durango, CO 81301

You may submit comments by any of the following methods:

- *Web site: http://ocs.fortlewis.edu/forestPlan*.
- *Facsimile:* (916) 456–6724
- *Mail:* LMP Comments, San Juan Plan Revision, P.O. Box 162909, Sacramento, California 95816–2909.

FOR FURTHER INFORMATION CONTACT: Shannon Manfredi, Planning Team Leader at San Juan Public Land Center, 15 Burnett Ct., Durango, CO 81301. Phone: (970) 385–1229. To have your name added to the San Juan Plan Revision mailing list, or to view and download the DLMP/DEIS in Portable Document Format (PDF) go to the project Web site: *http://ocs.fortlewis.edu/forestPlan*.

SUPPLEMENTARY INFORMATION: The planning area is located in Southwest Colorado in Archuleta, Conejos, Dolores, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Rio Grande, San Juan, San Miguel counties. The plan will provide a framework to guide subsequent management decisions on approximately 1,867,800 acres of the San Juan National Forest. Of the 1,867,800 acres, BLM administers 500,000 surface acres and 300,000 acres of subsurface mineral estate. San Juan Public Land Center is currently being managed under the BLM 1985 San Juan/San Miguel Resource Management Plan (RMP) and the 1983 San Juan National Forest Land Management Plan.

- Bureau of Land Management Resource Management Plan

The current RMP was approved in 1985 and has been amended five times. Wilderness Study Areas were designated in 1980 and are currently being managed under interim guidance provided by the Interim Management Policy and Guidance for Lands under Wilderness Review until such time that Congress makes a final wilderness decision. This revised Plan discusses how those lands would be managed if Congress released them from wilderness study.

- Forest Service Land Management Plan

The current San Juan National Forest Land Management Plan was approved in 1983, with a major amendment in 1992 and twenty other amendments. This revised Plan has been prepared using the provisions of the 1982 planning rule (36 CFR part 219), as provided by the 2004 interpretative rule which clarified the transition provisions of the planning rule adopted on November 9, 2000.

The SJPLC has worked extensively with the community, interested and affected publics, and cooperating agencies in development of the DLMP/DEIS. The SJLPC conducted a broad community-based public input process. Cooperating agencies include Montezuma County, and the City of Rico, Colorado. Four alternatives are analyzed in the DLMP/DEIS.

- *Alternative A,* the No Action Alternative, is the continuation of present management under the existing BLM and Forest Service plans. It meets the requirements of the NEPA that a no action alternative be considered. The current levels of products, services, and outputs of multiple use management from the public lands in the planning area would continue except for fluctuations due to budget. Activities such as timber harvest and oil and gas development would potentially occur over a greater percentage of the San Juan Public Lands in Alternative A than in other alternatives.
- *Alternative B,* the Preferred Alternative, provides a mix of multiple-use activities with a primary emphasis on maintaining most of the large, contiguous blocks of undeveloped lands and enhancing various forms of recreation opportunities, while maintaining the diversity of uses and active forest and rangeland vegetation management. Alternative B is focused on balancing the ideas of maintaining ''working forest and rangelands'' and of retaining ''core, undeveloped lands.'' Uses and activities that require roads, such as timber harvesting and oil and gas development would be focused in areas that already have roads. Relatively undeveloped areas, that currently do not have roads would, for the most part, remain that way.
- *Alternative C,* provides a mix of multiple-use activities with primary emphasis on the undeveloped character of the San Juan. Production of goods from vegetation management would continue but may be secondary to other non-commodity objectives. Management provisions under this alternative would emphasize the undeveloped character of large blocks of contiguous land and non-motorized recreational activities to a greater degree than the other alternatives.
- *Alternative D,* provides a mix of multiple-use activities with a primary emphasis on the working forest and rangelands to produce the highest amounts of commodity goods and services of the alternatives. This alternative would allow the greatest extent of resource use within the planning area, while maintaining ecosystem management principles to protect and sustain resources. Potential impacts to sensitive resource values would be mitigated on a case-by-case basis.

As required by Section 202(c)(3) of FLPMA, the DLMP/DEIS considers the designation of ACECs on BLM administered lands. Potential ACEC acres vary by alternative as shown in the table below.

ACRES OF BLM-MANAGED SURFACE ESTATE PROPOSED TO BE MANAGED AS ACECS UNDER THE ALTERNATIVES IN THE DRAFT LMP/EIS

Values and use limitations	Alternative A	Alternative B (Preferred)	Alternative C	Alternative D
Big Gypsum Valley	0	6,062	17,116	0
Values: Natural systems (sensitive plants)				
Limitations: Apply a no surface occupancy (NSO) stipulation for oil and gas leasing and other surface disturbing activities, limit Off Highway Vehicle (OHV) to designated routes, manage as Visual Resource Management (VRM) II				
Mud Springs/Remnant Ansazi ACEC	1,160	0	1,160	0
Values: Cultural and natural systems				
Limitations: Apply a no surface occupancy (NSO) stipulation for oil and gas leasing and other surface disturbing activities, limit Off Highway Vehicle (OHV) to designated routes, and allow no new routes				
Silvies Pocket	0	0	707	0
Value: Natural systems (sensitive plants)				
Limitations: Manage as VRM II, apply NSO stipulation for oil and gas leasing and other surface disturbing activities, and limit Off Highway Vehicle (OHV) to designated routes				
Grassy Hills	0	0	420	0
Value: Natural systems (sensitive plants)				
Limitations: Apply NSO stipulation for oil and gas leasing and other surface disturbing activities, limit OHV to designated routes, use grazing systems to protect prairie dog habitat				
Total Acres	1,160	6,062	19,403	0

Other key management concerns addressed in the Draft LMP/DEIS include:

- Balancing Management between the ideas of maintaining ''Working Forest and Rangelands'' and Retaining ''Core Undeveloped Areas'',
- Recreation and Travel Management,
- Management of Special Areas and Unique Landscapes (including ACECs, Forest Service wilderness recommendations, and suitability of rivers for Congressional designation into the Wild and Scenic Rivers System),
- Oil and Gas Leasing and Development.

Comments, including names and addresses of respondents, will be available for public review at the SJPLC, and will be subject to disclosure under the Freedom of Information Act (FOIA). Before including your address, phone number, e-mail address, or other personal identifying information in your comment, be advised that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.

Sally Wisely,

Colorado State Director.

Mark Stiles,

Forest Supervisor.

[FR Doc. E7–24208 Filed 12–13–07; 8:45 am]

BILLING CODE 4310–DK–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–310–7122–PH–8023; DDG–07–0010]

Notice of Availability, Three Rivers Stone Quarry Expansion Draft Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability.

SUMMARY: Pursuant to Section 102 (2)(C) of the National Environmental Policy Act of 1969 and the Federal Land Policy and Management Act of 1976, notice is hereby given that the Bureau of Land Management (BLM), Challis Field Office, has prepared a Draft Environmental Impact Statement (DEIS) to consider whether to approve an Amended Plan of Operations for L&W Stone Corporation to continue mining flagstone from its Three Rivers Stone Quarry.

DATES: Written comments will be accepted for 45 days following the date that the Environmental Protection Agency (EPA) publishes its Notice of Availability in the **Federal Register**. The BLM intends to hold two public meetings during the 45-day comment period, in Boise and Challis, Idaho. BLM will announce the public meeting times and locations at least 15 days in advance through public notices, media news releases, and/or newsletter mailings.

ADDRESSES: Copies of the DEIS are available upon request from the BLM Idaho Falls District Office, 1405 Hollipark Drive, Idaho Falls, Idaho, 83401, phone 208–524–7530. You may request either a hard copy or a computer disk (CD). A copy of the DEIS will be posted on the Internet at *http://www.blm.gov/id/st/en/fo/challis/nepa/Three_Rivers.html*. To receive full consideration, comments must be postmarked no later than the last day of the written comment period. (The last day of the written comment period may be identified at the Internet address above, after publication of the EPA Notice of Availability in the **Federal Register**.)

You may submit comments on the DEIS using any of the following methods:

Mail: Charles Horsburgh, Project Manager, BLM Idaho Falls District Office, 1405 Hollipark Drive, Idaho Falls, Idaho 83401.

Fax: 208–524–7505.

E-mail: Three_Rivers_EIS@blm.gov.

All public comments, including the names and mailing addresses of respondents, will be available for public review at the Idaho Falls District Office in Idaho Falls, Idaho, during regular business hours from 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the Final EIS. Individual respondents may request confidentiality. Before including your address, phone number, e-mail address, or other personal identifying information in your

comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: Charles Horsburgh, Project Manager, BLM Idaho Falls District, 1405 Hollipark Drive, Idaho Falls, Idaho 83401, phone 208–524–7530, or fax 208–524–7505.

SUPPLEMENTARY INFORMATION: L&W Stone Corporation mines locatable flagstone on public lands administered by the BLM's Challis Field Office in Custer County, Idaho. L&W Stone submitted an Amended Plan of Operations for its quarry under the 43 CFR part 3809 Regulations in December 2002. In 2004, the BLM completed an Environmental Assessment (EA) regarding the Amended Plan of Operations, signed a Finding of No Significant Impact (FONSI), and approved the project. As a result of a lawsuit that was filed objecting to that approval, the BLM was ordered by the Federal District Court to prepare an EIS for the Amended Plan of Operations.

The DEIS analyzes and discloses the effects of four alternatives, including the No Action and BLM's Preferred Alternative. Alternative A, the No Action Alternative, would result in the cessation of quarrying activities and the implementation of reclamation measures that would stabilize disturbed areas. Alternative B would be a continuation of the interim mining plan that was developed by L&W Stone and approved by the District Court, which has allowed L&W Stone to mine while the EIS is being prepared. Alternative C would be a continuation of mining under the Preferred Alternative from BLM's 2004 EA. Alternative D, the BLM's Preferred Alternative described in the DEIS, would be similar to Alternative C, but would allow for the expansion of quarrying operations into two new areas that contain flagstone resources.

All Alternatives are consistent with the Challis Resource Management Plan and would protect public health, protect surface and groundwater resources, meet post-mining land use requirements, and minimize view-shed impacts.

L&W Stone will be required to submit an updated Plan of Operation that would incorporate the requirements of the Alternative that is selected by the BLM Authorized Officer.

David Rosenkrance,

BLM Challis Field Manager.

[FR Doc. E7–24206 Filed 12–13–07; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NV–050–5853–ES; N–81544; 8–08807; TAS:14X5232]

Notice of Realty Action: Lease/Conveyance for Recreation and Public Purposes of Public Lands in Clark County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action.

SUMMARY: Recreation and Public Purposes (R&PP) Act request for lease and subsequent conveyance of approximately 10 acres of public land in the City of Henderson, Clark County, Nevada. The City of Henderson proposes to use the land for a city fire station and public park.

DATES: Interested parties may submit written comments regarding the proposed lease/conveyance of the lands until January 28, 2008.

ADDRESSES: Mail written comments to the BLM Field Manager, Las Vegas Field Office, 4701 N. Torrey Pines Drive, Las Vegas, NV, 89130–2301.

FOR FURTHER INFORMATION CONTACT: Phil Rhinehart, (702) 515–5182.

SUPPLEMENTARY INFORMATION: The following described public land in Clark County, Nevada has been examined and found suitable for lease and subsequent conveyance under the provisions of the R&PP Act, as amended (43 U.S.C. 869 *et seq*). The parcel of land is located in the southeast corner of St. Rose Parkway via the newly adopted alignment of Rancho Destino Street and Bowles Street, Henderson, Nevada, and is legally described as:

Mount Diablo Meridian, Nevada

T. 23 S., R. 61 E.,
Sec. 9, SW¼NE¼NW¼.
The area described contains 10 acres, more or less.

In accordance with the R&PP Act, the City of Henderson has filed an R&PP application to develop the above described land as a city fire station and public park with related facilities to meet the emergency service and park space needs of this rapidly growing area. Related facilities include a fire warehouse, outdoor vehicle storage, training facilities, parking, public restrooms, shade structures, and pedestrian trails. Additional detailed information pertaining to this application, plan of development, and site plan is in case file N–81544, which is located in the BLM Las Vegas Field Office at the above address.

Cities are a common applicant under the public purposes provision of the R&PP Act. The City of Henderson is a political subdivision of the State of Nevada and is therefore a qualified applicant under the R&PP Act. The land is not required for any Federal purpose. The lease/conveyance is consistent with the BLM Las Vegas Resource Management Plan, dated October 5, 1998, and would be in the public interest. The lease/conveyance, when issued, will be subject to the provisions of the R&PP Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act, of August 30, 1890 (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

The lease/conveyance will be subject to:

1. Valid existing rights;

2. A right-of-way for an underground distribution line granted to Nevada Power Company, its successors and assigns, by right-of-way N–75952, pursuant to the Act of October 21, 1976, 090 Stat. 2776, 43 U.S.C. 1761;

3. A right-of-way for roads, drainage, and municipal utilities granted to the City of Henderson, its successors or assigns, by right-of-way N–77148, pursuant to the Act of October 21, 1976, 090 Stat. 2776, 43 U.S.C. 1761;

4. A right-of-way for fiber optic facilities granted to Nevada Power Company, its successor and assigns, by right-of-way N–78680, pursuant to the Act of October 21, 1976, 090 Stat. 2776, 43 U.S.C. 1761;

5. A right-of-way for power transmission lines granted to Nevada Power Company, its successors and assigns, by right-of-way N–78683, pursuant to the Act of October 21, 1976, 090 Stat. 2776, 43 U.S.C. 1761;

6. A right-of-way for power transmission lines granted to Nevada Power Company, its successors and assigns, by right-of-way N–78827, pursuant to the Act of October 21, 1976, 090 Stat. 2776, 43 U.S.C. 1761;

7. A right-of-way for an underground distribution line granted to Nevada Power Company, its successors and assigns, by right-of-way N–83665, pursuant to the Act of October 21, 1976, 090 Stat. 2776, 43 U.S.C. 1761.

Upon publication of this notice in the **Federal Register**, the land described above will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease/conveyance under the R&PP Act, leasing under the mineral leasing laws and disposals under the mineral material disposal laws.

Interested parties may submit written comments regarding the specific use proposed in the application and plan of development, whether BLM followed proper administrative procedures in reaching the decision to lease/convey under the R&PP Act, or any other factor not directly related to the suitability of the land for R&PP use. Any adverse comments will be reviewed by the BLM Nevada State Director, who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Only written comments submitted by postal service or overnight mail to the Field Manager, BLM Las Vegas Field Office, will be considered properly filed. Electronic mail, facsimile, or telephone comments will not be considered properly filed. Comments, including names and addresses of respondents, will be available for public review.

In the absence of any adverse comments, the decision will become effective on February 12, 2008. The lands will not be available for lease/conveyance until after the decision becomes effective.

(Authority: 43 CFR 2741.5)

Dated: November 30, 2007.

Mark Chatterton,

Assistant Field Manager, Non-Renewable Resources, Las Vegas, Nevada.

[FR Doc. E7–24219 Filed 12–13–07; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

[Docket No. MMS–2007–OMM–0072]

MMS Information Collection Activity: NEW Information Collection; Lease of Submerged Lands for Alternative Energy Activities on the OCS; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of a new information collection (1010–NEW) and request for comments.

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), MMS is inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) concerns the paperwork requirements that address new Form MMS–0001, Lease of Submerged Lands for Alternative Energy Activities on the Outer Continental Shelf (OCS), which is printed within this **Federal Register** notice. This form is used to enter into a leasing agreement between MMS and a respondent to conduct data collection and/or technology testing on the OCS. The MMS is also asking for comments on the lease form.

Section 388 of the Energy Policy Act of 2005 (Pub. L. 109–58), amended section 8 of the OCS Lands Act (43 U.S.C. 1337(p)) and gave responsibility to MMS to grant a lease, easement, or right-of-way on the OCS for alternative energy-related uses not otherwise authorized under the Lands Act.

DATES: Submit written comments by February 12, 2008.

ADDRESSES: You may submit comments by either of the following methods listed below.

• *Electronically:* go to *http://www.regulations.gov,* select ''Minerals Management Service'' from the agency drop-down menu, then click ''submit.'' In the Docket ID column, select MMS–2007–OMM–0072 to submit public comments and to view any supporting and related materials available. 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. All comments submitted will be published and posted to the docket after the closing period.

• Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; *Attention:* Cheryl Blundon; 381 Elden Street, MS–4024; Herndon, Virginia 20170–4817. Please reference ''Information Collection 1010–NEW'' in your comments.

FOR FURTHER INFORMATION CONTACT: Cheryl Blundon, Regulations and Standards Branch at (703) 787–1607. You may also contact Cheryl Blundon to obtain a copy, at no cost, of section 388 of the Energy Policy Act. You may contact Maureen A. Bornholdt, Program Manager, Alternative Energy Programs at 703–787–1300 for lease questions.

SUPPLEMENTARY INFORMATION: *Title:* Lease of Submerged Lands for Alternative Energy Activities on the OCS.

Form(s): MMS–0001.

OMB Control Number: 1010–NEW.

Abstract: Section 388 of the Energy Policy Act of 2005 (Pub. L. 109–58) amended the OCS Lands Act to add a new paragraph (p) to section 8 of the Act (43 U.S.C. 1337(p)) to allow the Department of the Interior, acting through the Minerals Management Service (MMS), to grant a lease, easement, or right-of-way on the OCS for alternative energy-related uses not otherwise authorized under the Lands Act. An early step in the process entails data collection and/or technology testing in order to assess alternative energy resources and production methodologies. This lease form and its requisite information collection are needed for MMS to authorize and convey rights under limited-term leases to conduct data collection and/or technology testing activities on specific areas of the OCS.

This information collection request (ICR) addresses the form and accompanying information, which will be used by MMS and the emerging alternative energy industry as a contract instrument to bind both parties as to their rights and responsibilities under the lease.

We will protect information from respondents considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR part 2). No items of a sensitive nature are collected. Responses are required to obtain or retain benefits.

Frequency: On occasion.

Estimated Number and Description of Respondents: Approximately 30 alternative energy respondents.

Estimated Reporting and Recordkeeping ''Hour'' Burden: We are requesting 7,595 hours. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

Form MMS–0001 sections and exhibit	Reporting or recordkeeping requirement	Hour burden
MMS–0001; Section 1.	Fill out and submit form MMS–0001, Lease Agreement, for consideration; execute lease	1.
1	Prepare and submit initial survey activities (e.g., geotechnical, geophysical, shallow hazard)	100.
2; 20	Designate operator when more than one lessee; report change of address	1.
4	Request extension of lease term and supporting documentation	2.
7	Notify MMS 72 hours prior to commencement/termination of lease; notify MMS when facility is back in service after being out of service for more than 7 days.	15 mins. for each requirement × 2 = 30 mins.
8	Submit plan/modification and supporting documentation	100.
8(c)	Conduct periodic reviews and inspections	2.
8(d)	Request for reconsideration of modification. (Exempt as defined in 5 CFR 1320.3(h)(9)	0.
10	Submit quarterly progress reports	4.
10	Upon request, make available all material used by lessee to interpret data	3.
10	Submit final progress report upon conclusion of activities or termination of lease; retain all data for 8 years from effective date.	4.
11	Lessee and relevant third-parties agree to confidential disclosure	1.
12	Allow access and make records available as requested by MMS inspectors; incorporate same requirement in any contract between lessee and third parties.	2.
13	Submit response within 30 days of violation indicating violation(s) were corrected and the correction date.	2.
14; 15	Demonstrate financial worth/ability to carry out present and future financial obligations; submit bond/additional security information.	4.
16	Request assignment or transfer of lease	30 mins.
17	Submit written relinquishment request	1.
18	Submit report detailing that lessee properly removed structures and restored the area	10.
19	Comply with and communicate nonprocurement debarment and suspension regulations	10 mins.
1–20	General departure and alternative compliance requests not specifically covered elsewhere in this form.	10.
Exhibit(s)	Compliance with individual stipulations on a case-by-case basis	5.

Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden: We have identified no non-hour cost burdens for this collection.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) requires each agency ''* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *.'' Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Agencies must also estimate the ''non-hour cost'' burdens to respondents or recordkeepers resulting from the collection of information. Therefore, if you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information, monitoring, and record storage facilities. You should not include estimates for equipment or services purchased: (i) before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

We will summarize written responses to this notice and address them in our submission for OMB approval. As a result of your comments, we will make any necessary adjustments to the burden in our submission to OMB.

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

We are incorporating the potential lease form and all versions of exhibit B into this notice so respondents will be able to specifically give MMS their comments. (Please note exhibit A is not included here because it is just identification of the area of the lease provided by MMS to the respondent).

U.S. Department of the Interior

Minerals Management Service

OMB Control Number 1010-xxxx

OMB Approval Expires xx/xx/xxxx

UNITED STATES DEPARTMENT OF THE INTERIOR MINERALS MANAGEMENT SERVICE

LEASE OF SUBMERGED LANDS FOR ALTERNATIVE ENERGY ACTIVITIES ON THE OUTER CONTINENTAL SHELF

Office
Washington, DC

Lease Number

Rental Rate

This lease is made under the authority of Section 43 U.S.C. 1337, subsection 8(p) of the Outer Continental Shelf Lands Act of August 7, 1953 (43 U.S.C. 1331 *et seq.*), as amended, (hereinafter called the ''Act''), between the United States of America, (hereinafter called ''Lessor'') acting through the Minerals Management Service, its authorized officer, and __ (hereinafter, whether one or more, called ''Lessee''). In consideration of the promises, terms, conditions, covenants, and stipulations contained herein or attached hereto, the parties mutually agree as follows:

Section 1. *Rights of Lessee.* Lessor hereby grants and leases to Lessee the exclusive right, subject to the terms and conditions of this lease, to conduct the alternative energy activities described in Exhibit ''B'' on the area of submerged lands of the Outer Continental Shelf (OCS) described in Exhibit ''A'' hereof, such area hereinafter referred to as the ''leased area.'' Except for the Initial Survey Activities described below, the rights granted Lessee herein are limited to the activities described in Exhibit ''B'' hereof and confer no preferential right to acquire, develop or operate commercially any alternative energy project on the OCS.

Upon execution of this lease and before submittal of the Project Plan required under Section 8, Lessee is authorized to conduct Initial Survey Activities including geotechnical, geophysical or shallow hazard surveys as Lessee deems necessary to identify the appropriate location on the leased area for placement of any facilities or other structures. The results of such Initial Survey Activities shall be provided to Lessor.

Section 2. *Designation of Operator.* When there is more than one Lessee, Lessees must designate an Operator. The designated Operator will have authority to act on behalf of all Lessees and to fulfill all of Lessees' obligations under this lease. Lessor must approve the designated Operator before the designated Operator may act on the Lessees' behalf.

Section 3. *Reservations to Lessor.* All rights in the leased area not expressly granted to Lessee by the Act or this lease are hereby reserved to Lessor. Lessor reserves the right to authorize other uses on the leased area that will not unreasonably interfere with activities authorized under this lease.

Section 4. *Effective Date and Lease Term.* This lease shall be effective on the date that it is signed by both parties (hereinafter ''effective date''). This lease shall expire five years from the effective date unless the Lessor, acting at its sole discretion upon the written request of Lessee, extends the term of this lease. Any request for an extension of the lease term shall be submitted to Lessor by Lessee not less than 30 days but not more than 90 days prior to the expiration of the lease. The request for extension of the lease term shall demonstrate to Lessor's satisfaction that Lessee reasonably needs more time to conduct the alternative energy activities described in Exhibit ''B.''

Section 5. *Statutes and Regulations.* This lease is issued subject to the Act, all applicable regulations, orders, guidelines, and directives issued pursuant to the Act.

Section 6. *Rentals.* Lessee shall pay Lessor on or before the first day of each lease year a rental as shown on the face hereof.

Section 7. *Notice of Commencement or Termination of Activities.* Lessee shall notify Lessor at least 72 hours prior to commencing installation of facilities. Lessee shall notify Lessor any time a facility is out of service for a period greater than 7 days and when the facility is returned to service.

Section 8. *Project Plan.* All activities in the leased area, except the Initial Survey Activities described in Section 1, shall be conducted in accordance with a Project Plan (hereinafter called the ''Plan'') prepared by Lessee and submitted to Lessor.

(a) Except for the Initial Survey Activities described in Section 1, Lessee may not conduct activities under this lease until Lessor has acknowledged receipt of the Plan and has raised no objections within 60 calendar days of receipt, or Lessor notifies Lessee that subsequent modifications to the plan have satisfied Lessor's initial objections.

(b) The Plan shall include the following information in form and content satisfactory to Lessor:

(1) A description of the proposed activities, including the technology intended to be utilized in conducting activities authorized by this lease and all surveys Lessee intends to conduct;

(2) The surface location and water depth for all proposed facilities to be constructed in the leased area;

(3) General structural and project installation information;

(4) A description of the safety, prevention and environmental protection features or measures that Lessee will use;

(5) A brief description of how facilities on the leased area will be removed and the leased area restored as required by Section 18 below; and

(6) Any other information reasonably requested by Lessor to ensure Lessee's activities on the OCS are conducted in a safe and environmentally sound manner.

(c) Lessee agrees to conduct periodic reviews and inspections of activities under the lease to ensure compliance with the provisions of the Plan and the terms and conditions of this lease.

(d) Any proposed modifications to the Plan shall be submitted to Lessor and Lessor shall have 30 calendar days to raise any objection to the proposed modification prior to implementation.

Section 9. *Compliance.* Lessee agrees to conduct all activities in the leased area in accordance with all applicable laws, rules and regulations.

Lessee further agrees that no activities authorized by this lease will be carried out in a manner that: (1) Could interfere with or endanger activities or operations under any lease issued or maintained pursuant to the Act or under any other license or approval issued by any Federal agency in accordance with applicable law prior to the issuance of this lease; (2) could cause any undue harm or damage to marine life; (3) could create hazardous or unsafe conditions; (4) could unreasonably interfere with or harm other uses of the leased area; or (5) could adversely affect sites, structures, or objects of historical or archaeological significance without notice to and direction from the Lessee on how to proceed.

Section 10. *Progress Reports.* Lessee shall submit to Lessor a quarterly progress report that shall include, at a minimum, the following information:

(a) A brief narrative of the overall progress since the beginning of the lease term or since the last progress report; and

(b) One copy of any and all studies, surveys, inspections or test reports compiled or completed during the given period.

Lessee shall also make available to Lessor upon request all raw data, analyses and computational models used by Lessee to interpret such data. At the conclusion of the activities covered by this lease, or at the termination of

this lease, whichever comes first, Lessee shall submit a final progress report. The final progress report shall include, at a minimum, a comprehensive narrative of Lessee's activities and results from testing, surveys and inspections. Lessee shall retain copies of all such progress and other reports for the duration of the lease term and three years thereafter.

Section 11. *Confidentiality.* To the extent permitted by applicable law, in particular the Freedom of Information Act and implementing regulations, Lessor shall keep confidential all information, including but not limited to studies, surveys, or test reports, received from Lessee for a period of no less than 60 months from receipt, unless disclosure is agreed to by the lessee(s) and all relevant third parties. The Lessor will follow the procedures set forth in 43 CFR § 2.23 with respect to objections to requests for commercial or financial information. Lessor shall be entitled to retain all reports and similar work product delivered to it by Lessee.

Section 12. *Inspections.* Lessee shall: (1) Allow prompt access to any authorized Federal inspector to the site of any activities conducted pursuant to this lease; and (2) provide any documents and records that are pertinent to occupational or public health, safety, or environmental protection that may be requested by MMS or other authorized Federal inspectors. Lessee shall incorporate these requirements in any contract between Lessee and third parties conducting activities on the leased area.

Section 13. *Violations, Suspensions and Cancellations.* If Lessee violates any provision of this lease, Lessor may, after giving written notice ordering lessee to cease and remedy all such violations, suspend any further activities of Lessee under this lease. Lessee may continue activities that are necessary to remedy any violation. If Lessee fails to remedy all violations within 30 days after receipt of a suspension notice, Lessor may, by written notice, cancel this lease and take appropriate action to recover all costs incurred by Lessor by reason of such violation(s). Cancellation of this lease due to any violation of the provisions of this lease by Lessee shall not entitle Lessee to compensation. Lessor, by written notice, may also suspend or cancel this lease when it is necessary (1) to comply with judicial decrees; (2) to respond to a serious threat of imminent harm or injury to human life, or natural, historical or archaeological resources; and (3) to respond to national security or defense requirements.

Section 14. Indemnification. Lessee shall indemnify Lessor for, and hold it harmless from, any claim, including claims for loss or damages suffered or costs or expenses incurred by Lessor arising out of any activities conducted by Lessee or its employees, contractors, subcontractors, or their employees, under this lease whenever such damage, cost or expense results from any breach of this lease by Lessee or its employees, contractors, subcontractors, or their employees, or from the wrongful or negligent act or omission of Lessee or its employees, or Lessee's contractors, subcontractors, or their employees, which causes death, personal injury or damage to property. Lessee shall pay Lessor for such damage, cost, or expense attributable to its breach or negligence or that of its employees, contractors, subcontractors, or their employees within 90 days after a written demand therefore by Lessor.

Section 15. *Security.* Lessee shall maintain at all times a surety bond or other form of security approved by Lessor in the amount of $300,000 (''base bond'') and shall furnish such additional security (''supplemental bond'') as may be required by Lessor if, at any time during the term of this lease, Lessor deems such additional security to be necessary.

Section 16. *Assignment or Transfer of Lease.* This lease may not be assigned or transferred in whole or in part without prior written approval of Lessor. Lessor reserves the right, in its sole discretion, to deny approval of any transfer or assignment.

Section 17. *Surrender of Lease.* Lessee may surrender this lease by filing with Lessor a written relinquishment that shall be effective on the date of filing, subject to the responsibility to remove property and restore the leased area pursuant to section 18.

Section 18. *Removal of Property and Restoration of the Leased Area on Termination of Lease.* Within a period of 1 year after cancellation, expiration, relinquishment or other termination of this lease, Lessee shall remove all devices, works and structures from the leased area and restore the leased area to its original condition before issuance of the lease in accordance with the conditions in Exhibit ''B.'' Within 90 days following the removal of property and restoration of the leased area, Lessee shall provide Lessor with a written report summarizing its facility removal and site restoration activities.

Section 19. *Debarment Compliance.* Lessee shall comply with the Department of the Interior's nonprocurement debarment and suspension regulations as required by 43 CFR part 42 and/or 2 CFR part 1400 and shall communicate the requirement to comply with these regulations to persons with whom it does business related to this lease by including this term in its contracts and transactions.

Section 20. *Notices.* Except for notices required under Section 7, which Lessee may provide orally, all notices or reports provided under the terms of this lease shall be in writing. Notices shall be delivered to the Lease Representative electronically, by hand, by facsimile, or by United States first class mail, adequate postage prepaid, to the specific persons listed below. Any party's address may be changed from time-to-time by such party giving notice as provided above. Until notice of any change of address is delivered as provided above, the last recorded address of either party shall be deemed the address for all notices required under this lease. For all operational matters, notices shall be provided to the party's Operations Representative as well as the Lease Representative.

(a) Lessor's Contact Information

Lease Representative	Operations
Representative: Name: Title: Address: Address: Phone: Fax: E-mail:	

(b) Lessee's Contact Information

Lease Representative	Operations
Representative: Name: Title: Address: Address: Phone: Fax: E-mail:	

THE UNITED STATES OF AMERICA, Lessor

(Lessee)

(Signature of Authorized Officer)

(Signature of Authorized Officer)

(Name of Signatory)

(Name of Signatory)

(Title)

(Title)

(Date)

(Date)

(Address of Lessee)

If this lease is executed by a corporation, it must bear the corporate seal.

PAPERWORK REDUCTION ACT OF 1995 (PRA) STATEMENT: The PRA (44 U.S.C. 3501 et seq.) requires us to inform you that we collect this information as part of authorizing respondents to conduct data collection and/or technology testing on the OCS. The MMS uses the information to evaluate and approve or disapprove the adequacy of the equipment and/or procedures to safely perform the proposed activities in an environmentally responsible manner. Responses are required for benefit. Proprietary data are covered under the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR part 2). 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. Public reporting burden for this form is estimated at 1 hour per response. This includes the time for completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of this form to the Information Collection Clearance Officer, Mail Stop 4230, Minerals Management Service, 1849 C Street, NW., Washington, DC 20240.

MMS Form MMS–0001 (January 2008)

EXHIBIT ''B''

TECHNOLOGY TESTING AND DEMONSTRATION ACTIVITIES WAVE AND/OR CURRENT RESOURCES

Lease Number

U.S. DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

LEASE OF SUBMERGED LANDS FOR ALTERNATIVE ENERGY ACTIVITIES ON THE OUTER CONTINENTAL SHELF

Lessor hereby grants to Lessee the right to conduct the following alternative energy activities for wave and/or current resources on the leased area. ''Wave and/or current resources'' means the ocean waves and/or currents moving across the leased area. These rights include:

(a) Constructing, installing, using, upgrading, maintaining, and removing buoys, turbines or other devices, to study wave and/or current flow, motion, frequency, speed, rise and fall, or direction, and other data in order to determine the potential to harness the wave and/or current resources on the leased area for the production of energy;

(b) Accessing the leased area for permitting, site analysis, extraction of soil and water samples, and other geotechnical analyses and tests necessary to determine the feasibility of converting the wave and/or current resources to electricity;

(c) Employing and testing technology and/or demonstrating Lessee's ability to convert wave and/or current resources to electricity and to collect and transmit that electricity to market;

(d) Installing and testing electrical generators, transformers and substations, electrical distribution and transmission lines, interconnection facilities and related equipment; and

(e) Any other activities necessary to establish the nature and extent of the wave and/or current resources on the leased area and to establish whether the leased area has sufficient wave and/or current resources for the commercial production and distribution of electricity.

Lessee's rights to conduct the aforesaid alternative energy activities are subject to the following stipulations.

Stipulation 1—

Note: Stipulations will be developed on a case-by-case basis depending upon location, technology utilized and other relevant factors, including site-specific findings from project-specific environmental analyses. Stipulations will also be developed taking into account environmental protections derived from the Alternative Energy Alternate Use (AEAU) programmatic Environmental Impact Statement (EIS).

EXHIBIT ''B''

DATA COLLECTION ACTIVITIES WAVE AND/OR CURRENT RESOURCES

Lease Number

U.S. DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

LEASE OF SUBMERGED LANDS FOR ALTERNATIVE ENERGY ACTIVITIES ON THE OUTER CONTINENTAL SHELF

Lessor hereby grants to Lessee the right to conduct the following alternative energy activities for wave and/or current resources on the leased area. ''Wave and/or current resources'' means the ocean waves and/or currents moving across the leased area. These rights include:

(a) Constructing, installing, using, upgrading, maintaining, and removing buoys, turbines or other devices, to study wave and/or current flow, motion, frequency, speed, rise and fall, or direction, and other data in order to determine the potential to harness the wave and/or current resources on the leased area for the production of energy;

(b) Accessing the leased area for permitting, site analysis, extraction of soil and water samples, and other geotechnical analyses and tests necessary to determine the feasibility of converting the wave and/or current resources to electricity; and

(c) Any other activities necessary to establish the nature and extent of the wave and/or current resources on the leased area and to establish whether the leased area has sufficient wave and/or current resources for the commercial production and distribution of electricity.

Lessee's rights to conduct the aforesaid alternative energy activities are subject to the following stipulations.

Stipulation 1—

Note: Stipulations will be developed on a case-by-case basis depending upon location, technology utilized and other relevant factors, including site-specific findings from project-specific environmental analyses. Stipulations will also be developed taking into account environmental protections derived from the Alternative Energy Alternate Use (AEAU) programmatic Environmental Impact Statement (EIS).

EXHIBIT ''B''

DATA COLLECTION ACTIVITIES WIND RESOURCES

Lease Number

U.S. DEPARTMENT OF THE INTERIOR

MINERALS MANAGEMENT SERVICE

LEASE OF SUBMERGED LANDS FOR ALTERNATIVE ENERGY ACTIVITIES ON THE OUTER CONTINENTAL SHELF

Lessor hereby grants to Lessee the right to conduct the following alternative energy data collection activities for wind resources on the leased area. ''Wind resources'' means the wind moving across the leased area. These rights include:

(a) Constructing, installing, using, upgrading, maintaining, and removing meteorological towers to study wind speed, wind direction, and other meteorological data in order to determine the potential of the wind resources on the leased area for the production of energy;

(b) Accessing the leased area for permitting, site analysis, extraction of soil and water samples, and other geotechnical analyses and tests necessary to determine the feasibility of converting the wind resources to electricity; and

(c) Any other activities necessary to establish the nature and extent of the

wind resources on the leased area and to establish whether the leased area has sufficient wind resources for the commercial production and distribution of electricity.

Lessee's rights to conduct the aforesaid alternative energy activities are subject to the following stipulations:

Stipulation 1—

Note: Stipulations will be developed on a case-by-case basis depending upon location, technology utilized and other relevant factors, including site-specific findings from project-specific environmental analyses. Stipulations will also be developed taking into account environmental protections derived from the Alternative Energy Alternate Use (AEAU) programmatic Environmental Impact Statement (EIS).

MMS Information Collection Clearance Officer: Arlene Bajusz (202) 208–7744.

Dated: December 7, 2007.

Randall B. Luthi,

Director, Minerals Management Service.

[FR Doc. E7–24252 Filed 12–13–07; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

National Park Service

30-Day Notice of Submission to the Office of Management and Budget; Opportunity for Public Comment

AGENCY: Department of the Interior, National Park Service.

ACTION: Notice and request for comments.

SUMMARY: Under provisions of the Paperwork Reduction Act of 1995 and 5 CFR part 1320, Reporting and Recordkeeping Requirements, the National Park Service (NPS) invites public comments on an extension of a currently approved collection of information (OMB #1024–0224).

DATES: Public comments on this Information Collection Request (ICR) will be accepted on or before January 14, 2008.

ADDRESSES: You may submit comments directly to the Desk Officer for the Department of the Interior (OMB #1024–0224), Office of Information and Regulatory Affairs, OMB, by fax at 202/395–6566, or by electronic mail at *oira_docket@omb.eop.gov.* Please also send a copy of your comments to Dr. James Gramann, NPS Social Science Program, 1201 ''Eye'' St., Washington, DC 20005; or via phone at 202/513–7189; or via e-mail at *James_Gramann@partner.nps.gov.*

FOR FURTHER INFORMATION CONTACT: Dr. James Gramann, NPS Social Science Program, 1201 ''Eye'' St., Washington, DC 20005; or via phone at 202/513–7189; or via e-mail at *James_Gramann@partner.nps.gov.* You are entitled to a copy of the entire ICR package free-of-charge.

Comments Received on the 60-Day Federal Register Notice

The NPS published a 60-Day Notice to solicit public comments on this ICR in the **Federal Register** on March 27, 2007 (Vol. 72, FR 1495). The comment period closed on May 29, 2007. After notifications to stakeholders requesting comments, the NPS received three public comments as a result of the publication of this 60-Day **Federal Register** Notice. In addition, the NPS took part in a workshop to discuss the program.

One commenter thought that enough information had been collected over the eight years that the Programmatic Approval for NPS-Sponsored Public Surveys has been in existence and that the program should be discontinued. In response, it is necessary to point out that the information collected is unique, as the needs of parks continue to change. The NPS conducts a detailed review of all information collections submitted under the Programmatic Approval process to ensure that studies are not duplicated and that the information being collected is useful and relevant to management of NPS units.

A second comment was received, which inquired about the nature of the Programmatic Approval. NPS staff explained the Programmatic Approval process, and the commenter had no further questions.

A final comment was submitted by a principal investigator who does research on behalf of the NPS. The researcher outlined a number of concerns with the Programmatic Approval process, including: The length of time a submission spends in the review process, the inability of principal investigators to conduct methodological work, a lack of acceptance of certain research approaches, inconsistency in the review process and a need for studies to be able to replicate previous questionnaire designs for comparability, and a lack of communication between Social Science Office and the principal investigators. In response, the Social Science Program has taken steps to improve communication with the research community by sending out e-mail updates, informing investigators of changes to the OMB process (extended review times, updated contact information, etc.). To address the comments of the researcher further, the Social Science Program took part in a session at the 2007 George Wright Society Conference to discuss the Programmatic Approval process with interested stakeholders, including principal investigators and park staff. During this session, representatives of the Social Science Program explained the Paperwork Reduction Act and the history and evolution of the Programmatic Approval. Stakeholders were given time to ask questions about the process and express concerns and support. Overall, the stakeholders were appreciative of the program's ability to allow research to be done, while they were concerned with perceived inconsistencies in reviews and the timeliness of obtaining approval. Based on these comments, the Social Science Program is working to enhance its capabilities to review and process submissions and continuing to maintain good communication with researchers and NPS field staff.

SUPPLEMENTARY INFORMATION:

Title: Programmatic Approval for NPS-Sponsored Public Survey.

Bureau Form Number(s): None.

OMB Number: 1024–0224.

Expiration Date: 01/31/2008.

Type of Request: Extension for a currently approved collection.

Description of Need: The NPS needs information concerning park visitors and visitor services, potential park visitors, and residents of communities near parks to provide park and NPS managers with usable knowledge for improving the quality and utility of agency programs, services, and planning efforts. Since many of the NPS surveys are similar in terms of the populations being surveyed, the types of questions being asked, and research methodologies, the NPS proposed and received clearance from OMB for a program of review for NPS-sponsored public surveys (OMB #1024–0224 exp. 8/31/2001; 3-year extension granted, exp. 9/30/2004).

The program presented an alternative approach to complying with the Paperwork Reduction Act. In the eight years since the NPS received clearance for the program of expedited review, 371 public surveys have been conducted in units of the National Park System. The benefits of this program have been significant to the NPS, the Department of the Interior, OMB, NPS cooperators, and the public. Significant time and cost savings have been incurred. Expedited approval was typically granted in 60 days or less from the date the Principal Investigator first submitted the survey package for review. This is a significant reduction over the approximate 6–8

months involved in the standard OMB review process. From FY 1999 through FY 2006, the expedited review process has accounted for a cost savings to the Federal Government and PIs estimated at $237,087. The obligation to respond is voluntary.

Comments are invited on: (1) The practical utility of the information being gathered; (2) the accuracy of the burden hour estimate; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden to respondents, including use of automated information collection techniques or other forms of information technology. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask OMB in your comment to withhold your personal identifying information from public review, we cannot guarantee that OMB will be able to do so.

Automated data collection; At the present time, there is no automated way to gather this information, since the information gathering process involves asking members of the public for their opinions on services and facilities that they used during their park visits, services and facilities they are likely to use on future park visits, and opinions regarding park management. The burden on individuals is minimized by rigorously designing public surveys to maximize the ability of the surveys to use small samples of individuals to represent large populations of the public, and by coordinating the program of surveys to maximize the ability of new surveys to build on the findings of prior surveys.

Frequency of collection: The program does not identify the frequency of collection because that number will be determined by the number of surveys submitted under the program.

Description of respondents: A sample of visitors to parks, potential visitors to parks, and residents of communities near parks.

Estimated average number of respondents: The program does not identify the number of respondents because that number will differ in each individual survey, depending on the purpose and design of each information collection.

Estimated average number of responses: The program does not identify the average number of responses because that number will differ in each individual survey. For most surveys, each respondent will be asked to respond only one time, so in those cases the number of responses will be the same as the number of respondents.

Estimated average time burden per respondent: The program does not identify the average burden hours per response because that number will differ from individual survey to individual survey, depending on the purpose and design of each information collection.

Frequency of Response: Most individual surveys will request only 1 response per respondent.

Estimated total annual reporting burden: The program identifies the requested total number of burden hours annually for all of the surveys to be conducted under its auspices to be 15,000 burden hours per year.

Dated: December 13, 2007.

Leonard E. Stowe,

NPS, Information Collection Clearance Officer.

[FR Doc. 07–6051 Filed 12–13–07; 8:45 am]

BILLING CODE 4312–53–M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting for the Denali National Park and Preserve Aircraft Overflights Advisory Council within the Alaska Region.

SUMMARY: The National Park Service (NPS) announces a meeting of the Denali National Park and Preserve Aircraft Overflights Advisory Council. The purpose of this meeting is to discuss mitigation of impacts from aircraft overflights at Denali National Park and Perserve. This meeting is open to the public and will have time allocated for public testimony. The public is welcomed to present written or oral comments. The meeting will be recorded and a summary will be available upon request from the Superintendent for public inspection approximately six weeks after each meeting. The Aircraft Overflights Advisory Council is authorized to operate in accordance with the provisions of the Federal Advisory Committee Act.

DATES: The Denali National Park and Preserve Aircraft Overflights Advisory Council meeting will be held on Thursday, February 7, 2008, from 1 p.m. to 4 p.m., Alaska Standard Time. The meeting may end early if all business is completed.

Location: Best Western Lake Lucille Inn, Frontier Room, 1300 West Lake Lucille Drive, Wasilla, Alaska 99654. Telephone: (907) 373–1776.

FOR FURTHER INFORMATION CONTACT: Mike Tranel, Chief of Planning. E-mail: *Mike_Tranel@nps.gov.* Telephone: (907) 644–3611 at National Park Service, Denali Planning, 240 W. 5th Avenue, Anchorage, AK 99501.

SUPPLEMENTARY INFORMATION: Meeting location and dates may need to be changed based on weather or local circumstances. If the meeting dates and location are changed, notice of the new meeting will be announced on local radio stations and published in local newspapers.

The agenda for the meeting will include the following, subject to minor adjustments:

1. Call to order.
2. Roll Call and Confirmation of Quorums.
3. Superintendent's Welcome and Introductions.
4. Review and Approve Agenda.
5. Status of Membership.
6. Member Reports.
7. Superintendent and NPS Staff Reports.
8. Setting Priorities for Advisory Council Work.
9. Discussion of Mitigation Actions for 2008.
10. Other New Business.
11. Agency and Public Comments.
12. Advisory Council Work Session.
13. Set time and place of next Advisory Council meeting.
14. Adjournment.

Dated: November 16, 2007.

Marcia Blaszak,

Regional Director, Alaska Region, National Park Service.

[FR Doc. 07–6052 Filed 12–13–07; 8:45 am]

BILLING CODE 4310–PF–M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Proposed Lower Yuba River Accord, Yuba County, CA

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of Availability for the Final Environmental Impact Report/ Environmental Impact Statement/ (EIR/ EIS).

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), the Bureau of Reclamation

(Reclamation) and the Yuba County Water Agency (YCWA) have prepared the Final EIR/EIS for the Proposed Lower Yuba River Accord (Yuba Accord). The Final EIR/EIS contains responses to comments received on the Draft EIR/EIS.

The purpose of the Yuba Accord is to resolve instream flow issues associated with operation of the Yuba River Development Project (Yuba Project) in a way that protects and enhances lower Yuba River fisheries and local water-supply reliability. At the same time, it would provide revenues for local flood control and water supply projects, water for the CALFED Program to use for protection and restoration of Sacramento-San Joaquin Delta (Delta) fisheries, and improvements in statewide water supply management, including supplemental water for the Central Valley Project (CVP) and the State Water Project (SWP).

A Notice of Availability of the Draft EIR/EIS was published in the **Federal Register** on Monday, July 2, 2007 (72 FR 36036). The public review period on the Draft EIR/EIS ended on August 24, 2007.

DATES: Under NEPA, no Federal decision can be made until at least 30 days after release of the Final EIR/EIS. When Reclamation completes the Record of Decision, it will identify the action to be implemented.

Under CEQA, YCWA certified the Final EIR/EIS on October 23, 2007 and filed a Notice of Determination (NOD) with the State Clearinghouse.

ADDRESSES: Send requests for a compact disk or a bound copy of the Final EIR/EIS to Dianne Simodynes, HDR Surface Water Resources, Inc., 1610 Arden Way, Suite 175, Sacramento, CA 95815–4041, telephone: (916) 569–1096. The Yuba Accord Final EIR/EIS will also be available on the Web at: *http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=2549*.

FOR FURTHER INFORMATION CONTACT: Mr. Tim Rust, Bureau of Reclamation, Division of Resources Management, 2800 Cottage Way, Sacramento, CA 95825, at (916) 978–5516, or by e-mail at *trust@mp.usbr.gov*; or Mr. Curt Aikens, YCWA, at 1220 F Street, Marysville, CA 95901, at (530) 741–6278, or by e-mail at *caikens@ycwa.com*.

SUPPLEMENTARY INFORMATION: The Yuba Accord represents an effort on the part of the Yuba River stakeholders to find a solution to the challenges of competing interests by providing water for fisheries, developing new tools to ensure local reliable water supply, crafting a revenue stream to pay for the Yuba Accord, and providing additional water for out-of-county environmental and consumptive uses. These various objectives would be met through implementation of the Yuba Accord, which includes the ''Principles of Agreement for Proposed Lower Yuba River Fisheries Agreement'' (Fisheries Agreement), the ''Principles of Agreement for Proposed Conjunctive Use Agreements'' (Conjunctive Use Agreements), and the ''Principles of Agreement for Proposed Long-term Transfer Agreement'' (Water Purchase Agreement).

The Yuba Accord agreements are:

- A Fisheries Agreement among YCWA, California Department of Fish and Game, and the collective non-governmental organizations, with the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration, National Marine Fisheries Service supporting the agreement. Under the Yuba Accord Fisheries Agreement, YCWA would revise the operation of the Yuba Project to provide instream flows in the lower Yuba River to protect and enhance fisheries and to increase downstream water supplies.
- Conjunctive Use Agreements between YCWA and water districts within Yuba County for the implementation of a comprehensive program of conjunctive use of surface water and groundwater supplies and actions to improve water use efficiencies.
- A Water Purchase Agreement among YCWA, the California Department of Water Resources (DWR), and Reclamation. Under this agreement, Reclamation and DWR would purchase water for the CALFED Environmental Water Account and for the CVP and SWP project uses.

All three of these agreements need to be in place for the Yuba Accord to be implemented.

The Final EIR/EIS analyzes the impacts of implementing the Yuba Accord on surface water hydrology, groundwater hydrology, water supply, hydropower, flood control, water quality, fisheries, wildlife, vegetation, special-status species, recreation, visual, cultural resources, Indian Trust Assets, air quality, land use, socioeconomic, growth inducement, and environmental justice resources and conditions. Alternatives evaluated in the Final EIR/EIS include the No Action Alternative, No Project Alternative, Proposed Project/Action Alternative (Yuba Accord Alternative), and Modified Flow Alternative. In addition, the Final EIR/EIS addresses other past, present, and reasonably foreseeable actions in conjunction with the implementation of the Yuba Accord, thus analyzing cumulative impacts. The Final EIR/EIS contains the comments received on the Draft EIR/EIS and responses to those comments.

Copies of the Final EIR/EIS are available for public review at the following locations:

- Bureau of Reclamation Library, 2800 Cottage Way, Sacramento, CA 95825.
- Yuba County Water Agency, 1220 F Street, Marysville, CA 95901.
- Department of Water Resources, Division of Environmental Services, 1416 Ninth Street, Sacramento, CA 95814.
- Sacramento Public Library, 828 I Street, Sacramento, CA 95814.
- Yuba County Library, 303 2nd Street, Marysville, CA 95901.

Dated: October 19, 2007.

Michael Jackson,

Acting Regional Director, Mid-Pacific Region.

[FR Doc. E7–24223 Filed 12–13–07; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF LABOR

Proposed Collection for Workforce Information Grants to States Application Instructions for Program Year (PY) 2008; Comment Request

AGENCY: Employment and Training Administration, Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning a revision to a currently approved collection for Workforce Information Grants to States under OMB Control Number 1205–0417.

A copy of the proposed information collection request (ICR) can be obtained

by contacting the office listed below in the addressee section of this notice or by accessing: *http://www.doleta.gov/OMBCN/OMBControlNumber.cfm*.

DATES: Written comments must be submitted to the office listed in the addressee's section below on or before February 12, 2008.

ADDRESSES: Submit written comments to the Employment and Training Administration, Room S–4231, 200 Constitution Avenue, NW., Washington, DC 20210, Attention: Anthony Dais, Telephone number: 202–693–2784 (this is not a toll-free number). Fax: 202–693–3015. E-mail: *dais.anthony@dol.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

In May 2005, The Employment and Training Administration (ETA) received three year approval from the Office of Management and Budget (OMB) to publish without change the annual planning guidance for the Workforce Information Grants to States under OMB Control Number 1205–0417. This approval is scheduled to expire on May 31, 2008.

This **Federal Register** Notice is to request public comments and recommendations regarding the revision of the information collection.

The purpose of the information collection is to strengthen and support state workforce and economic information integration, analysis and distribution; retain a high level of state flexibility; and reduce the state reporting burden. It is ETA's goal to continue the transformation of workforce information and services to support regional economies. Therefore, ETA expects states to participate in regionally-focused economic and workforce activities; actively collaborate with economic development, business and education partners to create and utilize an array of current and real-time workforce and economic data; integrate workforce information and economic data in a manner that results in accessible, user-friendly tools and products; assist economic development project teams assess and identify asset gaps; and help develop integrated economic development strategies that unify workforce and economic development systems. The data/information collection required from each grantee includes:

(a) Submission of an annual state certification of a statement of work attesting to the planned accomplishment of expected grant deliverables signed by the Governor, or by both the Administrator of the State Workforce Agency (SWA) and the Chair of the State Workforce Investment Board (SWIB).

(b) A published detailed state economic analysis report for use by the Governor and the SWIB.

(c) Submission of an annual grant performance report signed by the Governor, or by both the Administrator of the SWA and Chair of the SWIB.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions

Notice—Proposed collection; comment request.

Type of Review: Revision.

Agency: Employment and Training Administration.

Title: Workforce Information Grants to States Application Instructions for Program Year (PY) 2008.

OMB Number: 1205–0417.

Recordkeeping: N/A.

Affected Public: State, Local, or Tribal Government.

Form: N/A.

Total Respondents: 54.

Frequency: Annual.

Total Responses: 162.

Average Time per Response: Grant Prep & Certification—63 hours; State Economic Analysis Report—434 hours; and Annual Report (on state grant performance)—80 hours;

Estimated Total Burden Hours: 31,158.

Total Burden Cost: $0.

Activity	Number of respondents	Responses per year	Total responses	Hour per response	Total burden hours
Grant Prep & Certification	54	1	54	63	3,402
State Economic Analysis Report	54	1	54	434	23,436
Annual Report	54	1	54	80	4,320
Totals	54	3	162	577	31,158

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: December 7, 2007.

Gay M. Gilbert,

Administrator, Office of Workforce Investment, Employment and Training Administration.

[FR Doc. E7–24180 Filed 12–13–07; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2007–0085]

Underground Construction Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comment.

SUMMARY: OSHA solicits public comment concerning its proposal to extend OMB approval of the information collection requirements specified in the Underground Construction Standard (29 CFR 1926.800).

DATES: Comments must be submitted (postmarked, sent, or received) by February 12, 2008.

ADDRESSES: *Electronically:* You may submit comments and attachments electronically at *http://www.regulations.gov*, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit three copies of your comments and attachments to the OSHA Docket Office, OSHA Docket No. OSHA–2007–0085, U.S. Department of Labor, Occupational Safety and Health Administration, Room N–2625, 200 Constitution Avenue, NW., Washington, DC 20210. 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. to 4:45 p.m., ET.

Instructions: All submissions must include the Agency name and OSHA docket number for the ICR (OSHA–2007–0085). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov*. For further information on submitting comments see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Stewart Burkhammer at the address below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Stewart Burkhammer, Directorate of Construction, OSHA, U.S. Department of Labor, Room N–3468, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–2020.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (i.e., employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)).

This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

Posting warning signs or notices. Seven paragraphs in the Underground Construction Standard (''the Standard''), 29 CFR 1926.800, require employers to post warning signs or notices during underground construction; these paragraphs are (b)(3), (i)(3), (j)(1)(vi)(A), (m)(2)(ii), (o)(2), (q)(11), and (t)(1)(iv)(B). The warning signs and notices required by these paragraphs enable employers to effectively alert employees to the presence of hazards or potential hazards at the job site, thereby preventing employee exposure to hazards or potential hazards associated with underground construction that could cause death or serious harm.

Certification of inspection records for hoists. Paragraph (t)(3)(xxi) of the Standard requires employers to inspect and load test hoists when they install them, and at least annually thereafter; they must also inspect and load test a hoist after making any repairs or alterations to it that affect its structural integrity, and after tripping a safety device on the hoist. Employers must also prepare a certification record of each inspection and load test that includes specified information, and maintain the most recent certification record until they complete the construction project.

Establishing and maintaining a written record of the most recent inspection and load test alerts equipment mechanics to problems identified during the inspection. Prior to returning the equipment to service, employers can review the records to ensure that the mechanics performed the necessary repairs and maintenance. Accordingly, by using only equipment that is in safe working order, employers will prevent severe injury and death to the equipment operators and other employees who work near the equipment. In addition, these records provide the most efficient means for OSHA compliance officers to determine that an employer performed the required inspections and load tests, thereby assuring that the equipment is safe to operate.

Developing and maintaining records for air quality tests. Paragraph (j)(3) of the Standard mandates that employers develop records for air quality tests performed under paragraph (j), including air quality tests required by paragraphs (j)(1)(ii)(A) through (j)(1)(iii)(A), (j)(1)(iii)(B), (j)(1)(iii)(C), (j)(1)(iii)(D), (j)(1)(iv), (j)(1)(v)(A), (j)(1)(v)(B), and (j)(2)(i) through (j)(2)(v).

Paragraph (j) also requires that air quality records include specified information, and that employers maintain the records until the underground construction project is complete; they must also make the records available to OSHA compliance officers on request.

Maintaining records of air quality tests allows employers to document atmospheric hazards, and to ascertain the effectiveness of controls (especially ventilation) and implement additional controls if necessary. Accordingly, these requirements prevent serious injury and death to employees who work on underground construction projects. In addition, these records provide an efficient means for employees to evaluate the accuracy and effectiveness of an employer's exposure reduction program, and for OSHA compliance officers to determine that employers performed the required tests and implemented appropriate controls.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting that OMB extend its approval of the information collection requirements contained in the Underground Construction Standard (29 CFR 1926.800). The Agency is requesting to retain its current burden hour total of 57,949 hours associated with this Standard. The Agency will summarize the comments submitted in response to this notice and will include this summary in the request to OMB.

Type of Review: Extension of currently approved information collection requirements.

Title: Underground Construction Standard (29 CFR 1926.800).

OMB Number: 1218–0067.

Affected Public: Business or other for-profit; not-for-profit institutions; Federal government; State, local, or Tribal governments.

Number of Respondents: 323.

Frequency of Response: Varies from recording air quality tests twice per shift to posting a warning sign or notice once every two years.

Average Time per Response: Varies from 30 seconds to read and record air quality test results to one hour to inspect, load test, and complete and maintain a certification record for a hoist.

Average Time per Response: Varies from 2 minutes (.03 hour) to post emergency numbers to 15 minutes (.25 hour) to develop and post load limits for floors.

Estimated Total Burden Hours: 57,949.

Estimated Cost. (Operation and Maintenance): $0.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://www.regulations.gov*, which is the Federal eRulemaking Portal; (2) by facsimile (FAX); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for the ICR (Docket No. OSHA–2007–0085). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627).

Comments and submissions are posted without change at *http://www.regulations.gov*. Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and date of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (e.g., copyrighted material) is not publicly available to read or download through this website. 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 submit comments and access the docket is available at the website's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available through the Web site, and for assistance in using the Internet to locate docket submissions.

V. Authority and Signature

Edwin G. Foulke, Jr., Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 et seq.) and Secretary of Labor's Order No. 5–2007 (72 FR 31159).

Signed at Washington, DC, on December 10, 2007.

Edwin G. Foulke, Jr.,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. E7–24209 Filed 12–13–07; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2007–0084]

Construction Standards on Posting Emergency Telephone Numbers and Floor Load Limits; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comment.

SUMMARY: OSHA solicits public comment concerning its proposal to extend OMB approval of the information collection requirements specified by the Construction Standards on Posting Emergency Telephone Numbers and Floor Load Limits (paragraph (f) of § 1926.50 and paragraph (a)(2) of § 1926.250, respectively).

DATES: Comments must be submitted (postmarked, sent, or received) by February 12, 2008.

ADDRESSES: *Electronically:* You may submit comments and attachments electronically at *http://www.regulations.gov*, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer

than 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit three copies of your comments and attachments to the OSHA Docket Office, OSHA Docket No. OSHA–2007–0084, U.S. Department of Labor, Occupational Safety and Health Administration, Room N–2625, 200 Constitution Avenue, NW., Washington, DC 20210. 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. to 4:45 p.m., ET.

Instructions: All submissions must include the Agency name and OSHA docket number for the ICR (OSHA–2007–0084). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov*. For further information on submitting comments see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Stewart Burkhammer at the address below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Stewart Burkhammer, Directorate of Construction, OSHA, U.S. Department of Labor, Room N–3468, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–2020.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (i.e., employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)).

This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

Two construction standards, ''Medical Services and First Aid'' (§ 1926.50), and ''General Requirements for Storage'' (§ 1926.250), contain posting provisions. Paragraph (f) of § 1926.50 requires employers to post emergency telephone numbers for physicians, hospitals, or ambulances at the worksite if the 911 emergency telephone service is not available; in the event an employee has a serious injury at the worksite, this posting requirement expedites emergency medical treatment of the employee. Paragraph (a)(2) of § 1926.250 specifies that employers must post the maximum safe load limits of floors located in storage areas inside buildings or other structures, unless the floors are on grade. This provision prohibits employers from overloading floors in areas used to store material and equipment in multi-story units that are under construction, thereby preventing the floors from collapsing and seriously injuring employees.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting that OMB extend its approval of the information collection requirements contained in the two construction standards, ''Medical Services and First Aid'' paragraph (f) of § 1926.50, and ''General Requirements for Storage'' paragraph (a)(2) of § 1926.250. The Agency is requesting to increase its current burden hour total from 8,901 hours to 197,819, for a total increase of 188,918 hours associated with these two Standards. The Agency will summarize the comments submitted in response to this notice and will include this summary in the request to OMB.

Type of Review: Extension of currently approved information collection requirements.

Title: Construction Standards on the Posting of Emergency Telephone Numbers and Floor Load Limits.

OMB Number: 1218–0093.

Affected Public: Business or other for-profit; not-for-profit institutions; Federal Government; State, local, or Tribal governments.

Number of Respondents: 801,837.

Frequency of Response: On occasion.

Total Responses: 1,591,674.

Average Time per Response: Varies from 2 minutes (.03 hour) to post emergency numbers to 15 minutes (.25 hour) to develop and post load limits for floors.

Estimated Total Burden Hours: 197,819.

Estimated Cost (Operation and Maintenance): $0.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://www.regulations.gov*, which is the Federal eRulemaking Portal; (2) by facsimile (FAX); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for the ICR (Docket No. OSHA–2007–0084). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a

significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627).

Comments and submissions are posted without change at *http://www.regulations.gov*. Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and date of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (e.g., copyrighted material) is not publicly available to read or download through this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* Web site to submit comments and access the docket is available at the Web site's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available through the Web site, and for assistance in using the Internet to locate docket submissions.

V. Authority and Signature

Edwin G. Foulke, Jr., Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 5–2007 (72 FR 31159).

Signed at Washington, DC, on December 10, 2007.

Edwin G. Foulke, Jr.,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. E7–24210 Filed 12–13–07; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel Federal Advisory Committee; Notice of Charter Renewal

AGENCY: The National Endowment for the Humanities.

ACTION: Notice of Renewal.

SUMMARY: Under the provisions of the Federal Advisory Committee Act of 1972, 5 U.S.C. App. 2 (Pub. L. 92–463, 86 Stat. 770), as amended, the National Endowment for the Humanities (NEH) gives notice that it will renew the charter for the Humanities Panel for 2 years from December 29, 2007 to December 29, 2009. The Chairman of NEH has determined that the renewal of the Humanities Panel is necessary and in the public interest in connection with the performance of duties imposed upon the Chairman of NEH by the Federal Advisory Committee Act of 1972, 5 U.S.C. App. 3(2) (Pub. L. 92–463, 86. Stat. 770), as amended, and section 10(a)(4) of the National Foundation on the Arts and the Humanities Act of 1965, 20 U.S.C. 959(a)(4), as amended.

FOR FURTHER INFORMATION CONTACT: Heather C. Gottry, Acting Committee Management Officer, 1100 Pennsylvania Avenue, NW., Room 529, Washington, DC 20506. (Phone: (202) 606–8322, facsimile (202) 606–8600, or e-mail to *gencounsel@neh.gov*.) Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on (202) 606–8282.

SUPPLEMENTARY INFORMATION: The Humanities Panel is a Federal advisory committee under 5 U.S.C. App. 2 (Pub. L. 92–463, 86. Stat. 770). The purpose and objective of the Humanities Panel is to advise the National Council on the Humanities and the Chairman of the NEH concerning policies, programs, and procedures of the Endowment as requested. The Humanities Panel furthermore makes recommendations on applications for financial support submitted to NEH.

Members of the Humanities Panel are selected on the basis of their subject matter expertise in a humanities discipline or on the basis of their experience in a humanities institution, or both, in order to ensure that all applications are reviewed under the highest standards of excellence in the humanities. The NEH selects panelists from a broad range of humanities disciplines (including languages, literature, history, jurisprudence, philosophy, archaeology, comparative religion, ethics, and the history, criticism, and theory of the arts). Panelists also are selected from a wide range of humanities institutions (including colleges, universities, archives, libraries, museums and historical societies). By statute, the Humanities Panel is also required to have broad geographic and culturally diverse representation.

Dated: December 11, 2007.

Heather C. Gottry,

Acting Committee Management Officer.

[FR Doc. E7–24268 Filed 12–13–07; 8:45 am]

BILLING CODE 7536–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70–143]

Notice of Issuance of License Amendment for Nuclear Fuel Services, Inc., Erwin, TN

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Issuance of License Amendment.

FOR FURTHER INFORMATION CONTACT: Kevin Ramsey, Project Manager, Fuel Manufacturing Branch, Fuel Facility Licensing Directorate, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. *Telephone:* (301) 492–3123; *fax number:* (301) 492–3359; *e-mail: kmr@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

Pursuant to 10 CFR 2.106, the Nuclear Regulatory Commission (NRC) is providing notice of the issuance of License Amendment 79 to Material License No. SNM–124, to Nuclear Fuel Services, Inc. (the licensee), to authorize an increase in the possession limit for uranium enriched up to 100 percent in the uranium-235 isotope at the licensee's facility in Erwin, Tennessee. The licensee's request for the proposed license amendment was previously noticed in the **Federal Register** on October 18, 2007 (72 FR 59117), with a notice of an opportunity to request a hearing.

This license amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended, and NRC's rules and regulations as set forth in 10 CFR Chapter 1. Accordingly, this license amendment was issued on November 23, 2007, and is effective immediately.

II. Further Information

The NRC has prepared a Safety Evaluation Report (SER) that documents the information that was reviewed and NRC's conclusion. In accordance with 10 CFR 2.390 of the NRC's ''Rules of Practice,'' details with respect to this action, including the SER and accompanying documentation included in the license amendment package, 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 ADAMS

accession number for the license amendment is ML073190567. 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 Rockville, Maryland, this 6th day of December, 2007.

For the Nuclear Regulatory Commission.

Kevin M. Ramsey,

Acting Chief, Fuel Manufacturing Branch, Fuel Facility Licensing Directorate, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.

[FR Doc. E7–24289 Filed 12–13–07; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–280 And 50–281]

Virginia Electric and Power Company, Surry Power Station, Unit Nos. 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to revise the licensing basis for Facility Operating License Nos. DPR–32 and DPR–37, issued to Virginia Electric and Power Company (the licensee), for operation of the Surry Power Station, Unit Nos. 1 and 2 (Surry 1 and 2), located in Surry county, Virginia. Therefore, as required by 10 CFR 51.21, the NRC is issuing this environmental assessment and finding of no significant impact.

Environmental Assessment

Identification of the Proposed Action

The proposed action would authorize the licensee to revise the Updated Final Safety Analysis Report (UFSAR) to permit an increase in the irradiation of the Surry 1 and 2 fuel assemblies beginning with Surry 1 and 2 improved fuel (SIF) assemblies with ZIRLO cladding from a lead rod average burnup of 60,000 to 62,000 megawatt days (MWd)/metric tons of uranium (MTU). Since the burnup restriction is not explicitly stated in the Surry 1 and 2 license conditions or Technical Specifications, the licensee incorporated it into Section 3.5.2.6.1 of the Surry 1 and 2 UFSAR to ensure that the burnup limit is not exceeded when reload design evaluations are performed. The licensee will continue to apply the current burnup limit of 60,000 MWd/MTU for old fuel assemblies, if used, in the spent fuel pool with Zircaloy-4 cladding. In addition, the licensee will maintain the peak rod average burnup limits in the Surry 1 and 2 UFSAR.

The proposed action is in accordance with the licensee's application dated March 6, 2007.

The Need for the Proposed Action

The proposed action will allow the licensee to design reloads to a lead rod average burnup limit of 62,000 MWd/MTU, which has an appreciable economic benefit. The licensee states that ''Recent reload patterns have been degraded at an economic penalty to maintain the burnup below the existing limit [60,000 MWd/MTU].''

Environmental Impacts of the Proposed Action

The NRC has completed its safety evaluation of the proposed action and concludes that SIF mechanical design, LOCA analysis, non-LOCA transient analyses, and the proposed UFSAR changes are acceptable to a peak rod average of 62,000 MWd/MTU. The NRC staff previously completed an environmental assessment of the effects of extending fuel burnup above 60,000 MWd/MTU through NUREG/CR–6703 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML010310298), and determined that there are no significant adverse environmental impacts associated with extending peak-rod fuel burnup to 62,000 MWd/MTU. The environmental effects of extending Surry 1 and 2 lead rod average burnup limit to 62,000 MWd/MTU are also bounded by NUREG/CR–6703.

The details of the staff's safety evaluation will be provided in the license amendment that will be issued as part of the letter to the licensee approving the license amendment to the regulation.

The proposed action will not significantly increase the probability or consequences of accidents. No changes are being made in the types of effluents that may be released off site. There is no significant increase in the amount of any effluent released off site. There is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not have a potential to affect any historic site. The proposed action does not result in any significant changes to land use or water use, or result in any significant changes to the quality or quantity of effluents. It does not affect non-radiological plant effluents and no changes to the National Pollution Discharge Elimination System permit are needed. No effects on the aquatic or terrestrial habitat in the vicinity of the plant, or to endangered or threatened species, or to the habitats of endangered or threatened species are expected, and has no other environmental impact, therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

The proposed action will not change the method of generating electricity or the method of handling any effluents from the environment or non-radiological effluents to the environment. Therefore, no changes or different types of non-radiological environmental impacts are expected as a result of the proposed amendments.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the ''no-action'' alternative). Denial of the application would result in no significant change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

The action does not involve the use of any different resources than those previously considered in the Final Environmental Statement for Surry 1 and 2, May and June 1972, respectively, and the supplemental environmental impact assessment for license renewal issued on November 30, 2002.

Agencies and Persons Consulted

In accordance with its stated policy, on November 27, 2007, the staff consulted with Mr. Les Foldesi, Director of the Bureau of Radiological Health, Commonwealth of Virginia, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the

human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated March 6, 2007 (ADAMS Accession No. ML070720620). Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1–800–397–4209 or 301–415–4737, or send an e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 10th day of December 2007.

For the Nuclear Regulatory Commission.

Siva P. Lingam,

Project Manager, Plant Licensing Branch II–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. E7–24290 Filed 12–13–07; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Independent External Review Panel To Identify Vulnerabilities in the U.S. Nuclear Regulatory Commission's Materials Licensing Program: Meeting Notice

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of Meeting.

SUMMARY: NRC will convene a meeting of the Independent External Review Panel to Identify Vulnerabilities in the U.S. Nuclear Regulatory Commission's (NRC) Materials Licensing Program from January 8 through January 11, 2008. A sample of agenda items to be discussed during the public session includes: (1) The NRC's basis for classifying Category 3.5 sources; (2) Web-based Licensing; (3) National Source Tracking System; and (4) source security. A copy of the agenda for the meeting can be obtained by e-mailing Mr. Aaron T. McCraw at the contact information below.

Purpose: Continue the panel's assessment of the NRC's licensing program by exploring Web-based Licensing, the National Source Tracking System, and the NRC's measures to enhance source security.

Date and Time for Closed Sessions: January 11, 2008, from 9 a.m. to 12 p.m. This session will be closed so that NRC staff and the Review Panel can discuss safeguards information and pre-decisional information pursuant to 5 U.S.C. 552b (c)(3) and 5 U.S.C. 552b (c)(9)(B), respectively.

Date and Time for Open Sessions: January 8, 2008, from 2 p.m. to 4:30 p.m.; and January 9–10, from 9 a.m. to 4:30 p.m.

Address for Public Meeting: U.S. Nuclear Regulatory Commission, Two White Flint North Building, 11545 Rockville Pike, Rockville, Maryland 20852. Specific room locations will be indicated for each day on the agenda.

Public Participation: Any member of the public who wishes to participate in the meeting should contact Mr. McCraw using the information below.

Contact Information: Aaron T. McCraw, e-mail: *atm@nrc.gov*, *telephone:* (301) 415–1277.

Conduct of the Meeting

Mr. Thomas E. Hill will chair the meeting. Mr. Hill will conduct the meeting in a manner that will facilitate the orderly conduct of business. The following procedures apply to public participation in the meeting:

1. Persons who wish to provide a written statement should submit an electronic copy to Mr. McCraw at the contact information listed above. All submittals must be received by January 1, 2008, and must pertain to the topics on the agenda for the meeting.

2. Questions and comments from members of the public will be permitted during the meeting, at the discretion of the Chairman.

3. The transcript and written comments will be available for inspection at the NRC Public Document Room, 11555 Rockville Pike, Rockville, Maryland 20852–2738, telephone (800) 397–4209, on or about May 1, 2008.

4. Persons who require special services, such as those for the hearing impaired, should notify Mr. McCraw of their planned attendance.

This meeting will be held in accordance with the Atomic Energy Act of 1954, as amended (primarily Section 161a); the Federal Advisory Committee Act (5 U.S.C. App); and the Commission's regulations in Title 10, *U.S. Code of Federal Regulations*, Part 7.

Dated: December 10, 2007.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. E7–24286 Filed 12–13–07; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Procurement Thresholds for Implementation of the Trade Agreements Act of 1979

AGENCY: Office of the United States Trade Representative.

ACTION: Determination of procurement thresholds under the World Trade Organization Agreement on Government Procurement, the United States-Australia Free Trade Agreement, the United States-Bahrain Free Trade Agreement, the United States-Chile Free Trade Agreement, the Dominican Republic-Central American-United States Free Trade Agreement, the United States-Morocco Free Trade Agreement, the North American Free Trade Agreement, and the United States-Singapore Free Trade Agreement.

FOR FURTHER INFORMATION CONTACT: Jean Heilman Grier, Senior Procurement Negotiator, Office of the United States Trade Representative, (202) 395–9476 or *Jean_Grier@ustr.eop.gov*.

SUMMARY: Executive Order 12260 requires the United States Trade Representative to set the U.S. dollar thresholds for application of Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511 *et seq.*), which implements U.S. trade agreement obligations, including those under the World Trade Organization (WTO) Agreement on Government Procurement, Chapter 15 of the United States-Australia Free Trade Agreement (U.S.-Australia FTA), Chapter 9 of the United States-Bahrain Free Trade Agreement (U.S.-Bahrain FTA), Chapter 9 of the United States-Chile Free Trade Agreement (U.S.-Chile FTA), Chapter 9 of the Dominican Republic-Central American-United States (DR-CAFTA), Chapter 9 of the United States-Morocco Free Trade Agreement (U.S.-Morocco FTA), Chapter 10 of the North American Free Trade Agreement (NAFTA), and Chapter 13 of the United States-Singapore Free Trade Agreement (U.S.-Singapore FTA). These obligations apply to covered procurements valued at or above specified U.S. dollar thresholds.

Now, therefore, I, Susan C. Schwab, United States Trade Representative, in conformity with the provisions of Executive Order 12260, and in order to carry out U.S. trade agreement obligations under the WTO Agreement on Government Procurement, Chapter 15 of the U.S.-Australia FTA, Chapter 9 of the U.S.-Bahrain FTA, Chapter 9 of the U.S.-Chile FTA, Chapter 9 of DR-CAFTA, Chapter 9 of the U.S.-Morocco

FTA, Chapter 10 of NAFTA, and Chapter 13 of the U.S.-Singapore FTA, do hereby determine, effective on January 1, 2008:

For the calendar years 2008–2009, the thresholds are as follows:

I. WTO Agreement on Government Procurement

A. Central Government Entities listed in U.S. Annex 1:

(1) Procurement of goods and services—$194,000; and

(2) Procurement of construction services—$7,456,000.

B. Sub-Central Government Entities listed in U.S. Annex 2:

(1) Procurement of goods and services—$529,000; and

(2) Procurement of construction services—$7,456,000.

C. Other Entities listed in U.S. Annex 3:

(1) Procurement of goods and services—$596,000; and

(2) Procurement of construction services—$7,456,000.

II. U.S.-Australia FTA, Chapter 15

A. Central Government Entities listed in the U.S. Schedule to Annex 15–A, Section 1:

(1) Procurement of goods and services—$67,826; and

(2) Procurement of construction services—$7,456,000.

B. Sub-Central Government Entities listed in the U.S. Schedule to Annex 15–A, Section 2:

(1) Procurement of goods and services—$529,000; and

(2) Procurement of construction services—$7,456,000.

C. Other Entities listed in the U.S. Schedule to Annex 15–A, Section 3:

(1) Procurement of goods and services for List A Entities—$339,132;

(2) Procurement of goods and services for List B Entities—$596,000;

(3) Procurement of construction services—$7,456,000.

III. U.S.-Bahrain FTA, Chapter 9

A. Central Government Entities listed in the U.S. Schedule to Annex 15–A, Section 1:

(1) Procurement of goods and services—$194,000; and

(2) Procurement of construction services—$8,817,449.

B. Other Entities listed in the U.S. Schedule to Annex 9–A, Section 3:

(1) Procurement of goods and services for List B entities—$596,000; and

(2) Procurement of construction services—$10,852,752.

IV. U.S.-Chile FTA, Chapter 9

A. Central Government Entities listed in the U.S. Schedule to Annex 9.1, Section A:

(1) Procurement of goods and services—$67,826; and

(2) Procurement of construction services—$7,456,000.

B. Sub-Central Government Entities listed in the U.S. Schedule to Annex 9.1, Section B:

(1) Procurement of goods and services—$529,000; and

(2) Procurement of construction services—$7,456,000.

C. Other Entities listed in the U.S. Schedule to Annex 9.1, Section C:

(1) Procurement of goods and services for List A Entities— $339,132;

(2) Procurement of goods and services for List B Entities— $596,000;

(3) Procurement of construction services—$7,456,000.

V. DR–CAFTA, Chapter 9

A. Central Government Entities listed in the U.S. Schedule to Annex 9.1, Section A:

(1) Procurement of goods and services—$67,826; and

(2) Procurement of construction services—$7,456,000.

B. Sub-Central Government Entities listed in the U.S. Schedule to Annex 9.1, Section B:

(1) Procurement of goods and services—$529,000; and

(2) Procurement of construction services—$7,456,000.

C. Other Entities listed in the U.S. Schedule to Annex 9.1, Section C:

(1) Procurement of goods and services for List B Entities— $596,000;

(2) Procurement of construction services—$7,456,000.

VI. U.S.-Morocco FTA, Chapter 9

A. Central Government Entities listed in the U.S. Schedule to Annex 9.1, Section A:

(1) Procurement of goods and services—$194,000; and

(2) Procurement of construction services—$7,456,000.

B. Sub-Central Government Entities listed in the U.S. Schedule to Annex 9.1, Section B:

(1) Procurement of goods and services—$529,000; and

(2) Procurement of construction services—$7,456,000.

C. Other Entities listed in the U.S. Schedule to Annex 9.1, Section C:

(1) Procurement of goods and services for List B Entities— $596,000;

(2) Procurement of construction services—$7,456,000.

VII. NAFTA, Chapter 10

A. Federal Government Entities listed in the U.S. Schedule to Annex 1001.1a–1:

(1) Procurement of goods and services—$67,826; and

(2) Procurement of construction services—$8,817,449.

B. Government Enterprises listed in the U.S. Schedule to Annex 1001.1a–2:

(1) Procurement of goods and services—$339,132; and

(2) Procurement of construction services—$10,852,752.

VIII. U.S.-Singapore FTA, Chapter 13

A. Central Government Entities listed in the U.S. Schedule to Annex 13A, Schedule 1, Section A:

(1) Procurement of goods and services—$67,826; and

(2) Procurement of construction services—$7,456,000.

B. Sub-Central Government Entities listed in the U.S. Schedule to Annex 13A, Schedule 1, Section B:

(1) Procurement of goods and services—$529,000; and

(2) Procurement of construction services—$7,456,000.

C. Other Entities listed in the U.S. Schedule to Annex 13A, Schedule 1, Section C:

(1) Procurement of goods and services—$596,000;

(2) Procurement of construction services—$7,456,000.

Susan C. Schwab,

United States Trade Representative.

[FR Doc. E7–24212 Filed 12–13–07; 8:45 am]

BILLING CODE 3190–W8–P

PENSION BENEFIT GUARANTY CORPORATION

Required Interest Rate Assumption for Determining Variable-Rate Premium for Single-Employer Plans; Interest Assumptions for Multiemployer Plan Valuations Following Mass Withdrawal

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of interest rates and assumptions.

SUMMARY: This notice informs the public of the interest rates and assumptions to be used under certain Pension Benefit Guaranty Corporation regulations. These rates and assumptions are published elsewhere (or can be derived from rates published elsewhere), but are collected and published in this notice for the convenience of the public. Interest rates are also published on the PBGC's Web site (*http://www.pbgc.gov*).

DATES: The required interest rate for determining the variable-rate premium under part 4006 applies to premium payment years beginning in December 2007. The interest assumptions for performing multiemployer plan

valuations following mass withdrawal under part 4281 apply to valuation dates occurring in January 2008.

FOR FURTHER INFORMATION CONTACT: Catherine B. Klion, Manager, Regulatory and Policy Division, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION:

Variable-Rate Premiums

Section 4006(a)(3)(E)(iii)(II) of the Employee Retirement Income Security Act of 1974 (ERISA) and § 4006.4(b)(1) of the PBGC's regulation on Premium Rates (29 CFR part 4006) prescribe use of an assumed interest rate (the ''required interest rate'') in determining a single-employer plan's variable-rate premium. Pursuant to the Pension Protection Act of 2006, for premium payment years beginning in 2006 or 2007, the required interest rate is the ''applicable percentage'' of the annual rate of interest determined by the Secretary of the Treasury on amounts invested conservatively in long-term investment grade corporate bonds for the month preceding the beginning of the plan year for which premiums are being paid (the ''premium payment year'').

On February 2, 2007 (at 72 FR 4955), the Internal Revenue Service (IRS) published final regulations containing updated mortality tables for determining current liability under section 412(l)(7) of the Code and section 302(d)(7) of ERISA for plan years beginning on or after January 1, 2007. As a result, in accordance with section 4006(a)(3)(E)(iii)(II) of ERISA, the ''applicable percentage'' to be used in determining the required interest rate for plan years beginning in 2007 is 100 percent.

The required interest rate to be used in determining variable-rate premiums for premium payment years beginning in December 2007 is 6.14 percent (i.e., 100 percent of the 6.14 percent composite corporate bond rate for November 2007 as determined by the Treasury).

The following table lists the required interest rates to be used in determining variable-rate premiums for premium payment years beginning between January 2007 and December 2007.

For premium payment years beginning in:	The required interest rate is:
January 2007	5.75
February 2007	5.89
March 2007	5.85
April 2007	5.84
May 2007	5.98
June 2007	6.01
July 2007	6.32
August 2007	6.33
September 2007	6.33
October 2007	6.23
November 2007	6.14
December 2007	6.14

Multiemployer Plan Valuations Following Mass Withdrawal

The PBGC's regulation on Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281) prescribes the use of interest assumptions under the PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044). The interest assumptions applicable to valuation dates in January 2008 under part 4044 are contained in an amendment to part 4044 published elsewhere in today's **Federal Register**. Tables showing the assumptions applicable to prior periods are codified in appendix B to 29 CFR part 4044.

Issued in Washington, DC, on this 10th day of December 2007.

Vincent K. Snowbarger,

Deputy Director, Pension Benefit Guaranty Corporation.

[FR Doc. E7–24244 Filed 12–13–07; 8:45 am]

BILLING CODE 7709–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for OMB Review; Comment Request for Review of a Revised Information Collection: RI 98–7

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) has submitted to the Office of Management and Budget (OMB) a request for review of a revised information collection. RI 98–7, We Need Important Information About Your Eligibility for Social Security Disability Benefits, is used by OPM to verify receipt of Social Security Administration (SSA) disability benefits, to lessen or avoid overpayment to Federal Employees Retirement System (FERS) disability retirees. It notifies the annuitant of the responsibility to notify OPM if SSA benefits begin and the overpayment that will occur with the receipt of both benefits.

Approximately 3,000 RI 98–7 forms will be completed annually. The form takes approximately 5 minutes to complete. The annual burden is 250 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, Fax (202) 418–3251 or via e-mail to *MaryBeth.Smith-Toomey@opm.gov.* Please include a mailing address with your request.

DATES: Comments on this proposal should be received within 30 calendar days from the date of this publication.

ADDRESSES: Send or deliver comments to:

Ronald W. Melton, Deputy Assistant Director, Retirement Services Program, Center for Retirement and Insurance Services, U.S. Office of Personnel Management, 1900 E Street, NW., Room 3305, Washington, DC 20415–3500

and

Brenda Aguilar, OPM Desk Officer, Office of Information & Regulatory Affair, Office of Management and Budget, New Executive Office Building, NW., Room 10235, Washington, DC 20503.

For Information Regarding Administrative Coordination: Contact: Cyrus S. Benson, Team Leader, Publications Team, RIS Support Services/Support Group, (202) 606–0623.

U.S. Office of Personnel Management.

Howard Weizmann,

Deputy Director.

[FR Doc. E7–24275 Filed 12–13–07; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Proposed Personnel Demonstration Project; Performance-Based Pay Adjustments in the U.S. Department of Education/Federal Student Aid

AGENCY: U.S. Office of Personnel Management.

ACTION: Notice of a proposed demonstration project plan.

SUMMARY: Chapter 47 of title 5, United States Code, authorizes the U.S. Office of Personnel Management (OPM), directly or in agreement with one or more agencies, to conduct demonstration projects that experiment with new and different human resources management concepts to determine

whether changes in human resources policy or procedures would result in improved Federal human resources management. The U.S. Department of Education/Federal Student Aid and OPM propose to test a performance-based pay system within open pay ranges linked to the corresponding minimum and maximum rates for the grades of the General Schedule pay structure. Section 4703 of title 5 requires OPM to publish the proposed project plan in the **Federal Register**. This notice fulfills that requirement.

DATES: Written comments must be submitted on or before January 14, 2008. A public hearing will be held on the proposed project plan on Tuesday, January 22, 2008, at the U.S. Department of Education/Federal Student Aid, 830 First Street, NE., Washington, DC, beginning at 10 a.m. (Eastern Time).

At the time of the hearing, interested persons or organizations may present their written or oral comments on the proposed demonstration project. The hearing will be informal. However, anyone wishing to testify should contact the person listed under **FOR FURTHER INFORMATION CONTACT**, so that the U.S. Department of Education/Federal Student Aid and OPM can plan the hearing and provide sufficient time for all interested persons and organizations to be heard. Priority will be given to those on the schedule, with others speaking in any remaining available time. Each speaker's presentation will be limited to ten minutes. Written comments may be submitted to supplement oral testimony during the public comment period.

ADDRESSES: Comments may be mailed to Demonstration Projects, U.S. Office of Personnel Management, 1900 E Street, NW., Room 7456, Washington, DC 20415 or submitted by e-mail to *Demoprojects@opm.gov.*

FOR FURTHER INFORMATION CONTACT: (1) U.S. Department of Education/Federal Student Aid: Monica Woods, Human Resources and Workforce Services, (202) 377–3008; (2) U.S. Office of Personnel Management: Patsy Stevens, Systems Innovation Group Manager, (202) 606–1574, U.S. Office of Personnel Management, 1900 E Street, NW., Room 7456, Washington, DC 20415.

SUPPLEMENTARY INFORMATION: The goal of this demonstration project is to make employees' pay increases more performance-sensitive, so that only employees whose performance is Successful or better will receive any pay adjustments and the best performers will receive the largest pay adjustments.

Linda M. Springer,

Director.

Table of Contents

I. Executive Summary

This project was designed by the U.S. Department of Education/Federal Student Aid in consultation with OPM. The demonstration project will modify the General Schedule pay system by eliminating fixed steps within each grade and providing for annual pay adjustments based on performance. The proposed project will test the application of meaningful distinctions in levels of performance to the allocation of annual pay increases under the General Schedule.

II. Introduction

A. Purpose

The purpose of the proposed project is to modify the General Schedule (GS) pay system to provide larger annual pay increases to employees who are better performers based on performance distinctions made under a credible, strategically-aligned performance appraisal program and thereby improve the results-oriented performance culture within the organization.

B. Problems With the Present System

The current GS pay system provides annual pay increases to all employees, even those whose performance is less than Successful. Similarly, periodic within-grade pay increases are virtually automatic. Although an employee's performance must be determined to be at an ''acceptable level of competence'' in order for the employee to receive a within-grade increase (WGI), this is only a single-level threshold and no further distinctions in levels of performance play a role. All performance levels above the threshold are treated the same for purposes of determining the amount of the increase and the rate at which an employee advances through the rate range of his or her grade. The U.S. Department of Education/Federal Student Aid and OPM do not believe it is a wise use of the limited resources available for the compensation of Federal employees—nor does it serve taxpayers effectively or treat employees fairly—to pass on the same pay adjustments, year after year, to all employees regardless of differences in their performance.

The current GS pay system does provide one limited tool to address distinctions in levels of performance—namely, quality step increases (QSIs). QSIs are discretionary adjustments that are not integrated into the normal pay adjustment process; thus, limited funds are available to provide QSIs, and the decision-making process may not be very transparent. In addition, there is no flexibility as to the amount of the QSI; a full step increase is required. Also, QSIs may be used only for those with the highest rating of record. In summary, QSIs alone cannot be relied upon to establish an effective link between pay and performance based on meaningful distinctions among different levels of performance.

Under these constraints of the GS pay system, agencies are severely limited in their ability to establish a results-oriented performance culture as contemplated under the Human Capital Assessment and Accountability Framework (HCAAF). Within the HCAAF, a results-oriented performance culture effectively plans, monitors, develops, rates, and rewards employee performance, consistent with the merit system principle that ''appropriate incentives and recognition should be provided for excellence in performance'' (5 U.S.C. 2301(b)(3)).

C. Changes Required/Expected Benefits

The proposed demonstration project responds to the problem identified above by eliminating the 10 fixed steps

within each of the 15 GS grades and by making annual GS pay adjustments performance-sensitive. Pay adjustments will be funded from a pay pool consisting of the amounts that would otherwise be used to pay the annual GS pay adjustment, WGIs, and QSIs to employees covered by the demonstration project. A share mechanism will be used to allocate pay increases among employees with different levels of performance, and managers will be expected to provide fair and equitable performance ratings. Implementation of the proposed pay system will result in larger pay increases going to employees who demonstrate higher performance. By regularly rewarding better performance with better pay, participating organizations will strengthen their results-oriented performance cultures. Among other things, they will be better able to retain their good performers and recruit new ones.

D. Participating Organizations

The demonstration project will be conducted within the U.S. Department of Education/Federal Student Aid, which is committed to operating a credible, robust performance appraisal program aligned to the organization's strategic goals and objectives, and has demonstrated a commitment to providing the training and resources that will be needed to make its performance management program highly effective and credible.

E. Participating Employees

The demonstration project will cover all GS rating officials in the Federal Student Aid organization. Table 1 shows the number of employees to be covered by the project by occupational series and grade.

TABLE 1.—COVERED EMPLOYEES, BY OCCUPATIONAL SERIES AND GRADE

OCC series	GS grade															Total
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
201	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1
301	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
303	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
340	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	3
343	0	0	0	0	0	0	0	0	0	0	0	0	0	17	32	49
501	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	2
510	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6	6
560	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
1101	0	0	0	0	0	0	0	0	0	0	0	0	1	26	2	29
1102	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
1160	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
2210	0	0	0	0	0	0	0	0	0	0	0	0	0	5	6	11
Total	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	105

Management has provided initial notice to affected employees and will continue consultation throughout project implementation.

F. Project Design

The project has been designed simply to ensure that no participating employee with a rating of record of less than Successful will receive a pay increase and that funds available for pay adjustments will be allocated on the basis of performance.

III. Personnel System Changes

A. Performance Appraisal

U.S. Department of Education/Federal Student Aid recognizes the importance of maintaining a highly credible performance management program. The U.S. Department of Education/Federal Student Aid will use a performance management program under the Department of Education appraisal system that has been approved by OPM consistent with chapter 43 of title 5, United States Code. Throughout the duration of the demonstration project, the effectiveness of performance management within the project will be monitored by examining metrics and assessments that OPM and agencies generally apply to performance management and programs.

1. Program Requirements

The U.S. Department of Education/Federal Student Aid performance appraisal program requires written performance plans for each covered employee containing the employee's performance elements and standards. The performance plan links the performance elements and standards for individual employees to the organization's strategic goals and objectives. Ongoing feedback and dialogue between employees and their supervisors regarding performance is required. In addition, the program provides for, at a minimum, one mid-year progress review.

The appraisal program, including its performance levels and standards, provides for making meaningful distinctions in performance. Its summary level pattern under 5 CFR 430.208(d) uses Levels 1, 2, 3, 4, and 5, which the U.S. Department of Education/Federal Student Aid has labeled Unacceptable, Minimally Successful, Successful, Highly Successful, and Outstanding, respectively. Employees must be covered by the appraisal program for at least 120 days before they can be assigned a performance rating. Supervisors and managers apply the program to make appropriate differentiations in performance, as shown through ratings distributions, that reflect overall organizational performance. Employees receive a written performance appraisal (i.e., a rating of record) annually. Forced distribution of ratings is prohibited. Each annual appraisal period will begin on October 1 and end on the following September 30. New employees on a 120-day performance plan that extends beyond the official appraisal period end date, but ends on or before December 31, will receive a rating of record at the conclusion of that performance plan's cycle, and will receive a prorated pay adjustment in accordance with section III.C. Performance appraisals will be completed in a timely manner to support pay decisions in accordance with section III.C.

Additional guidance on the U.S. Department of Education/Federal Student Aid performance appraisal

program will be provided through internal policies and operating directives. Performance appraisal is an evolutionary process, and changes may be made during the course of the demonstration project based on findings from our ongoing evaluations and reviews. Any changes will be communicated to affected employees prior to the U.S. Department of Education/Federal Student Aid's implementing the changes.

2. Supervisory Accountability

Supervisors are responsible for recognizing exceptional performance and providing appropriate consequences for employee performance by addressing poor performance. The performance expectations for supervisors and managers include the degree to which supervisors and managers plan, assess, monitor, develop, correct, rate, and reward subordinate employees' performance. To effectively meet these performance expectations, supervisors must articulate clear job requirements and performance expectations, provide regular performance feedback, and support employee development through training opportunities, coaching, mentoring, and individual performance plans. It is recognized that specific training will be provided to prepare supervisors and managers to exercise these responsibilities.

3. Reconsideration of Ratings

To support fairness and transparency for the program and its consequences, employees have an opportunity to request reconsideration of a rating of record by a management official other than the rating official. Such reconsiderations must be in writing and initiated no more than 15 days after the official rating of record has been given to the employee. The management official must provide a decision on whether to adjust the official rating of record in accordance with the timeframes provided through internal policies and operating directives on administrative grievances. If the reconsideration of the appraisal results in a different rating of record, the revised rating of record will become the basis for the employee's pay adjustment(s) in accordance with section III.C. If the adjustment occurs after all pay deliberations have been finalized, it does not result in a recalculation of other employees' pay adjustments.

B. Open-Range Pay System

Employees will continue to be covered by the 15-grade GS position classification system established under 5 U.S.C. chapter 51; however, the GS pay system established under 5 U.S.C. chapter 53, subchapter III, will be modified as described in the following sections. Except as otherwise provided in this plan, demonstration project employees will be considered to be GS employees in applying other laws, regulations, and policies.

1. Elimination of Fixed Steps

The ten fixed steps of each GS grade will not apply to employees participating in the demonstration project. The fixed-step system was designed to reward longevity. An open-range pay system is an important element of any effort to make pay more performance-sensitive. No employee's pay will be reduced as a result of becoming covered by the demonstration project. However, demonstration project employees will no longer receive longevity-based, performance-insensitive within-grade pay increases at prescribed intervals. Instead, they will be granted annual performance adjustments as described in section III.C below.

2. Rate Range

The normal minimum and maximum rates of the rate range for each grade will equal the applicable step 1 rate and step 10 rate, respectively, in the General Schedule.

For employees with a rating of record below Successful, the minimum rate of the range is extended 5 percent below the normal minimum. An employee's rate may fall below the normal range minimum when that minimum increases as a result of a rate range adjustment and the employee cannot receive a pay adjustment because the employee's rating of record is below Successful, as described in section III.C.4.

The U.S. Department of Education/Federal Student Aid may, at its discretion, extend the maximum rate of each range by five percent above the normal maximum for employees with a summary rating level at the highest level (Outstanding). Before implementing this feature, the U.S. Department of Education/Federal Student Aid must notify demonstration project employees in writing. This upper range extension is designed to help ensure that the range of available pay rates will be adequate to recognize truly outstanding performance. If an employee within this range extension receives a rating below the highest level, the employee's rate may not be increased except as necessary to prevent the rate from falling below the normal range maximum due to a rate range adjustment.

In addition to rates of basic pay within the rate range, employees may receive locality payments or special rate supplements as described in the next section.

3. Pay Administration

Performance-based pay adjustments described in section III.C will be made to the rate of basic pay. These adjustments are scheduled to be made on the same date that annual rate range adjustments normally take effect—i.e., the first day of the first pay period beginning on or after January 1.

Locality-based comparability payments under 5 U.S.C. 5304 and special rate supplements under 5 U.S.C. 5305, as applicable, will be paid on top of the rate of basic pay in the same manner as those payments apply to other GS employees, except as otherwise provided in this section. If the U.S. Department of Education/Federal Student Aid extends the maximum rate of each range by 5 percent above the normal maximum for Outstanding performers, an adjusted rate cap 5 percent higher than the normal EX–IV cap may be established to accommodate those Outstanding performers. This higher cap will apply only to employees with an Outstanding rating of record whose pay rate is in the upper range extension.

If the locality rate for an employee at the normal grade maximum is affected by the EX–IV cap, resulting in an ''effective locality pay percentage'' that is less than the regular locality pay percentage, the locality rate for an employee in the upper rate range extension of the same grade will be computed using that same effective locality pay percentage. For example, if the regular locality pay percentage is 30 percent, but the EX–IV cap causes the amount of locality pay actually received by an employee at the normal grade maximum to be 20 percent, that effective locality pay percentage of 20 percent would be used to compute locality pay for an employee in the upper range extension of the same grade. Similarly, if the special rate supplement-adjusted rate for an employee at the normal grade maximum is affected by the EX–IV cap, resulting in an ''effective special rate supplement percentage'' that is less than the regular special rate supplement percentage, the adjusted rate for an employee in the upper rate range extension of the same grade will be computed using that same effective special rate supplement percentage.

Subject to guidance provided by OPM, the U.S. Department of Education/Federal Student Aid will establish pay administration rules for determining an employee's rate of pay upon initial appointment, promotion, demotion, transfer, reassignment, or other position change. In addressing geographic conversions and simultaneous pay actions, such rules must be consistent with 5 CFR 531.205 and 5 CFR 531.206, respectively.

Upon promotion, an employee is entitled to an increase of 8 percent, or a higher increase as necessary to set the employee's rate at the minimum of the range for the higher grade. U.S. Department of Education/Federal Student Aid may establish exceptions to this policy to deal with employees receiving a retained rate, employees who are re-promoted shortly after a demotion, employees with exceptional performance warranting a larger increase with higher management approval, etc.

The grade retention provisions in 5 U.S.C. 5362 and 5 CFR part 536 apply to demonstration project employees. The pay retention rules in 5 U.S.C. 5363 and 5 CFR part 536 apply to demonstration project employees, subject to exceptions described in this section. One exception is that an employee with a rating of record below Successful may not receive an increase in his or her retained rate under 5 U.S.C. 5363(b)(2)(B). For such an employee, the retained rate is frozen and not subject to adjustment. When such an employee's retained rate falls below the applicable adjusted rate for the grade maximum, the employee's retained rate will be terminated, and the employee's pay will be set at an adjusted rate equal to the retained rate (i.e., the rate is not set at the range maximum).

If the U.S. Department of Education/Federal Student Aid extends the maximum rate of each range by 5 percent above the normal maximum for Outstanding employees and establishes a locality and special rate cap 5 percent higher than the normal EX–IV cap, the following special rules would apply:

(1) The cap on retained rates will be equal to the rate for level IV of the Executive Schedule plus 5 percent (instead of the EX–IV cap established under 5 CFR 536.306) in order to accommodate the upper range extension.

(2) An employee in the upper range extension who is rated below Outstanding will be converted to a retained rate before processing any other pay action.

(3) The range maximum rate used in computing retained rate adjustments will always be the applicable adjusted rate for the normal range maximum (including any applicability locality payment or special rate supplement), not the upper range extension maximum, regardless of the employee's rating of record.

(4) If an employee is receiving a retained rate that is less than the applicable adjusted maximum rate (including any applicable locality payment or special rate supplement) for the upper range extension for the employee's grade, and if that employee receives a rating of record of Outstanding, the employee's retained rate will be terminated and converted to an equal adjusted rate (base rate in upper range extension plus applicable locality payment or special rate supplement). This conversion must be processed before any other pay adjustment.

(5) For a retained rate employee with a rating of record of Outstanding, if a retained rate adjustment provided at the time of a range adjustment results in the retained rate falling below the applicable adjusted rate for the upper range extension maximum, the employee's retained rate will be terminated, and the employee's pay will be set at the maximum rate of the upper range extension.

(6) For a retained rate employee with a rating of record of Successful or Highly Successful, if a retained rate increase provided at the time of a range adjustment results in the retained rate falling below the applicable adjusted rate for the normal grade maximum, the employee's retained rate will be terminated, and the employee's pay will be set at the normal grade maximum rate.

As required by 5 CFR 536.304(a)(2) and 536.305(a)(2), any general pay adjustment, including a retained rate adjustment as described in the preceding paragraphs, must be processed before any other simultaneous pay action (such as a geographic pay conversion).

When applicable, the saved pay rules in 5 U.S.C. 3594 and 5 CFR 359.705 for former members of the Senior Executive Service continue to apply to demonstration project employees, except that (1) an employee with a rating of record below Successful may not receive an increase in his or her saved rate under 5 U.S.C. 3594(c)(2); and (2) the 50-percent adjustment rule must be applied in the same manner as it is applied for a retained rate under 5 U.S.C. 5363, subject to the modifications described in the preceding paragraphs. The rules regarding termination of a saved rate when it falls below the applicable adjusted maximum rate must be parallel to those governing termination of a retained rate under 5 U.S.C. 5363, subject to the modifications described in the preceding paragraphs.

An employee's rate of basic pay may not exceed the normal maximum rate for the employee's grade unless the employee is receiving a retained rate under 5 U.S.C. 5363, a saved rate under 5 U.S.C. 3594, or is entitled to a rate within the upper range extension for employees with an Outstanding rating of record as provided under section III.B.2. An employee's rate of basic pay may not be below the normal minimum rate for the employee's grade unless the employee's most recent rating of record is below Successful.

C. Performance-based Pay Adjustments

1. Pay Pools

Participating employees whose most recent rating of record is below Successful will not receive the annual GS pay adjustment. Funds that otherwise would be spent on the across-the-board GS pay adjustment, WGIs, and QSIs for demonstration project employees will instead be placed into a pay pool, which will be used to fund annual performance-based pay increases for those employees whose rating of record is Successful or higher. If in any given year there is not an across-the-board GS pay increase, the pay pool used to fund the performance-based pay adjustments will consist only of those funds that otherwise would be used for WGIs and QSIs. A share mechanism will be used (1) to ensure that employees with higher ratings of record receive greater pay increases than employees with relatively lower ratings and (2) to control costs without resorting to a forced distribution of ratings. Each employee will be assigned a certain number of shares, based on his or her rating of record in accordance with section III.C.2. All employees in the normal rate range whose rating of record is at least Successful will receive an adjustment equal to at least the amount of the annual GS base pay comparability increase under 5 U.S.C. 5303.

The U.S. Department of Education/Federal Student Aid will determine which participating employees are covered by any pay pool and determine the dollar value of each pay pool. In setting the value of pay pools, the U.S. Department of Education/Federal Student Aid will allocate an amount for performance pay increases at least equal to the estimated value of the WGIs, QSIs, and annual GS pay adjustments that otherwise would have been paid to participating employees. In computing

the estimated value of WGIs and QSIs, the U.S. Department of Education/Federal Student Aid may use estimated Governmentwide averages, as computed by OPM.

2. Performance Shares

The U.S. Department of Education/Federal Student Aid will establish rating/share patterns for the pay pool—that is, the relationship between a rating of record and a single number of shares. Initially, the U.S. Department of Education/Federal Student Aid will use an approach under which the number of shares assigned to an employee with a Successful or higher rating of record will equal that employee's numerical performance score, which may range from 3.00 to 5.00. (Currently, performance scores are computed to the second decimal place.) Employees with a rating of record below Successful (performance score less than 3.00) will be assigned 0 shares. No shares may be assigned to an employee with a rating of record below Successful, since no pay increase is payable to employees with such a rating of record.

The U.S. Department of Education/Federal Student Aid may revise the rating/share pattern for employees with a Successful or higher rating of record in coordination with OPM and after giving affected employees advance notice. Employees will be informed in writing at least 180 days before the end of the appraisal period of any decision by the U.S. Department of Education/Federal Student Aid to change the rating/share pattern.

After the rating of record and shares are assigned to all employees, the value of a single share can be calculated.

3. Pay Adjustments

In general: The U.S. Department of Education/Federal Student Aid will determine an employee's performance payout by first multiplying the employee's rate of basic pay by the number of assigned shares, and then multiplying the result of that calculation by the determined value of a performance share. The performance share value, expressed as a percentage, will be an allocated portion of the pay pool funds based on the employee's performance rating. On the first day of the first pay period beginning on or after January 1 of each year, this amount must be paid as an increase in the employee's rate of basic pay, but only to the extent that it does not cause the employee's rate to exceed the applicable maximum of the employee's rate range. Notwithstanding the preceding sentence, employees in the upper range extension rated below the highest level are subject to special rules as described in section III.B.2 and III.B.3. At the discretion of the Secretary or the Secretary's designee, any portion of the employee's performance pay increase amount not delivered as a basic pay increase may be paid out as a lump sum (with no charge to the pay pool). Such a lump-sum payment is not basic pay for any purpose and is not a cash award under chapter 45 of title 5, United States Code. Special rules apply to retained rate employees as described later in this section.

In no case may an employee with a rating of record of Successful or higher receive a performance payout that is less than the percentage value of any simultaneous base rate range adjustment, except for employees receiving a retained rate and employees receiving a rate in a upper range extension with a rating of record of Successful or Highly Successful, as provided in section III.B.2. This guaranteed amount will be used in place of any lower performance payout resulting from the share methodology. Any additional costs of using the guaranteed amount will be funded outside the pay pool. Otherwise, the guaranteed amount is applied in the same manner as the regular performance payout.

An employee who does not have a rating of record for the appraisal period most recently completed will be treated the same as employees in the pay pool who received the modal rating for that period.

The U.S. Department of Education/Federal Student Aid may establish policies on prorating the performance pay increases and/or lump-sum payments for an employee who, during the period between annual pay adjustments, was (1) hired or promoted, (2) in leave-without-pay status, (3) on a part-time work schedule, or (4) in other circumstances that make proration appropriate. Such proration policies will provide each affected employee with the full percentage adjustment used to adjust base rate ranges (if any) and will prorate any additional amount of performance pay increase that would be applicable to the employee but for the proration requirement. Such proration policies may establish a minimum employment period as a condition to receive any amount of a performance pay increase.

If an employee's rating of record that is the basis for a performance payout is retroactively revised through a reconsideration or grievance process, the employee's performance payout must be retroactively recomputed using the share value as originally determined. Any such retroactive corrections are not funded out of the pay pool and do not affect the performance payouts provided to other employees in the pay pool. In setting the size of a future pay pool, management will take into account past and projected corrections.

Special provisions for employees returning to duty after a period of service in the uniformed services or in receipt of workers' compensation benefits: Special pay-setting provisions apply to employees who do not have a rating of record to support a pay adjustment but who are returning to duty status after a period of leave without pay or separation during which the employee (1) was serving in the uniformed services (as defined in 38 U.S.C. 4303 and 5 CFR 353.102) with legal restoration rights (*e.g.*, 38 U.S.C. 4316), or (2) was receiving workers' compensation benefits under 5 U.S.C. chapter 81, subchapter I. In these cases, the U.S. Department of Education/Federal Student Aid will determine the employee's prospective rate of basic pay upon return to duty by making performance pay adjustments for the intervening period based on the modal rating of record for employees in the pay pool. The performance pay increases during the intervening period may not be prorated based on periods covered by this provision. In addition, a performance pay increase that is effective after the employee's return to duty may not be prorated based on periods covered by this provision. A lump-sum payment for a period including actual service performed after the employee's return to duty must be prorated (based on service covered by this provision) under the same agency proration policies that apply generally to periods of leave without pay.

Special provision for employees receiving a retained rate of basic pay: An employee receiving a retained rate under 5 U.S.C. 5363 or 5 U.S.C. 3594 is not eligible for a basic pay increase except in conjunction with a rate range adjustment, as described in section III.B.3. At the discretion of the Secretary or the Secretary's designee, a retained rate employee may receive the same lump-sum payment approved for an employee in the same pay pool who is at the applicable range maximum and who has the same performance rating and number of shares.

4. Employees Who Do Not Receive a Pay Adjustment

Employees with a rating of record below Successful are prohibited from receiving a pay increase, except if necessary to prevent an employee's rate

from falling more than five percent below the normal range minimum. When an employee does not receive a pay increase because of performance below the Successful level, his or her pay rate may fall below the minimum rate of the grade, since that range minimum may be increasing. However, in no case may an employee's rate of basic pay be set more than five percent below the normal range minimum.

If the U.S. Department of Education/Federal Student Aid chooses to give such an employee a new rating of record of Successful or higher before the end of the current appraisal period, the employee is entitled to an increase effective on the first day of the first pay period beginning on or after the date the new rating is final. The increase must be the same dollar amount as the increase the employee would have received if he or she had been rated Successful at the time the increase was initially denied.

Each employee who does not receive an increase in basic pay because his or her performance is less than Successful will be entitled to be notified promptly in writing of that fact. At the same time, the employee must be informed in writing of the right to request that the agency reconsider its determination, under the same procedures prescribed by OPM regarding the determination not to provide a within-grade increase under 5 U.S.C. 5335(c). The Merit Systems Protection Board will process any appeals under this section in the same manner that it processes appeals under 5 U.S.C. 5335(c).

5. Locality Pay and Special Rate Supplement

When a locality-based comparability payment established under 5 U.S.C. 5304 is increased, a demonstration project employee whose most recent rating of record is below Successful is entitled to the increased locality rate, but his or her underlying rate of basic pay will be reduced in a manner that ensures the employee's total rate of pay does not increase. This reduction is necessary to ensure, in an administratively feasible way, that an employee rated less than Successful will not receive a pay increase; it does not constitute a reduction in pay for purposes of applying the adverse action procedures in chapter 75 of title 5, United States Code. (Exception: An employee's rate of basic pay may not be reduced under this paragraph to the extent that the reduction would cause an employee's rate to fall more than five percent below the normal range minimum.)

Similarly, when a special rate supplement established under 5 U.S.C. 5305 is increased, a demonstration project employee whose rating of record is below Successful is entitled to the increased supplement, but his or her underlying rate of basic pay will be reduced in a manner that ensures the employee's total rate of pay does not increase.

IV. Training

Training for all involved is essential to the success of the demonstration project. Training will be provided to affected employees before the project is launched and throughout the life of the project. It is important that employees perceive the performance management program as fair and transparent; therefore, supervisors and managers will be trained extensively in setting and communicating performance elements and standards; monitoring performance and providing timely feedback; developing employee performance and addressing poor performance; rating employees' performance based on their performance plans; and involving employees in the development and implementation of the performance appraisal program. Supervisors and managers will be held accountable for the effective management of the performance of employees they supervise through performance elements set for and appraisals made of their own performance in this regard.

All employees will be trained in the performance appraisal process and the pay adjustment mechanism. Various types of training are being considered, including videos, on-line tutorials, and train-the-trainer concepts.

V. Conversion

A. Conversion to the Demonstration Project

Employees whose positions are converted to the demonstration project will be converted with no change in their rate of basic pay. Any simultaneous pay action that was scheduled to take effect under the GS pay system on the date of conversion must be processed before processing the conversion to the modified GS pay system. Immediately after conversion, eligible employees will receive an increase in basic pay reflecting the prorated value of the next scheduled WGI. The prorated value is determined by calculating the portion of the time-in-step an employee has completed toward the waiting period for their next step increase. This additional within-grade ''buy in'' adjustment will not be made for (1) employees who are at the step 10 rate of their grade immediately before conversion to the demonstration project, (2) employees who are receiving a retained rate of pay under 5 U.S.C. 5363 or a saved rate under 5 U.S.C. 3594 immediately before conversion to the demonstration project, or (3) employees whose performance has been determined to be below Successful. The first performance-based pay increase under the project's pay adjustment mechanism will be effective on the first day of the first pay period beginning on or after January 1, 2009.

For employees who enter the demonstration project by lateral reassignment, transfer, or change in position status, the U.S. Department of Education/Federal Student Aid may apply parallel pay conversion rules, including rules for providing a prorated adjustment reflecting time accrued toward a GS within-grade increase or similar within-range adjustment under another pay system. If conversion into the demonstration project is accompanied by a geographic move, the employee's pay entitlements under the former pay system in the new geographic area must be determined before the pay conversion. For employees who enter the demonstration project after the conversion date and receive a rating of record for a performance plan of at least 120 days, the U.S. Department of Education/Federal Student Aid will apply a prorated pay adjustment proportionate to the time accrued under the performance-based pay system, in accordance with section III.C.

B. Conversion Back to the Former System

If a demonstration project employee is moving to a GS position not under the demonstration project, or if the project ends and each project employee must be converted back to a GS position not covered by the project, the employee's rate of basic pay under the demonstration project as in effect immediately before conversion will be used in applying any simultaneous pay actions under the regular GS pay system that are effective on the date of conversion (e.g., promotion, geographic movement). If the rate of basic pay falls between steps after applying any simultaneous pay actions, the employee's rate will be set at the next higher step.

If a demonstration project employee is receiving a retained rate immediately before conversion back to the regular GS pay system, the employee will continue to be entitled to a retained rate upon conversion, but the retained rate thereafter will be governed by 5 U.S.C. 5363 and 5 CFR part 536 or 5 CFR 359.705, as applicable.

If the U.S. Department of Education/Federal Student Aid establishes a five percent rate upper range extension for Outstanding performers and a demonstration project employee is receiving a rate in that range extension at the time the employee leaves the demonstration project and converts to the regular GS pay system, that rate will be converted to a retained rate, subject to the rules and limitations in 5 U.S.C. 5363 and 5 CFR part 536.

If a demonstration project employee is receiving a rate below the normal GS rate range because his or her rate has fallen within the lower range extension for less than Successful performers, that rate must be converted to the minimum rate for the grade upon conversion to the regular GS pay system.

VI. Project Modification

Demonstration projects require modification from time to time as experience is gained, results are analyzed, and conclusions are reached on how the system is working. The U.S. Department of Education/Federal Student Aid may modify and adjust over time features and elements of this project plan. The Department/Federal Student Aid will coordinate such modifications with OPM and gain its approval prior to implementing the modification. Depending on the nature and extent of the modification, OPM may require that the modification be published as a notice in the **Federal Register**.

VII. Project Duration

The initial implementation period for the demonstration project will be 5 years. However, with OPM's concurrence, the project may be extended for additional testing or terminated before the expiration of the five-year period.

VIII. Project Evaluation

Chapter 47 of title 5, United States Code, requires an evaluation of the results of the demonstration project. The U.S. Department of Education/Federal Student Aid, in coordination with OPM, will develop a plan to evaluate the demonstration project to determine the extent to which the pay increases paid to participating employees reflect meaningful distinctions among their levels of performance. Workforce data will be analyzed to determine whether the project is achieving its goal and whether it is resulting in any adverse impact on particular groups of employees. Key indicators, including leadership commitment, communication, stakeholder involvement, training, planning, mission alignment, and the rewarding of performance, will be assessed to ensure compliance with stated project goals. The evaluation will address the extent to which the project has incorporated the elements required by section 1126 of Public Law 108–136 (5 U.S.C. 4701 note). In addition, the project will be examined during each phase of the evaluation to assess whether costs are being managed effectively. Moreover, cost discipline will be examined during each phase of the evaluation to ensure spending remains within acceptable limits. Finally, employee feedback will be sought through surveys, interviews, and focus groups to assess employee perceptions of the fairness and integrity of the performance appraisal and pay adjustment processes.

IX. Costs

A. Buy-in Costs

There will be added costs resulting from the within-grade increase ''buy-in'' provision described in section V; however, those costs will be offset by the elimination of within-grade step increases that otherwise would have occurred.

B. Recurring Costs

All funding will be provided through the organization's budget. No additional funding will be requested specifically for this project; all costs will be charged to available funds through existing appropriations, including those incurred in the areas of project development, training, and project evaluation.

X. Waiver of Laws and Regulations Required

A. Title 5, United States Code

Chapter 35, section 3594: Saved pay for former members of the Senior Executive Service (only to the extent necessary to (1) bar employees with a rating of record below Successful from receiving a saved rate increase under 5 U.S.C. 3594(c)(2); and (2) apply rules parallel to those governing adjustment and termination of retained rates under 5 U.S.C. 5363, as modified under this plan).

Chapter 53, section 5302(1)(A), (8) and (9): Definitions (only to the extent necessary to provide that employees under the demonstration project are not considered to be GS employees for the purposes of annual adjustments under section 5303 or similar provision of law governing annual adjustments for employees covered by section 5303).

Chapter 53, section 5303: Annual adjustments to pay schedules.

Chapter 53, section 5304(g)(1): Locality-based comparability payments (only to the extent necessary to (1) provide that if the U.S. Department of Education/Federal Student Aid extends the maximum rate of a rate range by 5 percent above the normal maximum for Outstanding performers, a locality rate may not exceed the rate for EX-IV, plus 5 percent, for employees in that range extension; and (2) apply an ''effective'' locality pay percentage for employees in the upper range extension under circumstances described in this plan.

Chapter 53, section 5305(a)(1): Special pay authority (only to the extent necessary to (1) provide that if the U.S. Department of Education/Federal Student Aid extends the maximum rate of a rate range by 5 percent above the normal maximum for Outstanding performers, a special rate may not exceed the rate for EX-IV, plus 5 percent) for employees in that range extension; (2) to interpret the references to the minimum and maximum rates of a grade as references to the normal minimum and maximum rates of a grade under this plan; and (3) apply an ''effective'' special rate supplement percentage for employees in the upper range extension under circumstances described in this plan).

Chapter 53, subchapter III: General Schedule pay rates (except that, for purposes of applying any other laws, regulations, or policies that refer to GS employees or to subchapter III of chapter 53 of title 5, United States Code, the modified pay system established under this plan must be considered to be a GS pay system established under such subchapter III; this includes, but is not limited to, references to the General Schedule in section 5304 (relating to locality pay, except as provided in the waiver, above), section 5545(d) (relating to hazard pay), and sections 5753–5754 (dealing with recruitment, relocation, and retention incentives)).

Chapter 53, section 5363: Pay retention (only to the extent necessary to (1) bar employees with a less than Successful rating of record from receiving retained rate increases under 5 U.S.C. 5363(b)(2)(B); (2) provide the pay (including any locality adjustment or special rate supplement) of an employee in the upper range extension who is rated below Outstanding will be converted to a retained rate before processing any other actions; (3) provide a retained rate that is less than the maximum rate (including any locality adjustment or special rate supplement) of the upper range extension for an employee who receives a rating of record of Outstanding will be terminated and converted to an equal

adjusted rate; (4) provide the range maximum rate used to compute retained rate adjustments is the normal range maximum rate (including any locality adjustment or special rate supplement); and (5) provide when a frozen retained rate for an employee with a rating of record below Successful falls below the applicable adjusted rate for the normal grade maximum, the retained rate will be terminated and the employee's pay will be set at an adjusted rate equal to the retained rate).

Chapter 75, section 7512(4): Adverse actions (only to the extent necessary to provide that adverse actions do not apply to reductions in rates of basic pay to offset a locality pay or special rate supplement increase as a result of receiving a rating of record below Successful).

Note: If any of the provisions of title 5, United States Code, listed above are amended during the period this demonstration project is in effect, U.S. Department of Education/Federal Student Aid may choose to terminate the waiver of one or more such provisions with respect to employees participating in the project, without formally modifying the project itself. U.S. Department of Education/Federal Student Aid must notify OPM when any such waiver is terminated.

B. Title 5, Code of Federal Regulations

Part 359, subpart G, section 359.705: saved pay for former members of the Senior Executive Service (only to the extent necessary to (1) bar employees with a rating of record below Successful from receiving a saved rate increase under 5 CFR 359.705(d)(1); and (2) apply rules parallel to those governing adjustment and termination of retained rates under 5 U.S.C. part 536, as modified under this plan).

Part 430, subpart B, section 430.203: Definitions (only to the extent necessary to allow an additional rating of record to support a pay decision under sections III.C.3 or 4 of this project plan).

Part 530, section 530.304: Establishing or increasing special rates (only to the extent necessary to (1) provide that if the U.S. Department of Education/Federal Student Aid extends the maximum rate of a rate range by 5 percent above the normal maximum for Outstanding performers, a special rate may not exceed the rate for EX–IV, plus 5 percent) for employees in that range extension; (2) to interpret the references to the minimum and maximum rates of a grade as references to the normal minimum and maximum rates of a grade under this plan; and (3) apply an ''effective'' special rate supplement percentage for employees in the upper range extension under circumstances described in this plan.

Part 531, subpart B: Determining Rate of Basic Pay.

Part 531, subpart D: Within-Grade Increases.

Part 531, subpart E: Quality Step Increases.

Part 531, section 531.604: Determining an employee's locality rate (only to the extent necessary to apply an ''effective'' locality pay percentage for employees in the upper range extension under circumstances described in this plan).

Part 531, section 531.606: Maximum limits on locality rates (only to the extent necessary to provide that if the U.S. Department of Education/Federal Student Aid extends the maximum rate of a rate range by 5 percent above the normal maximum for Outstanding performers, a locality rate may not exceed the rate for EX–IV, plus 5 percent) for employees in that range extension.

Part 536, subpart C: Pay Retention (only to the extent necessary to (1) bar employees with a less than Successful rating of record from receiving retained rate increases under 5 CFR 536.305; (2) provide that if the U.S. Department of Education/Federal Student Aid extends the maximum rate of a rate range by 5 percent above the normal maximum for Outstanding performers, a retained rate may not exceed the rate for EX–IV, plus 5 percent; (3) provide the pay (including any locality adjustment or special rate supplement) of an employee in the upper range extension who is rated below Outstanding will be converted to a retained rate before processing any other actions; (4) provide a retained rate that is less than the maximum rate (including any locality adjustment or special rate supplement) of the upper range extension for an employee who receives a rating of record of Outstanding will be terminated and converted to an equal adjusted rate; (5) provide the range maximum rate used to compute retained rate adjustments is the normal range maximum rate (including any applicable locality adjustment or special rate supplement); and (6) provide when a frozen retained rate for an employee with a rating of record below Successful falls below the applicable adjusted rate for the normal grade maximum, the retained rate will be terminated and the employee's pay will be set at an adjusted rate equal to the retained rate).

Part 752, section 752.401(a)(4): Adverse actions (only to the extent necessary to provide that adverse action provisions do not apply to reductions in rates of basic pay to offset a locality pay or special rate supplement increase as a result of receiving a rating of record below Successful).

Note: If any of the provisions of title 5, Code of Federal Regulations, listed above are revised during the period this demonstration project is in effect, U.S. Department of Education/Federal Student Aid may choose to terminate the waiver of one or more such provisions with respect to employees participating in the project, without formally modifying the project itself. U.S. Department of Education/Federal Student Aid must notify OPM when any such waiver is terminated.

[FR Doc. E7–24259 Filed 12–13–07; 8:45 am]

BILLING CODE 6325–43–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56929; File No. SR–NASDAQ–2007–086]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Regarding Step-Outs and Transfers of Sales Fees

December 7, 2007.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 31, 2007, The NASDAQ Stock Market LLC (''Nasdaq'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by Nasdaq. Nasdaq has filed the proposal pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] so that the proposal was 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 the Substance of the Proposed Rule Change

Nasdaq proposes to: (i) Offer, for a fee, a match/compare service for Nasdaq members to process step-outs between themselves and (ii) allow the transfer of Rule 7002 Sales Fees and similar fees of other self-regulatory organizations (''SROs'') without an agreement between the transferring Nasdaq members when such transfers are accompanied by a transfer of the underlying shares.

[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).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Nasdaq Rule 7038 enables Nasdaq members to utilize Nasdaq's Automated Confirmation Transaction Service (''ACT'') to transfer all or a portion of the member's obligation to pay a NASD Rule 7002 sale fee or similar fee of another SRO (''sales fees'').[5] In addition, Nasdaq members may also use ACT to process step-outs.[6]

Under the rule change, Nasdaq will modify Nasdaq Rule 7038(c) to specify that when members use ACT to transfer sales fees but do not also transfer the underlying shares, the clearing firms for the trades in question must be party to an agreement authorizing such transfers between themselves or the firms on whose behalf they clear trades.[7]

Nasdaq is also adding new paragraph (f) to Nasdaq Rule 7038 that will enable Nasdaq members to use ACT's ''match/compare'' functionality to process step-outs without an agreement between the transferring Nasdaq members when such transfers are accompanied by a transfer of the underlying shares. Nasdaq will assess a fee for this service whereby each party to a matched/compared transfer will be assessed $0.0144 per 100 shares with a minimum of 400 shares up to maximum of 7,500 shares except in cases where the same participant is on both sides of a transfer in which case the applicable per side fee will be assessed once rather than twice.

Nasdaq states that it believes that the proposed rule change is consistent with the provisions of Section 6 of the Act[8] and specifically with Sections 6(b)(4) and (5) of the Act[9] because the proposal provides for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility or system which Nasdaq operates or controls and 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, 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. Nasdaq believes that offering match/compare functionality in connection with step-outs and reducing paperwork requirements for Sales Fee transfers benefits its members by enhancing the efficiency of their post-trade operations and that its proposed fees are reasonable and comparable to similar Financial Industry Regulatory Authority (''FINRA'') fees for comparison services.[10]

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Nasdaq did not solicit or receive written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[11] and Rule 19b–4(f)(6) thereunder[12] because it does not: (1) Significantly affect the protection of investors or the public interest; (2) impose any significant burden on competition; and (3) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate.

Nasdaq has requested that the Commission waive the 30-day operative delay pursuant to the Commission's authority under Rule 19b–4(f)(6)(iii)[13] to designate a shorter time when such action is consistent with the protection of investors and the public interest. The Commission hereby grants the request.[14] The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest in light of a FINRA rule, which became effective two business days after Nasdaq filed its proposed rule change that requires all shares that underlie a step-out transaction have been previously trade-reported to FINRA-only facilities.[15] In order to ensure that firms can use the same method to conduct step-out trades, it is appropriate for Nasdaq to be able to implement its match/compare functionality on an accelerated basis so that it can be in place for firms that wish to do step-outs through the match and compare functionality for shares that were not exclusively reported over-the-counter before the FINRA restriction became effective. Moreover, the Commission notes that the match/compare functionality has long existed at Nasdaq and that the modifications made by this rule change do not raise any novel legal or policy concerns. Accordingly, the Commission designates the proposed rule change to be operative upon filing with the Commission.

Rule 19b–4(f)(6)(iii) requires Nasdaq to notify the Commission 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. Nasdaq has requested that the Commission designate a shorter

[5] Nasdaq Rule 7038(a). Rule 7002 fees are designed to defray the costs that Nasdaq pays to the Commission under Section 31(b) of the Act. 15 U.S.C. 78ee(b).

[6] Nasdaq Rule 7038(b). A ''step-out'' is a mechanism for transferring a broker's position in a security in a manner that does not constitute a trade. In one form of a step-out, a party to a previously executed trade transfers its position in the trade to one or more other parties. For example, a broker that buys a large block of stock on behalf of several broker-dealer customers may ''step-out'' of the trade in order to transfer and allocate its position to its broker-dealer customers. Thus, under this form of a step-out, there is a single trade on a securities market coupled with an arrangement between one of the trade counterparties and one or more additional parties to shift the settlement obligations for the trade to the additional parties. In another form of step-out, a broker uses a clearing-only report to transfer its position from at one clearing broker's account to another clearing broker's account.

[7] Examples of such an agreement include a Nasdaq ''Attachment 2'' or the Financial Industry Regulatory Authority's (''FINRA'') new Uniform Trade Reporting Facility Service Bureau/Executing Broker Agreement.

[8] 15 U.S.C. 78f.

[9] 15 U.S.C. 78f(b)(4) and (5).

[10] *See* NASD Rule 7002B.

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 C.F.R. 240.19b–4(f)(6).

[13] 17 C.F.R. 240.19b–4(f)(6)(iii).

[14] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[15] Securities Exchange Act Release No. 55962 (Jun. 26, 2007), 72 FR 36536 (Jul. 3, 2007) [SR–NASD–2007–040]. *See also* FINRA Regulatory Notice 07–38 (Aug. 2007), available online at *http://www.finra.org/web/groups/rules_regs/documents/notice_to_members/p036643.pdf.*

notification time. The Commission hereby waives the five-day notice period. As explained above, it was necessary for Nasdaq to file its proposed rule change expeditiously so as to avoid any disruption in service to its members.

At any time within 60 days of the filing of such proposed rule change the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File No. SR–NASDAQ–2007–086 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File No. NASDAQ–2007–086. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at Nasdaq's principal office and on Nasdaq's Web site at *http://nasdaq.complinet.com/nasdaq/display/display.html?rbid=1705&element_id=4*. 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 submission should refer to File No. SR–NASDAQ–2007–086 and should be submitted on or before January 4, 2008.

For the Commission by the Division of Trading and Markets pursuant to delegated authority.[16]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–24201 Filed 12–12–07; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56932; File No. SR–NYSEArca–2007–112]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change to List and Trade Shares of the iShares S&P GSCI Commodity-Indexed Trust

December 7, 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 December 7, 2007, NYSE Arca, Inc. (''NYSE Arca'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been substantially prepared by the Exchange. This order provides notice of the proposed rule change, and approves the proposed rule change on an accelerated basis.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NYSE Arca, through its wholly owned subsidiary NYSE Arca Equities, Inc. (''NYSE Arca Equities''), proposes to list and trade under NYSE Arca Equities Rule 8.203 shares (''Shares'') of the iShares® S&P GSCI™ Commodity-Indexed Trust (''Trust'').[3] The Trust issues units of beneficial interest (*i.e.*, the Shares) representing fractional undivided beneficial interests in the net assets of the Trust. The text of the proposed rule change is available on the Exchange's Web site at *http://www.nyse.com*, at the Exchange's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change, and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to list and trade the Shares under NYSE Arca Equities Rule 8.203. The objective of the Trust is for the performance of the Shares to correspond generally to the performance of the S&P GSCI™ Total Return Index, before payment of the Trust's and the Investing Pool's (as described below) expenses and liabilities (the ''Total Return Index''). The Trust is currently listed on the New York Stock Exchange LLC (''NYSE'') and trades on NYSE Arca pursuant to unlisted trading privileges. Following Commission approval of this proposed rule change, the Trust will transfer listing from NYSE to NYSE Arca,[4] and will not trade on NYSE. The Exchange represents that the Shares satisfy the requirements of NYSE Arca Equities Rule 8.203 and thereby qualify for listing on the Exchange.

The commodity component of the Total Return Index is comprised of a group of commodities included in the S&P GSCI™ Commodity Index (''S&P GSCI™'' or ''Index''), which is a production-weighted index of the prices

[16] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] iShares® is a registered trademark of Barclays Global Investors, N.A. ''S&P GSCI'' is a trademark of Standard & Poor's (''S&P'' or ''Index Sponsor''), a division of The McGraw-Hill Companies, Inc.

[4] *See* Securities Exchange Act Release No. 54013 (June 16, 2006), 71 FR 36372 (June 26, 2006) (SR–NYSE–2006–17) (''NYSE Order'') (approving listing and trading of the Shares on NYSE); Securities Exchange Act Release No. 54025 (June 21, 2006), 71 FR 36856 (June 28, 2006) (SR–NYSEArca–2006–12) (approving, among other things, the trading of the Shares on NYSE Arca pursuant to unlisted trading privileges).

of a diversified group of futures contracts on physical commodities. The Total Return Index reflects the return of the S&P GSCI™ Excess Return Index (''S&P GSCI™-ER''), described below, together with the return on specified U.S. Treasury securities that are deemed to have been held to collateralize a hypothetical long position in the futures contracts comprising the S&P GSCI™-ER.

The S&P GSCI™-ER is calculated based on the same commodities as those in the Total Return Index and S&P GSCI™ Index and reflects the returns that are potentially available through a rolling uncollateralized investment in the contracts comprising the S&P GSCI™ Index. The S&P GSCI™-ER does not reflect the return on U.S. Treasury securities used to collateralize positions in futures contracts comprising that index.[5]

The Trust will attempt to approximate the Total Return Index by holding interests in an Investing Pool (described below) which, in turn, holds futures contracts on the S&P GSCI™-ER (''CERFs''), together with cash or other short-term securities used to collateralize the futures positions.

a. The Trust and Investing Pool

The Trust is a Delaware statutory trust that issues units of beneficial interest called Shares, representing fractional undivided beneficial interests in its net assets. Substantially all of the assets of the Trust consist of holdings of the limited liability company interests of a specified commodity pool (''Investing Pool Interests''), which are the only securities in which the Trust may invest. Specifically, the Trust holds interests in the iShares® S&P GSCI™ Commodity-Indexed Investing Pool (''Investing Pool'').

The Investing Pool holds long positions in futures contracts on the S&P GSCI™-ER and will post margin in the form of cash or short-term securities to collateralize these futures positions. Trading on the Chicago Mercantile Exchange (''CME'') Globex electronic trading platform of CERFs based on the GSCI–ER Index commenced effective March 12, 2006 for trade date March 13, 2006.

The Trust and the Investing Pool are each commodity pools managed by a commodity pool operator registered as such with the Commodity Futures Trading Commission (''CFTC''). According to the Registration Statement, neither the Trust nor the Investing Pool is an investment company registered under the Investment Company Act of 1940.[6]

b. The Sponsor and Trustee

The sponsor of the Trust (''Sponsor'') is Barclays Global Investors International, Inc. The Sponsor's primary business function is to act as Sponsor and commodity pool operator of the Trust and Manager of the Investing Pool, as discussed below.[7] The Advisor to the Investing Pool is Barclays Global Fund Advisors, a California corporation and an indirect subsidiary of Barclays Bank PLC.

Barclays Global Investors International, Inc. also serves as the Manager of the Investing Pool, in which capacity it serves as commodity pool operator of the Investing Pool and is responsible for its administration. The Manager arranges for and pays the costs of organizing the Investing Pool. The Manager has delegated some of its responsibilities for administering the Investing Pool to the Administrator, State Street Bank and Trust Company which, in turn, has employed the Investing Pool Administrator and the Tax Administrator (PriceWaterhouse Coopers) to maintain various records on behalf of the Investing Pool.

The trustee of the Trust (''Trustee'') is Barclays Global Investors, N.A., a national banking association affiliated with the Sponsor. The Trustee is responsible for the day-to-day administration of the Trust.[8] Pursuant to NYSE Arca Equities Rule 8.203(e)(4)(ii), a change in the Trustee would require prior notice to and approval by the Exchange. The Exchange notes that both the Sponsor and the Trustee will establish firewall procedures with respect to personnel who have access to information concerning changes and adjustments to components of the Trust to prevent the use and dissemination of material non-public information.

c. The Investing Pool

The Investing Pool holds long positions in CERFs, which are cash-settled futures contracts listed on the CME that have a term of approximately five years after listing and whose settlement at expiration is based on the value of the S&P GSCI™–ER at that time. The Investing Pool also earns interest on the assets used to collateralize its holdings of CERFs.

A detailed description of the Trust, the Investing Pool, characteristics and calculation of the S&P GSCI™ Total Return Index, the S&P GSCI™ Index, and S&P GSCI™–ER, characteristics and valuation of CERFs, computation of the Trust's net asset value, creation and redemption procedures, and Trust fees is included in the NYSE Order[9] and the Registration Statement.[10]

d. The Index Committee and Index Advisory Panel

The Index Sponsor has established an Index Committee to oversee the daily management and operations of the S&P GSCI™, and is responsible for all analytical methods and calculations. The Index Committee is comprised of three full-time professional members of S&P's staff and two members of Goldman Sachs Group. At each meeting, the Index Committee reviews any issues that may affect index constituents, statistics comparing the composition of the indices to the market, commodities that are being considered as candidates for addition to an index, and any significant market events. In addition, the Index Committee may revise index policy covering rules for selecting commodities, or other matters.

S&P considers information about changes to its indices and related matters to be potentially market moving and material. Therefore, all Index Committee discussions are confidential.[11]

In addition, the Index Sponsor has established an Index Advisory Panel to assist it with the operation of the S&P GSCI™. The principal purpose of the Index Advisory Panel is to advise the Index Sponsor with respect to, among other things, the calculation of the S&P GSCI™, the effectiveness of the S&P

[5] S&P acquired the S&P GSCI™ (formerly known as the ''Goldman Sachs Commodity Index''), the S&P GSCI™-ER and the Total Return Index from Goldman Sachs & Co., the prior Index Sponsor, effective May 2007. The Sponsor, defined *infra*, filed Form S–1 for iShares® GSCI™ Commodity-Indexed Trust on July 22, 2005. *See* Registration No. 333–126810 and Registration No. 333–142259 (Trust prospectus dated May 11, 2007). These filings are referred to collectively herein as the ''Registration Statement.'' According to the Registration Statement, S&P has represented that it will not modify the determination methodology for the S&P GSCI™ Total Return Index from that existing on the date of transfer (May 9, 2007) for at least one year. Thereafter, there can be no assurance as to whether the methodology will be changed.

[6] 15 U.S.C. 80a.

[7] Barclays Global Investors International, Inc. is a commodity pool operator registered with the CFTC.

[8] Except as otherwise specifically noted, the information provided by the Exchange in its proposed rule change relating to the Trust and the Shares, commodities markets, and related information is based entirely on information included in the Registration Statement.

[9] *See supra* at note 4.

[10] *See supra* at note 5.

[11] The Exchange states that, in this instance, it will apply Commentary .01(b)(1) of NYSE Arca Equities Rule 5.2(j)(3) to the Shares. This provision requires, among other things, that the Index Committee implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material non-public information regarding the Index.

GSCI™ as a measure of commodity futures market performance and the need for changes in the composition or the methodology of the S&P GSCI™. The Index Advisory Panel acts solely in an advisory and consultative capacity. All decisions with respect to the composition, calculation and operation of the S&P GSCI™ are made by the Index Committee.

The Index Advisory Panel generally meets in October of each year. Prior to the meeting, the Index Sponsor determines the commodities to be included in the S&P GSCI™ for the following calendar year and the weighting factors for each commodity. The Index Advisory Panel's members receive the proposed composition of the S&P GSCI™ in advance of the meeting and discuss the composition at the meeting. The Index Sponsor also consults the Index Advisory Panel on any other significant matters with respect to the calculation and operation of the S&P GSCI™. The Index Advisory Panel may, if necessary or practicable, meet at other times during the year as issues arise that warrant its consideration.

The contracts currently included in the S&P GSCI™ are all futures contracts traded on the New York Mercantile Exchange, Inc. (''NYM''), ICE Futures (''ICE'') and its subsidiary, the New York Board of Trade (''NYBOT''), the CME, the Chicago Board of Trade (''CBT''), the Coffee, Sugar & Cocoa Exchange, Inc. (''CSC''), the Kansas City Board of Trade (''KBT''), the COMEX Division of the New York Mercantile Exchange, Inc. (''CMX'') and the London Metal Exchange (''LME'').

The futures contracts currently included in the S&P GSCI™, their percentage dollar weights (as of August 13, 2007), their market symbols and the exchanges on which they are traded, trading hours (New York Time), Average Daily Trading Volume (''ADTV'') for January 2007 through July, 2007, and units per contract are as follows:

Commodity	Weight 8/13/07	ADTV (contracts)	Market symbol	Trading facility	Units
WTI Crude Oil	36.03	203,372	CL	NYM	1,000 index points.
Brent Crude Oil	14.61	237,534	LCO	ICE	1,000 barrels.
Natural Gas	7.16	112,312	NG	NYM	42,000 U.S. Gallons.
Heating Oil	5.79	71,276	HO	NYM	42,000 U.S. Gallons.
Gas Oil	5.17	89,636	LGO	ICE	100 metric tons.
Copper	4.06	14,894	MCU	NYM	25,000 lbs.
Chicago Wheat	3.84	76,630	W	CBT	5,000 bushels.
Aluminum	3.01	155,886	MAL	LME	25 metric tons.
Corn	2.96	248,132	C	CBT	5,000 bushels.
Live Cattle	2.61	36,530	LC	CME	40,000 lbs.
Gold	2.00	90,592	GC	NYM	100 Troy ounces.
Soybeans	1.98	122,705	S	CBT	5,000 bushels.
Lean Hogs	1.50	30,698	LH	CME	40,000 lbs.
Kansas City Wheat	1.31	17,476	KW	KBT	5,000 bushels.
RBOB Gas	1.28	80,211	RB	NYM	50,000 X PADD.
Nickel	1.11	14,543	MNI	LME	6 metric tons.
Zinc	1.10	48,483	MZN	LME	25 metric tons.
Sugar	1.03	26,452	SB	NYBOT	112,000 lbs.
Cotton	0.91	26,452	CT	NYBOT	50,000 lbs.
Coffee	0.72	20,664	KC	NYBOT	37,500 lbs.
Lead	0.70	16,998	MPB	LME	25 metric tons.
Feeder Cattle	0.63	4,416	FC	CME	50,000 lbs.
Silver	0.27	24,458	SI	NYM	5,000 troy ounces.
Cocoa	0.21	13,582	CC	NYBOT	10 metric tons.

The hours of trading (New York Time) of the commodities in the charts above are as follows:

Commodity	Trading facility	Trading hours (NY time)
Crude Oil	NYM	10 a.m.–2:30 p.m.
Brent Crude Oil	ICE	8 p.m.–5 p.m. (next day).
Natural Gas	NYM	10 a.m.–2:30 p.m.
Heating Oil	NYM	10:05 a.m.–2:30 p.m.
RBOB Gasoline	NYM	10:05 a.m.–2:30 p.m.
Gas Oil	ICE	8 p.m.–5 p.m. (next day).
Live Cattle	CME	10:05 a.m.–2 p.m.
Wheat	CBT	10:30 a.m.–2:15 p.m.
Aluminum	LME	6:55 a.m.–12:00 p.m.
Corn	CBT	10:30 a.m.–2:15 p.m.
Copper	LME	7 a.m.–12 p.m.
Soybeans	CBT	10:30 a.m.–2:15 p.m.
Lean Hogs	CME	9:10 a.m.–1 p.m.
Gold	CMX	8:20 a.m.–1:30 p.m.
Sugar	CSC	9 a.m.–12 p.m.
Cotton	NYC	10:30 a.m.–2:15 p.m.
Red Wheat	KBT	10:30 a.m.–2:15 p.m.
Coffee	CSC	9:15 a.m.–12:30 p.m.

Commodity	Trading facility	Trading hours (NY time)
Standard Lead	LME	7:05 a.m.–11:50 a.m.
Feeder Cattle	CME	10:05 a.m.–2 p.m.
Zinc	LME	7:10 a.m.–11:55 a.m.
Primary Nickel	LME	7:10 a.m.–11:55 a.m.
Cocoa	CSC	8 a.m.–11:50 a.m.
Silver	CMX	8:25 a.m.–1:25 p.m.

e. Dissemination of Information Relating to the Shares

The Web site for the Trust *(http://www.ishares.com),* which is publicly accessible at no charge, contains the following information: (a) The prior Business Day's [12] net asset value (''NAV''), calculated on a per Share basis, and the reported closing price; (b) the mid-point of the bid-ask price [13] in relation to the NAV as of the time the NAV is calculated (the ''Bid-Ask Price''); (c) calculation of the premium or discount of such price against such NAV; (d) data in chart form displaying the frequency distribution of discounts and premiums of the Bid-Ask Price against the NAV, within appropriate ranges for each of the four previous calendar quarters; (e) the prospectus; (f) the holdings of the Trust, including CERFs, cash and Treasury securities; (g) the Basket Amount;[14] and (h) other applicable quantitative information.

The NAV for the Shares is calculated and disseminated daily. In addition, during the NYSE Arca Core Trading Session (*i.e.*, 9:30 a.m. to 4:15 p.m., New York Time) for the Trust, one or more major market data vendors disseminates information with respect to the Indicative Intra-day Value (as discussed below), recent NAV, and Shares outstanding on a daily basis. The NAV for each Business Day on which the NYSE is open for regular trading is distributed through major market data vendors and will be published online at *http://www.ishares.com,* or any successor thereto. The Trust updates the NAV as soon as practicable after each subsequent NAV is calculated.

The Sponsor for the Trust (Barclays Global Investors International, Inc.) has represented to the Exchange that the Trustee for the Trust will make the NAV on a per Share basis available to all market participants at the same time.

At present, official calculation by the Index Sponsor of the value of S&P GSCI™ Index is performed continuously and is updated on Reuters at least every 15 seconds during the NYSE Arca Core Trading Session and during business hours on each Business Day on which the offices of the Index Sponsor in New York City are open for business. In the event that the Exchange is open for business on a day that is not an S&P GSCI™ Business Day, the Exchange will not permit trading of the Shares on that day.

In addition, values updated at least every 15 seconds are disseminated on Reuters for the Total Return Index during the NYSE Arca Core Trading Session. Daily settlement values for the S&P GSCI™, the Total Return Index and S&P GSCI™-ER are also widely disseminated.

If the relevant trading facility fails to make a daily contract reference price available or publishes a daily contract reference price (as discussed in the Registration Statement and the NYSE Order) that, in the reasonable judgment of the Index Sponsor, reflects manifest error, the relevant calculation will be delayed until the price is made available or corrected; provided, that, if the price is not made available or corrected by 4 p.m. New York Time, the Index Sponsor may, if it deems that action to be appropriate under the circumstances, determine the appropriate daily contract reference price for the applicable futures contract in its reasonable judgment for purposes of the relevant calculation.

Various data vendors and news publications publish futures prices and data. Futures quotes and last sale information for the commodities underlying the Index are widely disseminated through a variety of market data vendors worldwide, including Bloomberg and Reuters. In addition, complete real-time data for such futures is available by subscription from Reuters and Bloomberg. The futures exchanges on which the underlying commodities and CERFs trade also provide delayed futures information on current and past trading sessions and market news generally free of charge on their respective Web sites. The specific contract specifications for the futures contracts are also available from the futures exchanges on their Web sites as well as other financial informational sources.

f. Indicative Intra-Day Value

In order to provide updated information relating to the Trust for use by investors, professionals, and other persons, one or more major market data vendors disseminate an updated Indicative Intra-day Value (''IIV'') on a per Share basis. The IIV is disseminated at least every 15 seconds from 9:30 a.m. to 4:15 p.m., New York Time. The IIV is calculated based on the cash and collateral in a Basket Amount [15] divided by 50,000, adjusted to reflect the market value of the investments held by the Investing Pool, *i.e.* CERFs. The IIV does not reflect price changes to the price of an underlying commodity between the close of trading of the futures contract at the relevant futures exchange and the close of trading in the NYSE Arca Core Trading Session. The value of a Share may accordingly be influenced by non-concurrent trading hours between NYSE Arca and the various futures exchanges on which the futures contracts based on the Index commodities are traded. The table above lists the trading hours for each of the Index commodities underlying the futures contracts.

When the market for futures trading for each of the relevant Index commodities is open, the IIV can be expected to closely approximate the value per Share of the Basket Amount. However, during the NYSE Arca Core Trading Session when the futures contracts have ceased trading, spreads and resulting premiums or discounts may widen, and, therefore, increase the difference between the price of the Shares and the NAV of the Shares. IIV on a per Share basis disseminated during the NYSE Arca Core Trading Session should not be viewed as a real time update of the NAV, which is calculated only once a day.

[12] The Trust's Registration Statement defines ''Business Day'' as any day (1) on which none of the following occurs: (a) The NYSE is closed for regular trading, (b) the CME is closed for regular trading or (c) the Federal Reserve transfer system is closed for cash wire transfers; or (2) the Trustee determines that it is able to conduct business.

[13] The bid-ask price of Shares is determined using the highest bid and lowest offer as of the time of calculation of the NAV.

[14] The Basket Amount is the amount of CERFs and Short-Term Securities or cash that an Authorized Participant must deliver in exchange for one Basket.

[15] The Basket Amount is the amount of CERFs and Short-Term Securities or cash that an Authorized Participant must deliver in exchange for one Basket.

g. Other Characteristics of the Shares

General Information. The trading hours for the Shares on the Exchange are the same as those set forth in NYSE Arca Equities Rule 7.34 (Opening, Core Trading, and Late Trading Sessions, 4 a.m. to 8 p.m., New York Time). The minimum trading increment for Shares on the Exchange is $0.01.

Initial Listing Criteria. NYSE Arca Equities Rule 8.203(e)(1) requires a minimum number of Shares outstanding, as determined by the Exchange. For the purpose of this product, the minimum number is 100,000 Shares.

Continued Listing Criteria. The Shares will be subject to the continued listing criteria of NYSE Arca Equities Rule 8.203(e)(2). Under the applicable continued listing criteria, the Shares may be delisted as follows: (1) Following the initial 12-month period beginning upon the commencement of trading of the Shares, there are fewer than 50 record and/or beneficial holders of the Shares for 30 or more consecutive trading days; (2) the value of the Total Return Index ceases to be calculated by or available from a major market data vendor on at least a 15-second basis from a source unaffiliated with the Sponsor, the Trust or the Trustee; (3) the NAV is no longer disseminated to all market participants at the same time; (4) the IIV ceases to be available on at least a 15-second delayed basis from a major market data vendor; or (5) such other event shall occur or condition exist that, in the opinion of the Exchange, makes further dealings on the Exchange inadvisable. The Exchange will remove Shares from listing and trading upon termination of the Trust.

h. Trading Rules

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. Trading in the Shares on the Exchange occurs in accordance with NYSE Arca Equities Rule 7.34(a). The Exchange has appropriate rules to facilitate transactions in the Shares during this time.

Further, NYSE Arca Equities Rules 8.203(g)–(i) set forth certain restrictions on equity trading permit holders (''ETP Holders'') acting as registered Market Makers [16] in Commodity Index Trust Shares to facilitate surveillance. NYSE Arca Equities Rule 8.203(h) requires that the ETP Holder acting as a registered Market Maker in the Shares provide the Exchange with information relating to its trading in the applicable physical commodities included in, or options, futures or options on futures on, the applicable Index or any other derivatives based on the Index. NYSE Arca Equities Rule 8.203(i) prohibits the ETP Holder acting as a registered market maker in the Shares from using any material nonpublic information received from any person associated with an ETP Holder or employee of such person regarding trading by such person or employee in the applicable physical commodities included in, or options, futures or options on futures on, the Index or any other derivatives based on the Index (including the Shares). In addition, as stated above, NYSE Arca Equities Rule 8.203(g) prohibits the ETP Holder acting as a registered Market Maker in the Shares from being affiliated with a Market Maker in the applicable physical commodities included in, or options, futures or options on futures on, the Index or any other derivatives based on the Index unless adequate information barriers are in place, as provided in NYSE Arca Equities Rule 7.26.

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares. Trading on the Exchange in the Shares may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which trading is not occurring in CERFs or the futures contracts included in the Index; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. In addition, trading in Shares will be subject to trading halts caused by extraordinary market volatility pursuant to the Exchange's ''circuit breaker'' rule. [17] If the value of the Total Return Index or the IIV is not being disseminated on at least a 15-second basis during the hours the Shares trade on the Exchange, the Exchange may halt trading during the day in which the interruption to the dissemination of the IIV or the Index value occurs. If the interruption to the dissemination of the IIV or the Index value persists past the trading day in which it occurred, the Exchange will halt trading no later than the beginning of the trading day following the interruption.

The Exchange has regulatory jurisdiction over its ETP Holders and any person or entity controlling an ETP Holder. The Exchange also has regulatory jurisdiction over a subsidiary or affiliate of an ETP Holder that is in the securities business. A subsidiary or affiliate of an ETP Holder that does business only in commodities or futures contracts would not be subject to Exchange jurisdiction, but the Exchange could obtain certain information regarding the activities of such subsidiary or affiliate through surveillance sharing agreements with regulatory organizations of which such subsidiary or affiliate is a member.

i. Surveillance

The Exchange intends to utilize its existing surveillance procedures applicable to derivative products to monitor trading in the Shares. The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules.

The Exchange's current trading surveillances focus on detecting securities trading outside their normal patterns. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations. The Exchange is able to obtain information regarding trading in the Shares, the physical commodities included in, or options, futures or options on futures on, an index underlying an issue of Commodity Index Trust Shares or any other derivatives based on such index, through ETP Holders, in connection with such ETP Holders' proprietary or customer trades which they effect on any relevant market. With regard to the Index components, the Exchange can obtain market surveillance information, including customer identity information, with respect to transactions occurring on NYM, KBT, ICE and LME, pursuant to its comprehensive information sharing agreements with each of those exchanges. All of the other trading venues on which current Index components are traded are members of the Intermarket Surveillance Group (''ISG'') and the Exchange therefore has access to all relevant trading information with respect to those contracts without any further action being required on the part of the Exchange. A list of ISG members and affiliate members is available at *http://www.isgportal.com*.

[16] The term ''Market Maker'' is defined in NYSE Arca Equities Rule 1.1 as an ETP Holder that acts as a Market Maker pursuant to NYSE Arca Equities Rule 7. Market Makers are required to be registered with the Exchange pursuant to NYSE Arca Equities Rule 7.20 and have limitations on dealings as set forth in NYSE Arca Equities Rule 7.26.

[17] *See* NYSE ARCA Equities Rule 7.12.

A new component may be added to the Index if it does not constitute more than 10% of the weight of the Index or, if it constitutes more than 10% of the weight of the Index, the principal trading market for such component either (a) is a member of ISG or (b) has in effect a comprehensive surveillance sharing agreement with the Exchange.

j. Information Bulletin

Prior to the commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares, including risks inherent with trading the Shares during the Opening and Late Trading Sessions and suitability recommendation requirements.

Specifically, the Information Bulletin will discuss the following: (1) The procedures for purchases and redemptions of Shares in Baskets; (2) NYSE Arca Equities Rule 9.2(a),[18] which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (3) how information regarding the IIV is disseminated; (4) the risks involved in trading the Shares during the Opening and Late Trading Sessions when an updated IIV will not be calculated or publicly disseminated; (5) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information. For example, the Information Bulletin will advise ETP Holders, prior to the commencement of trading, of the prospectus delivery requirements applicable to the Trust. The Exchange notes that investors purchasing Shares directly from the Trust (by delivery of the Basket Amount) will receive a prospectus. ETP Holders purchasing Shares from the Trust for resale to investors will deliver a prospectus to such investors.

In addition, the Information Bulletin will reference that the Trust is subject to various fees and expenses described in the Registration Statement. The Information Bulletin will also reference the fact that there is no regulated source of last sale information regarding physical commodities, and will discuss the relevant regulatory jurisdiction over the trading of physical commodities or the futures contracts on which the value of the Shares is based.

2. Statutory Basis

The basis under the Exchange Act for this proposed rule change is the requirement under Section 6(b)(5)[19] that a national securities exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in 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.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–NYSEArca–2007–112 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2007–112. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2007–112 and should be submitted on or before January 4, 2008.

IV. Commission's Findings and Order Granting Accelerated Approval of the Proposed Rule Change

After careful consideration, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[20] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[21] which requires that the rules of a national securities exchange be designed, among other things, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Commission also finds that the proposal is consistent with Section 11A(a)(1)(C)(iii) of the

[18] NYSE Arca Equities Rule 9.2(a) (''Diligence as to Accounts'') provides that ETP Holders, before recommending a transaction, must have reasonable grounds to believe that the recommendation is suitable for the customer based on any facts disclosed by the customer as to his other security holdings and as to his financial situation and needs. Further, the rule provides, with a limited exception, that prior to the execution of a transaction recommended to a non-institutional customer, the ETP Holders shall make reasonable efforts to obtain information concerning the customer's financial status, tax status, investment objectives, and any other information that they believe would be useful to make a recommendation. *See* Securities Exchange Act Release No. 54026 (June 21, 2006), 71 FR 36850 (June 28, 2006) (SR–PCX–2005–115).

[19] 15 U.S.C. 78f(b)(5).

[20] In approving this rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[21] 15 U.S.C. 78f(b)(5).

Act,[22] which sets forth Congress' finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities.

As described above, the Exchange represents that futures prices and data, including quotes and last-sale information for the commodities underlying the Index, are widely disseminated through a variety of market data vendors, including Bloomberg and Reuters. The Exchange also represents that complete real-time data on such futures is available by subscription, and the relevant futures exchanges generally provide delayed futures information on current and past trading sessions and market news free of charge on their respective Web sites. Additionally, the specific contract specifications for the futures contracts are available from the futures exchanges on their Web sites as well as other financial informational sources. Further, the Trust's Web site, which is accessible for no charge, contains the following information: (a) The prior business day's NAV on a per Share basis and the reported closing price; (b) the Bid-Ask Price; (c) calculation of the premium or discount of such price against such NAV; (d) data in chart form displaying the frequency distribution of discounts and premiums of the Bid-Ask Price against the NAV, within appropriate ranges for each of the four previous calendar quarters; (e) the prospectus; (f) the holdings of the Trust, including CERFs, cash and Treasury securities; (g) the Basket Amount, and (h) other applicable quantitative information.

The Commission believes that the proposed rule change is reasonably designed to promote fair disclosure of information that may be necessary to appropriately price the Shares. The NAV per Share is calculated daily, and the Sponsor has represented that the Trustee will make the NAV on a per Share basis available to all market participants at the same time. In addition, the Exchange represents that the Web site disclosure of the portfolio composition of the Trust will be made to all market participants at the same time. Further, as described above, NYSE Arca Equities Rules 8.203(g)–(i) set forth certain restrictions on ETP Holders acting as registered Market Makers in Commodity Index Trust Shares.

The Commission also believes that the Exchange's trading halt rules are reasonably designed to prevent trading in the Shares when transparency is impaired. Trading in the Shares would be subject to trading halts caused by extraordinary market volatility pursuant to the Exchange's ''circuit breaker'' rule, NYSE Arca Equities Rule 7.12. In exercising its discretion to halt or suspend trading in the Shares, the Exchange may consider factors such as the extent to which trading is not occurring in CERFs or the futures contracts included in the Index or whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. If the value of the Total Return Index or the IIV is not being disseminated on at least a 15-second basis during the hours the Shares trade on the Exchange, the Exchange may halt trading during the day in which the interruption to the dissemination of the IIV or the Index value occurs. If the interruption to the dissemination of the IIV or the Index value persists past the trading day in which it occurred, the Exchange will halt trading no later than the beginning of the trading day following the interruption.

The Commission further believes that the trading rules and procedures to which the Fund Units will be subject pursuant to this proposal are consistent with the Act. The Exchange has represented that the Shares are equity securities subject to NYSE Arca's rules governing the trading of equity securities.

In support of this proposal, the Exchange has made the following representations:

1. The Exchange's surveillance procedures are adequate to properly monitor the trading of the Shares, and to deter and detect violations of Exchange rules. In addition, the Exchange is able to obtain information regarding trading in the Shares, the physical commodities included in, or options, futures or options on futures on, an index underlying an issue of Commodity Index Trust Shares or any other derivatives based on such index. With regard to the Index components, the Exchange can obtain market surveillance information, including customer identity information, with respect to transactions occurring on NYM, KBT, ICE and LME, pursuant to its comprehensive information sharing agreements with each of those exchanges. All of the other trading venues on which current Index components are traded are members of the ISG and the Exchange therefore has access to all relevant trading information with respect to those contracts without any further action being required on the part of the Exchange.

2. Prior to the commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares, including risks inherent with trading the Shares during the Opening and Late Trading Sessions and suitability recommendation requirements. The Information Bulletin will also advise ETP Holders, prior to the commencement of trading, of the prospectus delivery requirements applicable to the Trust. The Information Bulletin will also reference the fact that there is no regulated source of last sale information regarding physical commodities, and will discuss the relevant regulatory jurisdiction of trading of physical commodities or the futures contracts on which the value of the Shares is based.

This approval order is based on the Exchange's representations.

The Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[23] for approving the proposed rule change prior to the 30th day after the date of publication of notice in the **Federal Register**. The Commission has previously approved both the listing and trading of the Shares on NYSE and the trading of the Shares on NYSE Arca pursuant to unlisted trading privileges,[24] and does not believe that allowing the product to be both listed and traded on NYSE Arca raises novel regulatory issues. Consequently, the Commission believes that it is appropriate to allow the switching of listing markets without delay. Accordingly, the Commission finds that there is good cause, consistent with Section 6(b)(5) of the Act,[25] to approve the proposal on an accelerated basis.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) under the Act,[26] that the proposed rule change (SR–NYSEArca–2007–112) be, and it hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–24194 Filed 12–13–07; 8:45 am]

BILLING CODE 8011–01–P

[22] 15 U.S.C. 78k–1(a)(1)(C)(iii).

[23] 15 U.S.C. 78s(b)(2).

[24] *See supra* at note 4.

[25] 15 U.S.C. 78f(b)(5).

[26] 15 U.S.C. 78s(b)(2).

[27] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56933; File No. SR–Phlx–2007–70]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Order Approving a Proposed Rule Change Modified by Amendment No. 1 Thereto Relating to Rule 1034, Minimum Increments

December 7, 2007.

On September 5, 2007, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, as amended (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Rule 1034, Minimum Increments, to decrease the size of the minimum quoting and trading increments applicable to the Exchange's U.S. dollar-settled foreign currency options (''FCOs''). On October 11, 2007, the Exchange submitted Amendment No. 1 to the proposed rule change. The proposed rule change, as amended, was published for comment in the **Federal Register** on November 02, 2007.[3] The Commission received no comments on the proposal. This order approves the proposed rule change, as modified by Amendment No. 1.

Phlx proposed to amend Rule 1034, Minimum Increments, to decrease the size of the minimum quoting and trading increments applicable to the Exchange's U.S. dollar-settled FCOs.[4] Currently, all U.S. dollar-settled FCOs other than the Japanese yen have minimum increments of $.0010 (expressed as .10) or $.0005 (expressed as .05). Minimum increments for the Japanese yen are $.000010 (also expressed as .10) or $.000005 (expressed as .05). In each case the applicable minimum increment is determined by the price at which the option is quoting. These minimum increments were originally established in order to accommodate trading of U.S. dollar-settled FCOs on the Phlx XL platform, which did not have penny trading capability when the rules for the U.S. dollar-settled FCOs were first drafted and filed with the Commission.

The proposed amendments to Rule 1034 would set the minimum increment for U.S. dollar-settled FCOs on currencies other than the Japanese yen at $.0001 and the minimum increment for U.S. dollar-settled FCO contracts on the Japanese yen at $.000001 (in both cases expressed as .01), regardless of the price at which the option is quoting. The Exchange believes that quoting and trading U.S. dollar-settled FCOs in smaller increments should provide additional trading opportunities and enable investors to trade these options with greater precision as to price. According to the Exchange, the changes would permit the trading of U.S. dollar-settled FCOs in the same minimum increments that have long been applicable to the Exchange's physical delivery FCO contracts.[5]

The Commission finds, after careful consideration, that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[6] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[7] which requires that an exchange have rules designed, among other things, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The proposed rule change will allow U.S. dollar-settled FCOs to trade in the same increments as applicable to the Exchange's physical delivery FCOs.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[8] that the proposed rule change (SR–Phlx–2007–70), as modified by Amendment No. 1, be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–24195 Filed 12–13–07; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(l).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 56714 (October 29, 2007), 72 FR 56714 (SR–Phlx–2007–70).

[4] On January 8, 2007, the Exchange began trading U.S. dollar-settled options on the British pound and the Euro on the Exchange's electronic trading platform for options, Phlx XL. *See* Securities Exchange Act Release No. 54989 (December 21, 2006), 71 FR 78506 (December 29, 2006) (approving SR–Phlx–2006–34). The Exchange subsequently listed U.S. dollar-settled FCOs on the Australian dollar, the Canadian dollar, the Swiss franc and the Japanese yen. See Securities Exchange Act Release No. 56034 (July 10, 2007), 72 FR 38853 (July 16, 2007) (approving SR–Phlx–2007–34).

The Exchange plans to implement the proposed rule change on January 2, 2008. Telephone conversation between Carla Behnfeldt, Director and Counsel, Phlx, and Natasha Cowen, Special Counsel, Division of Trading and Markets, Commission, on December 6, 2007.

[5] Although U.S. dollar-settled FCOs would be trading in these narrower minimum increments, the Exchange notes that they would not actually be trading in pennies (the trading increment would actually be much smaller although it would be expressed as .01) and would not be considered part of the Exchange's pilot program currently applicable to certain equity options. The pilot, which permits certain options series to be quoted and traded in increments of $ 0.01, began on January 26, 2007. *See, e.g.*, Securities Exchange Act Release No. 56563 (September 27, 2007), 72 FR 56429 (October 3, 2007) (SR–Phlx–2007–62).

[6] In approving this rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(2).

[9] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Emergence Capital Partners SBIC, L.P. License No. 09/79–0454; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Emergence Capital Partners SBIC, L.P., 160 Bovet Road, Suite 300, San Mateo, CA 94402, a Federal Licensee under the Small Business Investment Act of 1958, as amended (''the Act''), in connection with the financing of a small concern, has sought an exemption under Section 312 of the Act and Section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration (''SBA'') Rules and Regulations (13 CFR 107.730). Emergence Capital Partners SBIC, L.P. proposes to provide equity/debt security financing to DVDPlay, Inc., 695 Campbell Technology Parkway, Suite 200, Campbell, CA 95008. The financing is contemplated for working capital and general corporate purposes.

The financing is brought within the purview of § 107.730(a)(1) of the Regulations because Emergence Capital Partners, L.P. and Emergence Capital Associates, L.P., all Associates of Emergence Capital Partners SBIC, L.P., own more than ten percent of DVDPlay, Inc., and therefore DVDPlay, Inc. is considered an Associate of Emergence Capital Partners SBIC, L.P. as detailed in § 107.50 of the Regulations.

Notice is hereby given that any interested person may submit written comments on the transaction to the Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416.

Dated: December 5, 2007.

A. Joseph Shepard,

Associate Administrator for Investment.

[FR Doc. E7–24260 Filed 12–13–07; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Disaster Declaration #11122 and #11123; Oregon Disaster #OR–00023

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Oregon (FEMA–1733–DR), dated 12/09/2007.

Incident: Severe Storms and Flooding.

Incident Period: 12/01/2007 and continuing.

DATES: Effective Date: 12/09/2007.

Physical Loan Application Deadline Date: 02/07/2008.

Economic Injury (EIDL) Loan Application Deadline Date: 09/09/2008.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 12/09/2007, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans):

Columbia, Tillamook

Contiguous Counties (Economic Injury Loans Only):

Oregon: Clatsop, Lincoln, Multnomah, Polk, Washington, Yamhill

Washington: Clark, Cowlitz, Wahkiakum

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.875
Homeowners without Credit Available Elsewhere	2.937
Business with Credit Available Elsewhere	8.000
Other (Including Non-Profit Organizations) with Credit Available Elsewhere	5.250
Businesses and Non-Profit Organizations without Credit Available Elsewhere	4.000
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 111226 and for economic injury is 111230.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. E7–24263 Filed 12–13–07; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Disaster Declaration #11124 and #11125; Washington Disaster #WA–00015

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of WASHINGTON (FEMA–1734–DR), dated 12/09/2007.

Incident: Severe Storms and Flooding.

Incident Period: 12/01/2007 and continuing.

DATES: *Effective Date:* 12/09/2007.

Physical Loan Application Deadline Date: 02/07/2008.

Economic Injury (EIDL) Loan Application Deadline Date: 09/09/2008.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 12/09/2007, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans):

Grays Harbor, Lewis

Contiguous Counties (Economic Injury Loans Only):

Washington: Cowlitz, Jefferson, Mason, Pacific, Pierce, Skamania, Thurston, Wahkiakum, Yakima

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.875
Homeowners without Credit Available Elsewhere	2.937
Businesses with Credit Available Elsewhere	8.000
Other (Including Non-Profit Organizations) with Credit Available Elsewhere	5.250
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 111246 and for economic injury is 111250.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. E7–24262 Filed 12–13–07; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Small Business Size Standards: Waiver of the Nonmanufacturer Rule

AGENCY: U.S. Small Business Administration.

ACTION: Notice of intent to waive the Nonmanufacturer Rule for All Other Miscellaneous Electrical Equipment and Component Manufacturing.

SUMMARY: The U.S. Small Business Administration (SBA) is considering granting a request for a waiver of the Nonmanufacturer Rule for All Other Miscellaneous Electrical Equipment and Component Manufacturing.

According to the request, no small business manufacturers supply these classes of products to the Federal Government. If granted, the waiver would allow otherwise qualified regular dealers to supply the products of any domestic manufacturer on a Federal contract set aside for small businesses; service-disabled veteran-owned small businesses or SBA's 8(a) Business Development Program.

DATES: Comments and source information must be submitted December 31, 2007.

ADDRESSES: You may submit comments and source information to Pamela M. McClam, Program Analyst, U.S. Small Business Administration, Office of Government Contracting, 409 3rd Street, SW., Suite 8800, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Pamela M. McClam, Program Analyst, by telephone at (202) 205–7408; by FAX at (202) 481–4783; or by e-mail at *Pamela.McClam@sba.gov*.

SUPPLEMENTARY INFORMATION: Section 8(a)(17) of the Small Business Act (Act), 15 U.S.C. 637(a)(17), requires that recipients of Federal contracts set aside for small businesses, service-disabled veteran-owned small businesses, or SBA's 8(a) Business Development Program provide the product of a small business manufacturer or processor, if the recipient is other than the actual manufacturer or processor of the product. This requirement is commonly referred to as the Nonmanufacturer Rule. The SBA regulations imposing this requirement are found at 13 CFR 121.406(b). Section 8(a)(17)(b)(iv) of the Act authorizes SBA to waive the Nonmanufacturer Rule for any ''class of products'' for which there are no small business manufacturers or processors available to participate in the Federal market.

As implemented in SBA's regulations at 13 CFR 121.1202(c), in order to be considered available to participate in the Federal market for a class of products, a small business manufacturer must have submitted a proposal for a contract solicitation or received a contract from the Federal government within the last 24 months.

The SBA defines ''class of products'' based on a six digit coding system. The coding system is the Office of Management and Budget North American Industry Classification System (NAICS).

The SBA is currently processing a request to waive the Nonmanufacturer Rule for All Other Miscellaneous Electrical Equipment and Component Manufacturing.

North American Industry Classification System (NAICS) code 335999 product number 6240.

The public is invited to comment or provide source information to SBA on the proposed waivers of the Nonmanufacturer Rule for this class of NAICS code within 15 days after date of publication in the Federal Business Opportunities.

Arthur E. Collins, Jr.,

Director for Government Contracting.

[FR Doc. E7–24266 Filed 12–13–07; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 6026]

Culturally Significant Objects Imported for Exhibition Determinations: ''Parmigianino's Antea: A Beautiful Artifice''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the object to be included in the exhibition ''Parmigianino's Antea: A Beautiful Artifice,'' imported from abroad for temporary exhibition within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit object at The Frick Collection, New York, NY, from on or about January 29, 2008, until on or about April 27, 2008, and at possible additional exhibitions or venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (*telephone:* (202–453–8050). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: December 7, 2007.

C. Miller Crouch,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. E7–24285 Filed 12–13–07; 8:45 am]

BILLING CODE 4710–05–P

TENNESSEE VALLEY AUTHORITY

Paperwork Reduction Act of 1995, as Amended by Public Law 104–13; Submission for OMB Review; Comment Request

AGENCY: Tennessee Valley Authority.

ACTION: Submission for Office of Management & Budget (OMB) Review; Comment Request.

SUMMARY: The proposed information collection described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended). The Tennessee Valley Authority is soliciting public comments on this proposed collection as provided by 5 CFR Section 1320.8(d)(1). Requests for information, including copies of the information collection proposed and supporting documentation, should be directed to the Agency Clearance Officer: Alice D. Witt, Tennessee Valley Authority, 1101 Market Street (EB 5B), Chattanooga, Tennessee 37402–2801; (423) 751–6832. (SC: 0009BL5) Comments should be sent to the OMB, Office of Information and Regulatory Affairs, Attention: Desk Officer for Tennessee Valley Authority no later than January 14, 2008.

SUPPLEMENTARY INFORMATION: *Type of Request:* Regular submission, proposal to reinstate with revisions a currently approved collection of information (OMB control number 3316–0019).

Title of Information Collection: energy right® Program.

Frequency of Use: On occasion.

Type of Affected Public: Residential and small commercial consumers.

Small Business or Organizations Affected: Yes.

Federal Budget Functional Category Code: 271.

Estimated Number of Annual Responses: 29,000.

Estimated Total Annual Burden Hours: 8,700.

Estimated Average Burden Hours Per Response: .3.

This information is used by distributors of TVA power to assist in identifying and financing energy improvements for their electrical energy customers.

Steven A. Anderson,

Senior Manager, IT Planning & Governance, Information Services.

[FR Doc. E7–24239 Filed 12–13–07; 8:45 am]

BILLING CODE 8120–08–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[NHTSA Docket No. 2007–27133]

Highway Safety Programs; Proposed Amendments to Model Specifications for Screening; Devices To Measure Alcohol in Bodily Fluids

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of Proposed Amendments to Model Specifications for Screening Devices To Measure Alcohol in Bodily Fluids.

SUMMARY: This notice proposes revisions to Model Specifications for Screening Devices to Measure Alcohol in Bodily Fluids (Model Specifications) published in the **Federal Register** on August 2, 1994 (59 FR 39382). These devices test for the presence of alcohol using breath or bodily fluids such as saliva. The Model Specifications support State laws that target youthful offenders (i.e., ''zero tolerance'' laws) and the Department of Transportation's regulations on Alcohol Misuse Prevention, and encourage industry efforts to develop new technologies (e.g., non-breath devices) that measure alcohol content from bodily fluids.

This notice proposes to remove testing of Interpretive Screening Devices (ISDs) and use of the Breath Alcohol Sample Simulator (BASS) device from the Model Specifications. The ISDs do not provide an unambiguous test result, as test results for ISDs are subjective and require interpretation by a test administrator or technician. Because the agency has determined the BASS device is not necessary for inclusion in the Model Specifications, this notice proposes to remove all references to the BASS device.

Additionally, in order to ensure product integrity, this notice proposes guidelines for retesting devices when manufacturers contemplate changes, revisions, or upgrades to alcohol screening devices on the Conforming Products List (CPL).

The proposed revisions to these Model Specifications would not affect devices currently listed on the CPL.

DATES: Written comments may be submitted to this agency and must be received by January 14, 2008.

ADDRESSES: Comments should refer to the docket number and be submitted (preferably in two copies) to: Docket Management Facility, West Building, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590. Alternatively, you may submit your comments electronically by logging onto the Docket Management System (DMS) Web site at *http://dms.dot.gov.* Click on ''Help'' to view instructions for filing your comments electronically. Regardless of how you submit your comments, you should identify the Docket number of this document. You may call the docket at (202) 647–5527. Docket hours are 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: *For technical issues:* Ms. De Carlo Ciccel, Behavioral Research Division, NTI–131, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590; Telephone: (202) 366–1694. *For legal issues:* Ms. Allison Rusnak, Office of Chief Counsel, NCC–113, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590; Telephone: (202) 366–1834.

SUPPLEMENTARY INFORMATION:

I. Background

As indicated in the Model Specifications published in 1994, the agency will modify and improve the Model Specifications as new data and test procedures become available and will alter the test procedures, as necessary, to meet unique design features of specific devices. Since publication of the Model Specifications, the agency has encountered difficulties ensuring the accuracy of testing ISDs and also has determined the use of the BASS is not necessary for inclusion in the Model Specifications. These events make it necessary to revise the Model Specifications.

A. Interpretive Screening Devices

The Model Specifications currently allow for evaluation of screening devices that require subjective interpretation of test results by a test administrator or technician. These ISDs differ from devices that provide objective test results, including the use of digital technology or the appearance of lights or marks based on the presence or absence of alcohol. For instance, use of pass/fail lights or enzymes that react with alcohol to produce an unambiguous mark provide objective test results.

The Model Specifications require that interpretive devices be evaluated subjectively under five lighting conditions (fluorescent, incandescent, mercury, sodium and daylight) by a panel of ten novice evaluators who are not color blind. Since publication of the Model Specifications, NHTSA evaluated eight separate ISDs. Of these eight ISD evaluations, none resulted in a successful outcome in the panel test described above. In one evaluation, the device passed the test under all lighting conditions except sodium. This device is no longer manufactured. Although many novice evaluators were able to judge the correct test outcome in the eight ISD evaluations, some could not, even though the manufacturers' instructions were conveyed to the evaluators and all evaluators passed tests to determine their color perception ability. This subjective interpretation of test results does not ensure accuracy and precision required to protect public safety. Due to repeated problems in evaluating ISDs, NHTSA is proposing to remove altogether testing of ISDs from the Model Specifications. Specifically, the agency proposes to update sections 3.2, 4.1 and 4.2, delete sections 4.3 and 4.4, and renumber sections accordingly. In addition, the agency proposes to delete from Appendix A all references to interpretive or color indicator tests.

B. Breath Alcohol Sample Simulator

The Model Specifications currently provide for the use of the Breath Alcohol Sample Simulator (BASS) device for providing alcohol-in-air test samples. The use of the BASS device is not necessary for inclusion in the Model Specifications because the BASS device is intended for use in testing the sampling efficiency of evidential breath testers. There is no sampling efficiency test in the Model Specifications for alcohol screening devices. The alcohol-in-air test sample for breath alcohol screening devices is supplied by a calibrating unit. Therefore, the agency proposes to remove section 3.5 and all references to the BASS device from these Model Specifications, and renumber sections accordingly. The agency would also revise section 3.4 to include the updated citation for NHTSA's Model Specifications for Calibrating Units.

C. Guidelines for Re-Testing Modified Screening Devices

The Model Specifications provide procedures to conduct special investigations and re-test a device if information gathered indicates that a device listed on the CPL is not performing in accordance with the Model Specifications. The agency proposes the addition of Appendix B to provide guidance regarding notification and re-testing when manufacturers contemplate revisions to devices listed on the CPL. The proposed Appendix follows the language used in the Model

Specifications for evidential breath testing devices (58 FR 48705).

Upon notification by a manufacturer of a contemplated change to a device listed on the CPL, NHTSA proposes that it would determine whether re-testing is required. Such determination would look at several factors, including the nature and reason for the change, the scope of the change, the effects of the change on the performance of the device, and how the change will be documented for the benefit of the user.

NHTSA would list device revisions and whether re-testing was required in the next update to the CPL. Appendix B also would state that NHTSA may re-test any device listed on the CPL at any time to determine continued compliance and performance with the Model Specifications. A device found not to perform in accordance with the Model Specifications would be subject to the special investigation procedures discussed below.

II. Procedures

This notice proposes no changes to the procedures for the Model Specifications other than those discussed above. This section describes the current procedures. The DOT Volpe National Transportation Systems Center (VNTSC), RTV–4F, Kendall Square, Cambridge, MA 02142 tests products manufacturers submit to determine whether the products meet the model specifications. Tests are conducted semiannually, or as necessary. Manufacturers are required to apply to NHTSA for a test date by writing to the Office of Behavioral Safety Research, NTI–130, NHTSA, 1200 New Jersey Avenue, SE., Washington, DC 20590. At least 30 days are typically required from the date of notification until the test can be scheduled.

One week prior to the scheduled initiation of the test program, manufacturers must deliver their devices to VNTSC. If the devices are disposable, the manufacturer must deliver at least 300 such devices; if the devices are reusable, the manufacturer must submit only a single device. If a manufacturer of a reusable device wishes to submit a duplicate, backup instrument, it may so do. The manufacturer is responsible for ensuring that the devices operate properly and are packaged correctly. The manufacturer must also deliver the operator's manual (or instructions) and the maintenance manual (if any) that would be supplied or is supplied with the purchase of the device, as well as specifications and drawings fully describing the device and its use. Proprietary information will be respected. (See 49 CFR Part 512, regarding the procedure by which NHTSA will consider claims of confidentiality.)

In addition, the manufacturer must submit a self-certification, certifying that the manufacturer meets the requirements according to the U.S. Food and Drug Administration (FDA) Good Manufacturing Practices regulations for devices used for medical purposes (21 CFR Part 820), and that the device's label meets the requirements in FDA's Labeling regulations for devices used for medical purposes (21 CFR 809.10), even if the devices are not to be used for medical purposes. See Appendix A to this notice.

The manufacturer has the right to check its device(s) between the time of its arrival at VNTSC and the start of the tests, but will have no access to the device(s) during the tests. Any malfunction of a device resulting in failure to complete any of the tests satisfactorily will result in a determination that the device does not conform to the Model Specifications. If a device is found not to conform to the Model Specifications, it may be resubmitted for the next testing cycle after appropriate corrections have been made. The agency reserves the discretion to determine the appropriateness of any retest.

The agency intends to update and republish the CPL in the **Federal Register** annually. Republications of the CPL add conforming alcohol screening devices tested since the last CPL republication.

NHTSA will continue to provide notification in the **Federal Register** when the agency amends the Model Specifications as new data and test procedures become available and will retest devices when necessary.

The NHTSA Office of Behavioral Safety Research is the point of contact for information about acceptance testing and field performance of devices. NHTSA requests that users of alcohol screening devices provide both acceptance and field performance data to the Office of Behavioral Safety Research when such data are available. Information from users will help NHTSA monitor whether alcohol screening devices are performing according to the NHTSA Model Specifications.

If information gathered indicates that a device on the CPL is not performing in accordance with the Model Specifications, NHTSA will direct VNTSC to conduct a special investigation. An investigation may include visits to users and additional tests of the device as obtained from the open market. If the investigation indicates that a device actually sold on the market does not meet the Model Specifications, the manufacturer will be notified that the device may be removed from the CPL. In this event, the manufacturer will have 30 days from the date of notification to reply. Based on the VNTSC investigation and any data provided by the manufacturer, NHTSA will decide whether the device should remain on the CPL. If the device is removed from the CPL, the manufacturer will be permitted to resubmit an improved device to VNTSC for testing when it believes the problems causing its failure have been resolved. Upon resubmission, the manufacturer must submit a statement describing what has been done to overcome the problems that led to failure of the device.

If information gathered indicates that the manufacturer of a device on the CPL does not comply with the requirements in FDA's Good Manufacturing Practices regulations for devices used for medical purposes or that the device's label does not comply with the requirements in FDA's labeling regulations for devices used for medical purposes, NHTSA will investigate the matter in consultation with FDA and will notify the manufacturer that the device may be removed from the CPL. The manufacturer will have 30 days from the date of notification to reply. Based on any data provided by the manufacturer and investigative findings, NHTSA will decide whether the device should remain on the CPL. If the device is removed from the CPL, the manufacturer will be permitted to resubmit a self-certification, certifying that the manufacturer or its device complies with these FDA requirements when it believes the problems causing its non-compliance have been resolved. Upon resubmission, the manufacturer must submit a statement describing what has been done to overcome the problems that led to non-compliance.

These proposed amendments have been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that there are no federalism implications that warrant the preparation of a federalism assessment.

In accordance with the foregoing, the proposed amendments of the Model Specifications for Screening Devices to Measure Alcohol in Bodily Fluids, are set forth below.

Model Specifications for Alcohol Screening Devices

1. Purpose and Scope

These specifications establish performance criteria and methods for testing of alcohol screening devices. Alcohol screening devices use bodily fluids to detect the presence of 0.020 or more BAC (see below) with sufficient accuracy for screening purposes. These specifications are intended primarily for use in the conformance testing of alcohol screening devices.

2. Classification

2.1 Disposable Alcohol Screening Devices

Alcohol screening devices designed for a single use.

2.2 Reusable Alcohol Screening Devices

Alcohol screening devices designed to be reused.

3. Definitions

3.1 Alcohol

The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol.

3.2 Alcohol Screening Device

A device that is used to detect the presence of 0.020 or more BAC. The device may measure any bodily fluid for this purpose, but shall provide output in BAC units. Test results must be indicated unambiguously by numerical read-out or by other means, such as by the use of lights or by the appearance of a distinctive mark but not by color change.

3.3 Blood Alcohol Concentration (BAC)

Grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath in accordance with the Uniform Vehicle Code, Section 11–903(a)(5)[1] (BrAC is often used to indicate that the measurement is a breath measurement); or grams of alcohol per 100 milliliters of saliva.

3.4 Calibrating Unit

A device that produces an alcohol-in-air test sample of known concentration and that meets the NHTSA Model Specifications for Calibrating Units (72 FR 34742).

3.5 Bodily Fluid

Any bodily fluid capable of being used to estimate alcohol concentration, provided the relationship between such bodily fluid and BAC has been established according to scientifically acceptable standards. Such fluids include but are not limited to blood, exhaled deep lung breath and saliva.

3.6 Scientifically Acceptable Substitutes

Fluids that have been scientifically accepted as equivalent to bodily fluids for testing purposes, such as aqueous alcohol test solutions on a one-to-one basis for blood or saliva.

4. Test Methods and Requirements

Testing will be performed according to the instructions that normally accompany the submitted device and under the conditions specified in the tests below.

4.1 Test 1. Precision and Accuracy

Perform 40 trials under normal laboratory conditions including 20 trials at 0.008 BAC and 20 trials at 0.032 BAC. Use a calibrating unit for this test for breath devices and preparations of bodily fluids or scientifically acceptable substitutes for non-breath devices. Perform tests using a VNTSC investigator.

To conform at 0.008 BAC, not more than one positive result. To conform at 0.032 BAC, not more than one non-positive result.

4.2 Test 2. Blank Reading

Perform 20 trials under normal laboratory conditions at 0.000 BAC. Use non-alcoholic human breath for breath devices and non-alcoholic bodily fluids or scientifically acceptable substitutes for non-breath devices. Perform tests using a VNTSC investigator.

To conform: No positive results. If the device is capable of providing a reading of greater than 0.000 BAC and less than 0.020 BAC, not more than one such result.

4.3 Test 3. Cigarette Smoke Interference (Only Breath and Saliva Test Devices)

Perform five trials at 0.000 BAC. Select an alcohol-free person who smokes cigarettes for this test. Ask the person selected to smoke approximately one half of a cigarette. Within one minute after smoking, or after a waiting period specified in the manufacturer's instructions, administer the alcohol screening device test according to the manufacturer's instructions. Then ask the person to smoke another inhalation and repeat the test to produce a total of five trials.

To conform: No positive results.

4.4 Temperature

Test at low and high ambient temperature.

4.4.1 Test 4.1. Low Ambient Temperature

Perform 40 trials at 10 degrees Centigrade (C), including 20 trials at 0.008 BAC and 20 trials at 0.032 BAC. Use a calibrating unit for this test for breath devices and preparations of bodily fluids or scientifically acceptable substitutes for non-breath devices.

To conform at 0.008 BAC, not more than one positive result. To conform at 0.032 BAC, not more than one non-positive result.

4.4.2 Test 4.2. High Ambient Temperature

Perform trials of 40 devices at 40 degrees C, including 20 trials at 0.008 BAC and 20 trials at 0.032 BAC. Use a calibrating unit for this test for breath devices and preparations of bodily fluids or scientifically acceptable substitutes for non-breath devices.

To conform at 0.008 BAC, not more than one positive result. To conform at 0.032 BAC, not more than one non-positive result.

4.5 Test 5. Vibration

Perform 40 trials, including 20 trials at 0.008 BAC and 20 trials at 0.032 BAC. Use a calibrating unit for this test for breath devices and preparations of bodily fluids or scientifically acceptable substitutes for non-breath devices.

Mount the screening device on a shake table and vibrate the table in simple harmonic motion through each of its three major axes, as specified below. Sweep through each frequency range in 2.5 minutes, then reverse the sweep to the starting frequency in 2.5 minutes. Disposable testers may be placed in a suitable box mounted on the shake table. Test after vibration.

Frequency (hertz)	Amplitude (inches, peak to peak)
10 to 30	0.30
30 to 60	0.15

To conform at 0.008 BAC, not more than one positive result. To conform at 0.032 BAC not more than one non-positive result.

Appendix A—Labeling Instructions for Alcohol Screening Devices Intended Use

Provide the intended use including the specimen matrix (e.g. saliva, breath), the assay type (quantitative, semi-quantitative), the purpose of performing the assay, and the individual designated to perform the assay.

E.g.: This product is intended for the (quantitative, semi-quantitative) determination of alcohol in—define matrix (for e.g., saliva, breath, sweat) to perform screening alcohol assays.

[1] Available from the National Committee on Uniform Traffic Laws and Ordinances, 107 S. West Street, #10, Alexandria, VA 22314. Web site address: *http://www.ncutlo.org.*

This product is recommended for use by individuals who have been trained in the administration of screening devices.

Description of Testing System

Provide the principles of the procedure for performing the alcohol screening assay.

E.g.: This product uses (alcohol dehydrogenase, infrared technology, etc.) to perform the test.

Chemical Reaction Sequence

Describe the chemical reaction sequence, if applicable.

Reagents: List the concentration, strength, and composition of the reactive ingredients.

List the non-reactive ingredients.

Reagent Preparation and Storage

Provide instructions for preparing the reagents, if applicable.

Provide instructions for storing the reagents, if applicable.

Provide any signs of deterioration of the reagents, if applicable.

Provide the reagents' shelf life and opened expiration dating, if applicable.

E.g.: Unopened tests are stable until the date printed on the product container when stored at 22–28° C. Opened test must be used at once.

Provide a caution not to use the reagents beyond the expiration dating.

Precautions

1. List any reagents that may be hazardous such as caustic compounds, sodium azide or other hazardous reagents and instructions for disposal, if applicable.

2. Provide warning to user to treat all samples as potentially infective. Include instructions for handling and disposal of the sample.

Specimen Collection

Provide instructions for collecting and handling the sample.

Provide criteria for specimen rejection, if applicable.

Calibration

Disposable tests are pre-calibrated. No additional calibration is required.

Reusable (Instrumented) tests require calibration.

Provide information regarding how calibrations are to be conducted, if applicable, including the number and concentration of calibrators, and the frequency of calibration.

Provide instructions for calibration and recalibration.

Provide the criteria for acceptability of calibration.

Test Procedure (Disposable)

Provide adequate step-by-step instructions for performing the test and determining the results.

Test Procedure (Re-Usable/Instrumented)

Provide adequate step-by-step instruction for performing the test.

Provide the installation procedures and, if applicable, any special requirements.

Provide the space and ventilation requirements.

Provide the description of the required frequency of equipment maintenance and function checks.

Provide the instructions for any remedial action to be taken when the equipment performs outside of operating range.

Provide any operational precautions and limitations.

Provide instructions for the protection of equipment and instrumentation from fluctuations or interruptions in electrical current that could adversely affect test results and reports, if applicable.

Quality Control (QC)

Disposable Tests

If applicable, the function and stability of the test can be determined by the examination of the procedural ''built in'' controls contained in the product. If these controls are not working, the test is invalid and must be repeated.

Disposable/Instrumented Devices

If external quality control materials are used, provide number, type, matrix and concentration of the QC materials.

Provide directions for performing quality control procedures.

Provide an adequate description of the remedial action to be taken when the QC results fail to meet the criteria for acceptability.

Provide directions for interpretation of the results of quality control samples.

Results

Describe how the user obtains the test results, from an instrument read-out, printout, etc.

Describe the results in terms of blood alcohol concentration.

Describe what concentration indicates a positive result and what concentration indicates a negative result.

Limitations

List the substances or factors that may interfere with the test and cause false results including technical or procedural errors.

Dynamic Range

Provide the operating range of the product.

Precision and Accuracy

Only devices that meet the precision and accuracy of these Model Specifications will be included on NHTSA's Conforming Products List for alcohol screening devices.

Specificity

List the substances that have been evaluated with your product that do or do not interfere at the concentration indicated.

References

Provide pertinent bibliography.

Technical Assistance

List an 800 number the user may contact for further information or technical assistance.

Appendix B—Guidelines for Re-testing of Modified Screening Devices

Manufacturers contemplating revisions to an alcohol screening device listed on the Conforming Products List (CPL) are advised that the revision may affect the status of the device on the CPL. The manufacturer should inform NHTSA of the contemplated change so that a judgment can be made whether or not re-testing the revised alcohol screening device is necessary. The following lists the type of information NHTSA uses in determining the necessity to re-test an alcohol screening device, and is provided as guidance to manufacturers:

- Manufacturer and Model Name.
- Nature and reason for change.
- Scope of change (e.g., Will existing devices be retrofitted? Will the change apply to some users but not others?)
- Will the change affect performance of the device with regards to the Model Specifications? (Precision and accuracy, blank reading, temperature operations, or vibrations.)
- How will the change(s) be documented for the benefit of the user? (e.g., Will the change(s) be documented in service bulletins and/or service manuals? If not, why not?)

If necessary for clarity, drawings of the listed and changed device may also be helpful in the NHTSA's deliberations.

If, upon review of information provided by a manufacturer, it is determined that re-testing is not warranted, a statement to that effect will be included in the next scheduled CPL update.

Additionally, NHTSA reserves the right to re-test any device on the open market to determine continued compliance and performance in accordance with these Model Specifications. Devices found not to comply with or perform in accordance with the Model Specifications are subject to the investigation provisions stated above in Section II, Procedures.

(Authority: 23 U.S.C. 403; 49 CFR 1.50; 49 CFR Part 501).

Issued on: December 14, 2007.

Marilena Amoni,

Associate Administrator for the Office of Research and Program Development.

[FR Doc. E7–24282 Filed 12–13–07; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–33 (Sub–No. 246X)]

Union Pacific Railroad Company—Abandonment Exemption—in Walker County, TX

Union Pacific Railroad Company (UP) has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* to abandon a 1.67-mile line of railroad known as the Huntsville Industrial Lead, extending from milepost 5.0 to milepost 6.67 near Huntsville, in Walker County, TX.[1] The

[1] By pleading filed December 3, 2007, UP corrected the line description to read milepost 5.0

Continued

line traverses United States Postal Service Zip Code 77340.

UP has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on January 15, 2008, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[3] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by December 26, 2007. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by January 3, 2007, with: Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to UP's representative: Mack H. Shumate, Jr., Senior General Attorney, 101 North Wacker Drive, Room 1920, Chicago, IL 60606.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

UP has filed a combined environmental and historic report addressing the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by December 21, 2007. Interested persons may obtain a copy of the EA by writing to SEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or by calling SEA, at (202) 245–0305. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), UP shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by UP's filing of a notice of consummation by December 14, 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: December 7, 2007.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. E7–24192 Filed 12–13–07; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Open Meeting of the Financial Literacy and Education Commission

AGENCY: Departmental Offices, Treasury.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Financial Literacy and Education Commission, established by the Financial Literacy and Education Improvement Act (Title V of the Fair and Accurate Credit Transactions Act of 2003).

DATES: The thirteenth meeting of the Financial Literacy and Education Commission will be held on Tuesday, January 15, 2008, beginning at 10 a.m.

ADDRESSES: The Financial Literacy and Education Commission meeting will be held in the Cash Room at the Department of the Treasury, located at 1500 Pennsylvania Ave., NW., Washington, DC. To be admitted to the Treasury building, an attendee must RSVP by providing his or her name, organization, phone number, date of birth, Social Security number and country of citizenship to the Department of the Treasury by e-mail at: *FLECrsvp@do.treas.gov*, or by telephone at: (202) 622–5770 (not a toll-free number) not later than 5 p.m. on Wednesday, January 9, 2008.

FOR FURTHER INFORMATION CONTACT: For additional information, contact Tom Kurek by e-mail at: *thomas.kurek@do.treas.gov* or by telephone at (202) 622–0204 (not a toll-free number). Additional information regarding the Financial Literacy and Education Commission and the Department of the Treasury's Office of Financial Education may be obtained through the Office of Financial Education's Web site at: *http://www.treas.gov/financialeducation*.

SUPPLEMENTARY INFORMATION: The Financial Literacy and Education Improvement Act, which is Title V of the Fair and Accurate Credit Transactions Act of 2003 (the ''FACT Act'') (Pub. L. 108–159), established the Financial Literacy and Education Commission (the ''Commission'') to improve financial literacy and education of persons in the United States. The Commission is composed of the Secretary of the Treasury and the head of the Office of the Comptroller of the Currency; the Office of Thrift Supervision; the Federal Reserve; the Federal Deposit Insurance Corporation; the National Credit Union Administration; the Securities and Exchange Commission; the Departments of Education, Agriculture, Defense, Health and Human Services, Housing and Urban Development, Labor, and Veterans Affairs; the Federal Trade Commission; the General Services Administration; the Small Business Administration; the Social Security Administration; the Commodity Futures Trading Commission; and the Office of Personnel Management. The Commission is required to hold meetings that are open to the public every four months, with its first meeting occurring within 60 days of the enactment of the FACT Act. The FACT Act was enacted on December 4, 2003.

The thirteenth meeting of the Commission, which will be open to the public, will be held in the Cash Room at the Department of the Treasury,

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instead of milepost 5.05 as listed in its filing of November 26, 2007.

[2] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[3] Each OFA must be accompanied by the filing fee, which currently is set at $1,300. *See* 49 CFR 1002.2(f)(25).

located at 1500 Pennsylvania Ave., NW., Washington, DC. The room will accommodate 80 members of the public. Seating is available on a first-come basis. Participation in the discussion at the meeting will be limited to Commission members, their staffs, and special guest presenters.

Dated: December 7, 2007.

Dan Iannicola, Jr.,

Deputy Assistant Secretary for Financial Education.

[FR Doc. E7–24204 Filed 12–13–07; 8:45 am]

BILLING CODE 4811–42–P

Federal Register

Friday,
December 14, 2007

Part II

The President

Proclamation 8211—Wright Brothers Day, 2007

Federal Register
Vol. 72, No. 240
Friday, December 14, 2007

Presidential Documents

Title 3—

The President

Proclamation 8211 of December 11, 2007

Wright Brothers Day, 2007

By the President of the United States of America

A Proclamation

The cause of discovery and exploration is a desire written in the human heart. On Wright Brothers Day, we remember the achievement of two young brothers on the Outer Banks of North Carolina whose persistence, skill, ingenuity, and daring revolutionized the world.

Orville and Wilbur Wright made the first manned, powered flight on December 17, 1903. Orville experienced the thrill of flight when he felt the first lift of the wing of the small wood and canvas aircraft that would travel 120 feet in 12 seconds. The brothers' passion and spirit of discovery helped define our Nation and paved the way for future generations of innovators to launch satellites, orbit the Earth, and travel to the Moon and back.

Our country is continuing the Wright brothers' great American journey. My Administration is committed to advancing space science, human space flight, and space exploration. We will continue to work to expand the horizons of human knowledge to ensure that America is at the forefront of discovery for decades to come.

The Congress, by a joint resolution approved December 17, 1963, as amended (77 Stat. 402; 36 U.S.C. 143), has designated December 17 of each year as ''Wright Brothers Day'' and has authorized and requested the President to issue annually a proclamation inviting the people of the United States to observe that day with appropriate ceremonies and activities.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, do hereby proclaim December 17, 2007, as Wright Brothers Day.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of December, in the year of our Lord two thousand seven, and of the Independence of the United States of America the two hundred and thirty-second.

[FR Doc. 07–6073
Filed 12–13–07; 8:58 am]
Billing code 3195–01–P

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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*.

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