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INFORMATION
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Federal Register

3–17–08 Monday
Vol. 73 No. 52 Mar. 17, 2008

Pages 14153–14370

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Rules and Regulations

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

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

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 246

[FNS–2006–0037]

RIN 0584–AD77

Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Revisions in the WIC Food Packages; Delay of Implementation Date

AGENCY: Food and Nutrition Service, USDA.

ACTION: Interim rule; delay of implementation date.

SUMMARY: This document delays from August 5, 2009 until October 1, 2009 the implementation date of the interim final rule entitled Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Revisions in the WIC Food Packages, which was published in the **Federal Register** on December 6, 2007, 72 FR 68966, and became effective on February 4, 2008. The interim rule revises regulations governing the WIC food packages to align the WIC food packages with the Dietary Guidelines for Americans and current infant feeding practice guidelines of the American Academy of Pediatrics, better promote and support the establishment of successful long-term breastfeeding, provide WIC participants with a wider variety of food, and provide WIC State agencies with greater flexibility in prescribing food packages to accommodate participants with cultural food preferences. Many State agencies issue food instruments on a bi or tri-monthly basis based on the first of the month. As such, the August 5, 2009 date poses administrative and management information system challenges for State agencies. The new implementation date of October 1, 2009 uses the first date of the month and also corresponds with the beginning of the Federal fiscal year. This change is intended to result in more effective and efficient implementation of the new requirements, and enable State agencies to better manage any cost adjustments arising from the changes.

DATES: Implementation date: State agencies must fully implement the Revisions in the WIC Food Packages interim rule published December 6, 2007 (72 FR 68966) no later than October 1, 2009.

FOR FURTHER INFORMATION CONTACT: Debra Whitford, Chief, Policy and Program Development Branch, Supplemental Food Programs Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Room 528, Alexandria, Virginia 22302, (703) 305–2746, OR *Debbie.Whitford@fns.usda.gov*.

Dated: March 10, 2008.

Roberto Salazar,

Administrator, Food and Nutrition Service.

[FR Doc. E8–5249 Filed 3–14–08; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 1000, 1005, 1006, and 1007

[AMS–DA–07–0059; AO–388–A22; AO–356–A43 and AO–366–A51; Docket No. DA–07–03–A]

Milk in the Appalachian, Florida and Southeast Marketing Areas; Interim Order Amending the Orders

AGENCY: Agricultural Marketing Service, USDA

ACTION: Interim final rule.

SUMMARY: This order adjusts the Class I pricing surface of the Appalachian, Southeast and Florida Federal milk marketing orders on an interim basis. In addition, this order amends on an interim basis certain features of the diversion limit, touch-base standards and transportation credit provisions for the Appalachian and Southeast Federal milk marketing orders. More than the required producers approved the issuance of the interim order as amended.

DATES: *Effective Date:* All amendments are effective March 18, 2008, except for amendments to §§ 1005.51, 1006.51, and 1007.51, which are effective on May 1, 2008.

FOR FURTHER INFORMATION CONTACT: Gino M. Tosi, Associate Deputy Administrator, USDA/AMS/Dairy Programs, Order Formulation and Enforcement Branches, STOP 0231–Room 2971, 1400 Independence Avenue, SW., Washington, DC 20250–0231, (202) 690–1366, e-mail address: *gino.tosi@usda.gov*.

SUPPLEMENTARY INFORMATION: This interim final rule adopts provisions that will: (1) Adjust the Class I pricing surface in each county within the geographical marketing areas of the Appalachian, Florida and Southeast marketing orders; (2) Make diversion limit standards identical for the Appalachian and Southeast orders: 25 percent of deliveries to pool plants during the months of January, February, July, August, September, October and November, and 35 percent in the months of March, April, May, June and December; (3) Reduce touch-base standards to one day each month for the Appalachian and Southeast orders; (4) Add January and February as months when transportation credits are paid for in the Appalachian and Southeast orders; (5) Provide for the payment of transportation credits in the Appalachian and Southeast orders for full loads of supplemental milk; (6) Provide more flexibility in the qualification requirements for supplemental milk producers to receive transportation credits for the Appalachian and Southeast orders; and (7) Increase the monthly transportation credit assessment from $0.20 per cwt to $0.30 per cwt in the Southeast order.

This administrative rule is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12866.

This interim rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have a retroactive effect. This rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) (Act), provides that

administrative proceedings must be exhausted before parties may file suit in court. Under Section 608c(15)(A) of the Act, any handler subject to an order may request modification or exemption from such order by filing with the Department of Agriculture (USDA) a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with the law. A handler is afforded the opportunity for a hearing on the petition. After a hearing, the Department would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Department's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Regulatory Flexibility Act and Paperwork Reduction Act

In accordance with the Regulatory Flexibility Act (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities and has certified that this interim rule will not have a significant economic impact on a substantial number of small entities. For the purpose of the Regulatory Flexibility Act, a dairy farm is considered a small business if it has an annual gross revenue of less than $750,000, and a dairy products manufacturer is a small business if it has fewer than 500 employees.

For the purposes of determining which dairy farms are small businesses, the $750,000 per year criterion was used to establish a marketing guideline of 500,000 pounds per month. Although this guideline does not factor in additional monies that may be received by dairy producers, it should be an inclusive standard for most ''small'' dairy farmers. For purposes of determining a handler's size, if the plant is part of a larger company operating multiple plants that collectively exceed the 500-employee limit, the plant will be considered a large business even if the local plant has fewer than 500 employees.

During May 2007, the time of the hearing, there were 2,744 dairy farmers pooled on the Appalachian order (Order 5). For the Southeast order (Order 7), 2,924 dairy farmers were pooled on the order. For the Florida order (Order 6), 283 dairy farmers were pooled on the order. Of these, 2,612 dairy farmers in Order 5 (or 95.2 percent), 2,739 dairy farmers in Order 7 (or 94 percent) and 153 dairy farmers in Order 6 (or 54 percent) were considered small businesses.

During May 2007, there were a total of 36 plants associated with the Appalachian order (22 fully regulated plants, 10 partially regulated plants, 2 producer-handlers and 2 exempt plants). A total of 55 plants were associated with the Southeast order (33 fully regulated plants, 9 partially regulated plants, 2 producer-handlers and 11 exempt plants). A total of 25 plants were associated with the Florida order (13 fully regulated plants, 9 partially regulated plants, 1 producer-handler and 2 exempt plants). The number of plants meeting small business criteria under the Appalachian, Southeast and Florida orders were 8 (or 22.2 percent), 18 (or 32.7 percent) and 11 (or 44 percent), respectively.

The amendments adopted in this interim rule provide for the increase in Class I prices in the Appalachian, Southeast and Florida orders. The minimum Class I prices of the three southeastern orders, as with all other Federal milk marketing orders, are set by using the higher of an advance Class III or Class IV price as determined by the Department and adding a location-specific differential, referred to as a Class I differential. Minimum Class I prices charged to regulated handlers are applied uniformly to both large and small entities. Class I price increases would generate higher marketwide pool values in all three southeastern orders by approximately $18–19 million for the Appalachian order, approximately $17.5 million for the Southeast order and approximately $38 million for the Florida order. In estimating the impact on minimum prices paid to dairy farmers, blend prices will increase by approximately $0.26 per cwt for the Appalachian order, approximately $0.64 per cwt higher for the Southeast order, and $1.19 per cwt to $1.22 per cwt higher for the Florida order.

The adopted amendments revise the Appalachian and Southeast orders by making the diversion limit standards for the orders identical—not to exceed 25 percent for the months of January, February, and July through November, and 35 percent for the months of March through June and for the month of December. Currently, the diversion limit standards of the Appalachian order for pool plants and cooperatives acting as handlers are not to exceed 25 percent for the months of July through November, and January and February; and 40 percent for the months of December and March through June. For the Southeast order, the current diversion limit standards for pool plants and cooperatives acting as handlers are not to exceed 33 percent during the months of July through December, and 50 percent in the months of January through June.

In addition, the amendments adopt identical daily touch-base standards of at least one-days' milk production each month of a dairy farmer in the Appalachian and Southeast orders. Currently, the Appalachian order has a touch-base standard of 6 days' production in any month of July through December and not less than 2 days' production for the months of January through June. Currently, the Southeast order has a touch-base standard of not less than 10 days' production for the months of July through December and not less than 4 day's production for the months of January through June.

The adopted changes to the pooling standards serve to revise established criteria that determine those producers, producer milk and plants that have a reasonable association with and are consistently serving the fluid needs of the Appalachian and Southeast marketing areas. Criteria for pooling are established on the basis of performance levels that are considered adequate to meet the Class I needs and determine those producers who are eligible to share in the revenue that arises from the classified pricing of milk. The criteria for pooling are established without regard to the size of any dairy industry or entity. The criteria established are applied in an identical fashion to both large and small businesses and do not have any different economic impact on small entities as opposed to large entities.

The adopted amendments add January and February to the months of July though December as months when transportation credits may be paid for the Appalachian and Southeast orders to those handlers who incur the costs of providing supplemental milk. The amendments also expand the payment of transportation credits for supplemental milk to include the full load of milk rather than the calculated Class I portion and provide more flexibility in the qualification requirements for supplemental milk producers to receive transportation credits for the Appalachian and Southeast orders. In addition, only the monthly transportation credit assessment for the Southeast order is increased from the current $0.20 per cwt to $0.30 per cwt on all milk assigned to Class I use. The transportation credit provisions are applicable only to the Appalachian and Southeast orders and are applied in an identical fashion to both large and small businesses and will

not have any different impact on those businesses producing manufactured milk products. The changes will not have a significant economic impact on a substantial number of small entities.

The Agricultural Marketing Service (AMS) is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

This notice does not require additional information collection that needs clearance by the Office of Management and Budget (OMB) beyond currently approved information collection. The primary sources of data used to complete the forms are routinely used in most business transactions. Forms require only a minimal amount of information that can be supplied without data processing equipment or a trained statistical staff. Thus, the information collection and reporting burden is relatively small. Requiring the same reports for all handlers does not significantly disadvantage any handler that is smaller than the industry average.

Prior Documents in This Proceeding

Notice of Hearing: Issued May 3, 2007; published May 8, 2007 (72 FR 25986).

Partial Tentative Decision: Issued February 21, 2008; published February 25, 2008 (73 FR 11194).

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the Appalachian, Florida and Southeast orders were first issued and when they were amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

The following findings are hereby made with respect to the Appalachian and Southeast marketing orders:

(a) *Findings upon the basis of the hearing record.*

A public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Appalachian, Florida and Southeast marketing areas. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) (Act), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said orders as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the aforesaid marketing areas. The minimum prices specified in the orders as hereby amended on an interim basis, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said orders, as hereby amended on an interim basis, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional Findings.* It is necessary and in the public interest to make these interim amendments to the Appalachian, Florida and Southeast orders effective one day following publication of this rule in the **Federal Register**, except for all Class I pricing adjustments which are effective May 1, 2008. This date will assure industry participants have appropriate time to be informed of changes and make orderly marketing adjustments. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the aforesaid marketing areas.

The interim amendments to this order are known to handlers. The tentative partial decision containing the proposed amendments to this order was issued on February 21, 2008.

The changes that result from these interim amendments will not require extensive preparation or substantial alteration in the method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making these interim amendments effective one day following publication of this rule in the **Federal Register**. It would be contrary to the public interest to delay the effective date of these amendments for 30 days after publication in the **Federal Register**. (Sec. 553(d), Administrative Procedures Act, 5 U.S.C. 551–559.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the specified marketing areas, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this interim order amending the Appalachian, Florida and Southeast orders is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the orders as hereby amended;

(3) The issuance of the interim orders amending the Appalachian, Florida and Southeast orders is favored by at least two-thirds of the producers who were engaged in the production of milk for sale in the respective marketing areas.

Order Relative to Handling

It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Appalachian, Florida and Southeast marketing areas shall be in conformity to and in compliance with the terms and conditions of the orders, as amended, and as hereby amended, as follows:

List of Subjects in 7 CFR Parts 1000, 1005, 1006 and 1007

Milk marketing orders.

■ Accordingly, the Agricultural Marketing Service amends 7 CFR parts 1000, 1005, 1006, and 1007 as follows:

■ 1. The authority citation for 7 CFR parts 1000, 1005, 1006, and 1007 continues to read as follows:

Authority: 7 U.S.C. 601–674, and 7253.

PART 1000—GENERAL PROVISIONS OF FEDERAL MILK MARKETING ORDERS

■ 2. In § 1000.50, paragraphs (b) and (c) are revised to read as follows:

§ 1000.50 Class prices, component prices, and advanced pricing factors.

* * * * *

(b) *Class I skim milk price.* The Class I skim milk price per hundredweight shall be the adjusted Class I differential specified in § 1000.52, plus the adjustment to Class I prices specified in § 1005.51(b), § 1006.51(b) and § 1007.51(b), plus the higher of the advanced pricing factors computed in paragraph (q)(1) or (2) of this section.

(c) *Class I butterfat price.* The Class I butterfat price per pound shall be the adjusted Class I differential specified in § 1000.52 divided by 100, plus the adjustments to Class I prices specified in § 1005.51(b), 1006.51(b) and 1007.51(b) divided by 100, plus the advanced butterfat price computed in paragraph (q)(3) of this section.

* * * * *

PART 1005—MILK IN THE APPALACHIAN MARKETING AREA

■ 3. In § 1005.13, paragraphs (d)(1) through (4) are revised to read as follows:

§ 1005.13 Producer milk.

* * * * *

(d) * * *

(1) In any month of July through December, not less than 1 days' production of the producer whose milk is diverted is physically received at a pool plant during the month;

(2) In any month of January through June, not less than 1 days' production of the producer whose milk is diverted is physically received at a pool plant during the month;

(3) The total quantity of milk so diverted during the month by a cooperative association shall not exceed 25 percent during the months of July through November, January, and February, and 35 percent during the months of December and March through June, of the producer milk that the cooperative association caused to be delivered to, and physically received at, pool plants during the month;

(4) The operator of a pool plant that is not a cooperative association may divert any milk that is not under the control of a cooperative association that diverts milk during the month pursuant to paragraph (d) of this section. The total quantity of milk so diverted during the month shall not exceed 25 percent during the months of July through November, January, and February, and 35 percent during the months of December and March through June, of the producer milk physically received at such plant (or such unit of plants in the case of plants that pool as a unit pursuant to § 1005.7(d)) during the month, excluding the quantity of producer milk received from handlers described in § 1000.9(c);

* * * * *

■ 4. Section 1005.51 is revised to read as follows:

§ 1005.51 Class I differential, adjustments to Class I prices, and Class I price.

(a) The Class I differential shall be the differential established for Mecklenburg County, North Carolina, which is reported in § 1000.52. The Class I price shall be the price computed pursuant to § 1005.50(a) for Mecklenburg County, North Carolina.

(b) Adjustment to Class I prices. Class I prices shall be established pursuant to § 1000.50(a), (b) and (c) using the following adjustments:

State	County/parish	FIPS	Class I price adjustment
GA	CATOOSA	13047	0.60
GA	CHATTOOGA	13055	0.60
GA	DADE	13083	0.60
GA	FANNIN	13111	0.60
GA	MURRAY	13213	0.60
GA	WALKER	13295	0.60
GA	WHITFIELD	13313	0.60
IN	CLARK	18019	0.10
IN	CRAWFORD	18025	0.10
IN	DAVIESS	18027	0.10
IN	DUBOIS	18037	0.10
IN	FLOYD	18043	0.10
IN	GIBSON	18051	0.10
IN	GREENE	18055	0.10
IN	HARRISON	18061	0.10
IN	KNOX	18083	0.10
IN	MARTIN	18101	0.10
IN	ORANGE	18117	0.10
IN	PERRY	18123	0.10
IN	PIKE	18125	0.10
IN	POSEY	18129	0.10
IN	SCOTT	18143	0.10
IN	SPENCER	18147	0.10
IN	SULLIVAN	18153	0.10
IN	VANDERBURGH	18163	0.10
IN	WARRICK	18173	0.10
IN	WASHINGTON	18175	0.10
KY	ADAIR	21001	0.20
KY	ANDERSON	21005	0.40
KY	BATH	21011	0.40
KY	BELL	21013	0.50
KY	BOURBON	21017	0.40
KY	BOYLE	21021	0.40
KY	BREATHITT	21025	0.70
KY	BRECKINRIDGE	21027	0.10
KY	BULLITT	21029	0.10
KY	BUTLER	21031	0.20
KY	CARROLL	21041	0.10
KY	CARTER	21043	0.40
KY	CASEY	21045	0.20
KY	CLARK	21049	0.40
KY	CLAY	21051	0.50
KY	CLINTON	21053	0.50
KY	CUMBERLAND	21057	0.50
KY	DAVIESS	21059	0.10
KY	EDMONSON	21061	0.20
KY	ELLIOTT	21063	0.40
KY	ESTILL	21065	0.40

State	County/parish	FIPS	Class I price adjustment
KY	FAYETTE	21067	0.40
KY	FLEMING	21069	0.40
KY	FRANKLIN	21073	0.10
KY	GALLATIN	21077	0.10
KY	GARRARD	21079	0.40
KY	GRAYSON	21085	0.20
KY	GREEN	21087	0.20
KY	HANCOCK	21091	0.10
KY	HARDIN	21093	0.10
KY	HARLAN	21095	0.50
KY	HART	21099	0.20
KY	HENDERSON	21101	0.10
KY	HENRY	21103	0.10
KY	HOPKINS	21107	0.20
KY	JACKSON	21109	0.70
KY	JEFFERSON	21111	0.10
KY	JESSAMINE	21113	0.40
KY	KNOTT	21119	0.50
KY	KNOX	21121	0.50
KY	LARUE	21123	0.40
KY	LAUREL	21125	0.50
KY	LEE	21129	0.40
KY	LESLIE	21131	0.50
KY	LETCHER	21133	0.50
KY	LINCOLN	21137	0.40
KY	MC CREARY	21147	0.50
KY	MC LEAN	21149	0.40
KY	MADISON	21151	0.40
KY	MARION	21155	0.40
KY	MEADE	21163	0.10
KY	MENIFEE	21165	0.40
KY	MERCER	21167	0.40
KY	MONTGOMERY	21173	0.40
KY	MORGAN	21175	0.40
KY	MUHLENBURG	21177	0.20
KY	NELSON	21179	0.10
KY	NICHOLAS	21181	0.40
KY	OHIO	21183	0.20
KY	OLDHAM	21185	0.10
KY	OWEN	21187	0.10
KY	OWSLEY	21189	0.70
KY	PERRY	21193	0.50
KY	POWELL	21197	0.40
KY	PULASKI	21199	0.50
KY	ROCKCASTLE	21203	0.70
KY	ROWAN	21205	0.40
KY	RUSSELL	21207	0.50
KY	SCOTT	21209	0.10
KY	SHELBY	21211	0.10
KY	SPENCER	21215	0.10
KY	TAYLOR	21217	0.20
KY	TRIMBLE	21223	0.10
KY	UNION	21225	0.10
KY	WASHINGTON	21229	0.40
KY	WAYNE	21231	0.50
KY	WEBSTER	21233	0.20
KY	WHITLEY	21235	0.50
KY	WOLFE	21237	0.40
KY	WOODFORD	21239	0.40
NC	ALAMANCE	37001	0.30
NC	ALEXANDER	37003	0.45
NC	ALLEGHANY	37005	0.45
NC	ANSON	37007	0.50
NC	ASHE	37009	0.45
NC	AVERY	37011	0.45
NC	BEAUFORT	37013	0.40
NC	BERTIE	37015	0.20
NC	BLADEN	37017	0.70
NC	BRUNSWICK	37019	0.70
NC	BUNCOMBE	37021	0.45
NC	BURKE	37023	0.45
NC	CABARRUS	37025	0.30
NC	CALDWELL	37027	0.45

State	County/parish	FIPS	Class I price adjustment
NC	CAMDEN	37029	0.20
NC	CARTERET	37031	0.40
NC	CASWELL	37033	0.30
NC	CATAWBA	37035	0.30
NC	CHATHAM	37037	0.30
NC	CHEROKEE	37039	0.45
NC	CHOWAN	37041	0.20
NC	CLAY	37043	0.45
NC	CLEVELAND	37045	0.30
NC	COLUMBUS	37047	0.70
NC	CRAVEN	37049	0.40
NC	CUMBERLAND	37051	0.30
NC	CURRITUCK	37053	0.20
NC	DARE	37055	0.40
NC	DAVIDSON	37057	0.30
NC	DAVIE	37059	0.30
NC	DUPLIN	37061	0.30
NC	DURHAM	37063	0.30
NC	EDGECOMBE	37065	0.20
NC	FORSYTH	37067	0.30
NC	FRANKLIN	37069	0.30
NC	GASTON	37071	0.30
NC	GATES	37073	0.20
NC	GRAHAM	37075	0.45
NC	GRANVILLE	37077	0.30
NC	GREENE	37079	0.40
NC	GUILFORD	37081	0.30
NC	HALIFAX	37083	0.30
NC	HARNETT	37085	0.10
NC	HAYWOOD	37087	0.45
NC	HENDERSON	37089	0.45
NC	HERTFORD	37091	0.20
NC	HOKE	37093	0.30
NC	HYDE	37095	0.40
NC	IREDELL	37097	0.30
NC	JACKSON	37099	0.45
NC	JOHNSTON	37101	0.20
NC	JONES	37103	0.40
NC	LEE	37105	0.30
NC	LENOIR	37107	0.40
NC	LINCOLN	37109	0.30
NC	MC DOWELL	37111	0.45
NC	MACON	37113	0.45
NC	MADISON	37115	0.45
NC	MARTIN	37117	0.40
NC	MECKLENBURG	37119	0.30
NC	MITCHELL	37121	0.45
NC	MONTGOMERY	37123	0.30
NC	MOORE	37125	0.30
NC	NASH	37127	0.30
NC	NEW HANOVER	37129	0.70
NC	NORTHAMPTON	37131	0.30
NC	ONSLOW	37133	0.30
NC	ORANGE	37135	0.30
NC	PAMLICO	37137	0.40
NC	PASQUOTANK	37139	0.20
NC	PENDER	37141	0.70
NC	PERQUIMANS	37143	0.20
NC	PERSON	37145	0.30
NC	PITT	37147	0.40
NC	POLK	37149	0.30
NC	RANDOLPH	37151	0.30
NC	RICHMOND	37153	0.50
NC	ROBESON	37155	0.70
NC	ROCKINGHAM	37157	0.45
NC	ROWAN	37159	0.30
NC	RUTHERFORD	37161	0.30
NC	SAMPSON	37163	0.30
NC	SCOTLAND	37165	0.30
NC	STANLY	37167	0.30
NC	STOKES	37169	0.45
NC	SURRY	37171	0.45
NC	SWAIN	37173	0.45

State	County/parish	FIPS	Class I price adjustment
NC	TRANSYLVANIA	37175	0.45
NC	TYRRELL	37177	0.40
NC	UNION	37179	0.50
NC	VANCE	37181	0.30
NC	WAKE	37183	0.30
NC	WARREN	37185	0.30
NC	WASHINGTON	37187	0.40
NC	WATAUGA	37189	0.45
NC	WAYNE	37191	0.40
NC	WILKES	37193	0.45
NC	WILSON	37195	0.20
NC	YADKIN	37197	0.30
NC	YANCEY	37199	0.45
SC	ABBEVILLE	45001	0.50
SC	AIKEN	45003	0.70
SC	ALLENDALE	45005	1.00
SC	ANDERSON	45007	0.50
SC	BAMBERG	45009	0.70
SC	BARNWELL	45011	0.70
SC	BEAUFORT	45013	1.00
SC	BERKELEY	45015	1.00
SC	CALHOUN	45017	0.70
SC	CHARLESTON	45019	1.00
SC	CHEROKEE	45021	0.50
SC	CHESTER	45023	0.50
SC	CHESTERFIELD	45025	0.30
SC	CLARENDON	45027	0.70
SC	COLLETON	45029	1.00
SC	DARLINGTON	45031	0.70
SC	DILLON	45033	0.70
SC	DORCHESTER	45035	1.00
SC	EDGEFIELD	45037	0.30
SC	FAIRFIELD	45039	0.30
SC	FLORENCE	45041	0.70
SC	GEORGETOWN	45043	0.70
SC	GREENVILLE	45045	0.50
SC	GREENWOOD	45047	0.50
SC	HAMPTON	45049	1.00
SC	HORRY	45051	0.70
SC	JASPER	45053	1.00
SC	KERSHAW	45055	0.30
SC	LANCASTER	45057	0.50
SC	LAURENS	45059	0.50
SC	LEE	45061	0.70
SC	LEXINGTON	45063	0.70
SC	MC CORMICK	45065	0.50
SC	MARION	45067	0.70
SC	MARLBORO	45069	0.70
SC	NEWBERRY	45071	0.30
SC	OCONEE	45073	0.50
SC	ORANGEBURG	45075	0.70
SC	PICKENS	45077	0.50
SC	RICHLAND	45079	0.70
SC	SALUDA	45081	0.30
SC	SPARTANBURG	45083	0.50
SC	SUMTER	45085	0.70
SC	UNION	45087	0.50
SC	WILLIAMSBURG	45089	0.70
SC	YORK	45091	0.50
TN	ANDERSON	47001	0.40
TN	BLOUNT	47009	0.40
TN	BRADLEY	47011	0.60
TN	CAMPBELL	47013	0.40
TN	CARTER	47019	0.40
TN	CLAIBORNE	47025	0.40
TN	COCKE	47029	0.40
TN	CUMBERLAND	47035	0.40
TN	GRAINGER	47057	0.40
TN	GREENE	47059	0.40
TN	HAMBLEN	47063	0.40
TN	HAMILTON	47065	0.60
TN	HANCOCK	47067	0.40
TN	HAWKINS	47073	0.40

State	County/parish	FIPS	Class I price adjustment
TN	JEFFERSON	47089	0.40
TN	JOHNSON	47091	0.40
TN	KNOX	47093	0.40
TN	LOUDON	47105	0.40
TN	MC MINN	47107	0.60
TN	MARION	47115	0.60
TN	MEIGS	47121	0.60
TN	MONROE	47123	0.60
TN	MORGAN	47129	0.40
TN	POLK	47139	0.60
TN	RHEA	47143	0.40
TN	ROANE	47145	0.40
TN	SCOTT	47151	0.10
TN	SEQUATCHIE	47153	0.40
TN	SEVIER	47155	0.40
TN	SULLIVAN	47163	0.40
TN	UNICOI	47171	0.40
TN	UNION	47173	0.40
TN	WASHINGTON	47179	0.40
VA	ALLEGHANY	51005	0.10
VA	AMHERST	51009	0.40
VA	AUGUSTA	51015	0.10
VA	BATH	51017	0.10
VA	BEDFORD	51019	0.40
VA	BLAND	51021	0.40
VA	BOTETOURT	51023	0.10
VA	BUCHANAN	51027	0.10
VA	CAMPBELL	51031	0.40
VA	CARROLL	51035	0.40
VA	CRAIG	51045	0.10
VA	DICKENSON	51051	0.40
VA	FLOYD	51063	0.40
VA	FRANKLIN	51067	0.40
VA	GILES	51071	0.10
VA	GRAYSON	51077	0.40
VA	HENRY	51089	0.40
VA	HIGHLAND	51091	0.10
VA	LEE	51105	0.40
VA	MONTGOMERY	51121	0.40
VA	PATRICK	51141	0.40
VA	PITTSYLVANIA	51143	0.40
VA	PULASKI	51155	0.40
VA	ROANOKE	51161	0.40
VA	ROCKBRIDGE	51163	0.10
VA	ROCKINGHAM	51165	0.10
VA	RUSSELL	51167	0.40
VA	SCOTT	51169	0.40
VA	SMYTH	51173	0.40
VA	TAZEWELL	51185	0.40
VA	WASHINGTON	51191	0.40
VA	WISE	51195	0.40
VA	WYTHE	51197	0.40
VA	BEDFORD CITY	51515	0.40
VA	BRISTOL CITY	51520	0.40
VA	BUENA VISTA CITY	51530	0.10
VA	CLIFTON FORGE CITY	51560	0.10
VA	COVINGTON CITY	51580	0.10
VA	DANVILLE CITY	51590	0.40
VA	GALAX CITY	51640	0.40
VA	HARRISONBURG CITY	51660	0.10
VA	LEXINGTON CITY	51678	0.10
VA	LYNCHBURG CITY	51680	0.40
VA	MARTINSVILLE CITY	51690	0.40
VA	NORTON CITY	51720	0.40
VA	RADFORD CITY	51750	0.40
VA	ROANOKE CITY	51770	0.40
VA	SALEM CITY	51775	0.40
VA	STAUNTON CITY	51790	0.10
VA	WAYNESBORO CITY	51820	0.10
WV	MC DOWELL	54047	0.10
WV	MERCER	54055	0.10

■ 5. In § 1005.81, paragraph (a) is revised to read as follows:

§ 1005.81 Payments to the transportation credit balancing fund.

(a) On or before the 12th day after the end of the month (except as provided in § 1000.90), each handler operating a pool plant and each handler specified in § 1000.9 (c) shall pay to the Market Administrator a transportation credit balancing fund assessment determined by multiplying the pounds of Class I producer milk assigned pursuant to § 1005.44 by $0.15 per hundredweight or such lesser amount as the Market Administrator deems necessary to maintain a balance in the fund equal to the total transportation credits disbursed during the prior June-February period. In the event that during any month of the June-February period the fund balance is insufficient to cover the amount of credits that are due, the assessment should be based upon the amount of credits that would have been disbursed had the fund balance been sufficient.

* * * * *

■ 6. Section 1005.82 is amended by:
■ a. Revising paragraph (a)(1);
■ b. Revising paragraph (b);
■ c. Revising paragraph (c)(1);
■ d. Removing paragraph (c)(2)(i);
■ e. Redesignating paragraph (c)(2)(ii) as (c)(2)(i) and revise;
■ f. Redesignating paragraph (c)(2)(iii) as (c)(2)(ii);
■ g. Redesignating paragraph (c)(2)(iv) as (c)(2)(iii) and revising;
■ h. Revising paragraph (d)(2) (iii); and
■ i. Revising paragraph (d)(3)(v);

The revisions read as follows:

§ 1005.82 Payments from the transportation credit balancing fund.

(a) * * *

(1) On or before the 13th day (except as provided in § 1000.90) after the end of each of the months of January, February and July through December and any other month in which transportation credits are in effect pursuant to paragraph (b) of this section, the market administrator shall pay to each handler that received, and reported pursuant to § 1005.30(a)(5), bulk milk transferred from a plant fully regulated under another Federal order as described in paragraph (c)(1) of this section or that received, and reported pursuant to § 1005.30(a)(6), milk directly from producers'' farms as specified in paragraph (c)(2) of this section, a preliminary amount determined pursuant to paragraph (d) of this section to the extent that funds are available in the transportation credit balancing fund. If an insufficient balance exists to pay all of the credits computed pursuant to this section, the market administrator shall distribute the balance available in the transportation credit balancing fund by reducing payments prorata using the percentage derived by dividing the balance in the fund by the total credits that are due for the month. The amount of credits resulting from this initial proration shall be subject to audit adjustment pursuant to paragraph (a)(2) of this section.

* * * * *

(b) The Market Administrator may extend the period during which transportation credits are in effect (i.e., the transportation credit period) to the month of June if a written request to do so is received 15 days prior to the beginning of the month for which the request is made and, after conducting an independent investigation, finds that such extension is necessary to assure the market of an adequate supply of milk for fluid use. Before making such a finding, the Market Administrator shall notify the Deputy Administrator of the Dairy Programs and all handlers in the market that an extension is being considered and invite written data, views, and arguments. Any decision to extend the transportation credit period must be issued in writing prior to the first day of the month for which the extension is to be effective.

(c) * * *

(1) Bulk milk received at a pool distributing plant from a plant regulated under another Federal order, except Federal Order 1007; and

(2) * * *

(i) The dairy farmer was not a ''producer'' under this order for more than 45 days during the immediately preceding months of March through May, or not more than 50 percent of the production of the dairy farmer during those 3 months, in aggregate, was received as producer milk under this order during those 3 months; and

(ii) * * *

(iii) The market administrator may increase or decrease the milk production standard specified in paragraph (c)(2)(i) of this section if the market administrator finds that such revision is necessary to assure orderly marketing and efficient handling of milk in the marketing area. Before making such a finding, the market administrator shall investigate the need for the revision either on the market administrator's own initiative or at the request of interested persons. If the investigation shows that a revision might be appropriate, the market administrator shall issue a notice stating that the revision is being considered and inviting written data, views, and arguments. Any decision to revise an applicable percentage must be issued in writing at least one day before the effective date.

(d) * * *

(2) * * *

(iii) Subtract the applicable Class I price specified in § 1000.50(a) for the county in which the shipping plant is located from the Class I price applicable for the county in which the receiving plant is located;

* * * * *

(3) * * *

(v) Subtract the Class I price specified in § 1000.50(a) applicable for the county in which the origination point is located from the Class I price applicable at the receiving pool plant's location;

* * * * *

PART 1006—MILK IN THE FLORIDA MARKETING AREA

■ 7. Section 1006.51 is revised to read as follows:

§ 1006.51 Class I differential, adjustments to Class I prices, and Class I price.

(a) The Class I differential shall be the differential established for Hillsborough County, Florida, which is reported in § 1000.52. The Class I price shall be the price computed pursuant to § 1006.50(a) for Hillsborough County, Florida.

(b) *Adjustment to Class I prices.* Class I prices shall be established pursuant to § 1000.50(a), (b) and (c) using the following adjustments:

State	County/parish	FIPS	Class I price adjustment
FL	ALACHUA	12001	1.30
FL	BAKER	12003	1.30
FL	BAY	12005	0.60
FL	BRADFORD	12007	1.30
FL	BREVARD	12009	1.40
FL	BROWARD	12011	1.70

State	County/parish	FIPS	Class I price adjustment
FL	CALHOUN	12013	0.60
FL	CHARLOTTE	12015	1.50
FL	CITRUS	12017	1.40
FL	CLAY	12019	1.30
FL	COLLIER	12021	1.70
FL	COLUMBIA	12023	1.30
FL	DADE	12025	1.70
FL	DE SOTO	12027	1.80
FL	DIXIE	12029	1.30
FL	DUVAL	12031	1.30
FL	FLAGLER	12035	1.00
FL	FRANKLIN	12037	0.90
FL	GADSDEN	12039	0.90
FL	GILCHRIST	12041	1.30
FL	GLADES	12043	1.50
FL	GULF	12045	0.90
FL	HAMILTON	12047	1.30
FL	HARDEE	12049	1.80
FL	HENDRY	12051	1.70
FL	HERNANDO	12053	1.40
FL	HIGHLANDS	12055	1.80
FL	HILLSBOROUGH	12057	1.40
FL	HOLMES	12059	0.60
FL	INDIAN RIVER	12061	1.80
FL	JACKSON	12063	0.60
FL	JEFFERSON	12065	0.90
FL	LAFAYETTE	12067	1.30
FL	LAKE	12069	1.40
FL	LEE	12071	1.70
FL	LEON	12073	0.90
FL	LEVY	12075	1.00
FL	LIBERTY	12077	0.90
FL	MADISON	12079	1.30
FL	MANATEE	12081	1.80
FL	MARION	12083	1.00
FL	MARTIN	12085	1.50
FL	MONROE	12087	1.70
FL	NASSAU	12089	1.30
FL	OKEECHOBEE	12093	1.80
FL	ORANGE	12095	1.40
FL	OSCEOLA	12097	1.40
FL	PALM BEACH	12099	1.70
FL	PASCO	12101	1.40
FL	PINELLAS	12103	1.40
FL	POLK	12105	1.40
FL	PUTNAM	12107	1.30
FL	SAINT JOHNS	12109	1.30
FL	SAINT LUCIE	12111	1.80
FL	SARASOTA	12115	1.80
FL	SEMINOLE	12117	1.40
FL	SUMTER	12119	1.40
FL	SUWANNEE	12121	1.30
FL	TAYLOR	12123	1.30
FL	UNION	12125	1.30
FL	VOLUSIA	12127	1.40
FL	WAKULLA	12129	0.90
FL	WASHINGTON	12133	0.60

PART—1007 MILK IN THE SOUTHEAST MARKETING AREA

■ 8. In § 1007.13, paragraphs (d)(1) through (4) are revised to read as follows:

§ 1007.13 Producer Milk.

* * * * *

(d) * * *

(1) In any month of January through June, not less than 1 days' production of the producer whose milk is diverted is physically received at a pool plant during the month;

(2) In any month of July through December, not less than 1 days' production of the producer whose milk is diverted is physically received at a pool plant during the month;

(3) The total quantity of milk so diverted during the month by a cooperative association shall not exceed 25 percent during the months of July through November, January, and February, and 35 percent during the months of December and March through June, of the producer milk that the cooperative association caused to be delivered to, and physically received at, pool plants during the month;

(4) The operator of a pool plant that is not a cooperative association may divert any milk that is not under the control of a cooperative association that

diverts milk during the month pursuant to paragraph (d) of this section. The total quantity of milk so diverted during the month shall not exceed 25 percent during the months of July through November, January, and February, and 35 percent during the months of December and March through June of the producer milk physically received at such plant (or such unit of plants in the case of plants that pool as a unit pursuant to § 1007.7(e)) during the month, excluding the quantity of producer milk received from a handler described in § 1000.9(c);

* * * * *

■ 9. Section 1007.51 is revised to read as follows:

§ 1007.51 Class I differential, adjustments to Class I prices, and Class I price.

(a) The Class I differential shall be the differential established for Fulton County, Georgia, which is reported in § 1000.52. The Class I price shall be the price computed pursuant to § 1007.50(a) for Fulton County, Georgia.

(b) Adjustment to Class I prices. Class I prices shall be established pursuant to § 1000.50(a), (b) and (c) using the following adjustments:

State	Country/parish	FIPS	Class I price adjustment
AL	AUTAUGA	01001	0.50
AL	BALDWIN	01003	0.50
AL	BARBOUR	01005	0.55
AL	BIBB	01007	0.30
AL	BLOUNT	01009	0.20
AL	BULLOCK	01011	0.70
AL	BUTLER	01013	0.55
AL	CALHOUN	01015	0.30
AL	CHAMBERS	01017	0.70
AL	CHEROKEE	01019	0.30
AL	CHILTON	01021	0.70
AL	CHOCTAW	01023	0.50
AL	CLARKE	01025	0.35
AL	CLAY	01027	0.70
AL	CLEBURNE	01029	0.70
AL	COFFEE	01031	0.85
AL	COLBERT	01033	0.30
AL	CONECUH	01035	0.55
AL	COOSA	01037	0.70
AL	COVINGTON	01039	0.55
AL	CRENSHAW	01041	0.55
AL	CULLMAN	01043	0.20
AL	DALE	01045	0.85
AL	DALLAS	01047	0.50
AL	DE KALB	01049	0.40
AL	ELMORE	01051	0.50
AL	ESCAMBIA	01053	0.55
AL	ETOWAH	01055	0.30
AL	FAYETTE	01057	0.20
AL	FRANKLIN	01059	0.30
AL	GENEVA	01061	0.85
AL	GREENE	01063	0.30
AL	HALE	01065	0.30
AL	HENRY	01067	0.85
AL	HOUSTON	01069	0.85
AL	JACKSON	01071	0.40
AL	JEFFERSON	01073	0.30
AL	LAMAR	01075	0.20
AL	LAUDERDALE	01077	0.30
AL	LAWRENCE	01079	0.30
AL	LEE	01081	0.70
AL	LIMESTONE	01083	0.30
AL	LOWNDES	01085	0.70
AL	MACON	01087	0.70
AL	MADISON	01089	0.30
AL	MARENGO	01091	0.50
AL	MARION	01093	0.20
AL	MARSHALL	01095	0.40
AL	MOBILE	01097	0.50
AL	MONROE	01099	0.35
AL	MONTGOMERY	01101	0.70
AL	MORGAN	01103	0.30
AL	PERRY	01105	0.30
AL	PICKENS	01107	0.30
AL	PIKE	01109	0.55
AL	RANDOLPH	01111	0.70
AL	RUSSELL	01113	0.70
AL	SAINT CLAIR	01115	0.30
AL	SHELBY	01117	0.30

State	Country/parish	FIPS	Class I price adjustment
AL	SUMTER	01119	0.30
AL	TALLADEGA	01121	0.30
AL	TALLAPOOSA	01123	0.70
AL	TUSCALOOSA	01125	0.30
AL	WALKER	01127	0.20
AL	WASHINGTON	01129	0.35
AL	WILCOX	01131	0.50
AL	WINSTON	01133	0.20
AR	ARKANSAS	05001	0.00
AR	ASHLEY	05003	0.10
AR	BAXTER	05005	0.10
AR	BENTON	05007	0.10
AR	BOONE	05009	0.10
AR	BRADLEY	05011	0.30
AR	CALHOUN	05013	0.30
AR	CARROLL	05015	0.10
AR	CHICOT	05017	0.10
AR	CLARK	05019	0.00
AR	CLAY	05021	0.10
AR	CLEBURNE	05023	0.10
AR	CLEVELAND	05025	0.30
AR	COLUMBIA	05027	0.10
AR	CONWAY	05029	0.10
AR	CRAIGHEAD	05031	0.10
AR	CRAWFORD	05033	0.10
AR	CRITTENDEN	05035	0.10
AR	CROSS	05037	0.10
AR	DALLAS	05039	0.00
AR	DESHA	05041	0.30
AR	DREW	05043	0.30
AR	FAULKNER	05045	0.10
AR	FRANKLIN	05047	0.10
AR	FULTON	05049	0.10
AR	GARLAND	05051	0.10
AR	GRANT	05053	0.00
AR	GREENE	05055	0.10
AR	HEMPSTEAD	05057	0.30
AR	HOT SPRING	05059	0.00
AR	HOWARD	05061	0.00
AR	INDEPENDENCE	05063	0.10
AR	IZARD	05065	0.10
AR	JACKSON	05067	0.10
AR	JEFFERSON	05069	0.00
AR	JOHNSON	05071	0.10
AR	LAFAYETTE	05073	0.10
AR	LAWRENCE	05075	0.10
AR	LEE	05077	0.10
AR	LINCOLN	05079	0.30
AR	LITTLE RIVER	05081	0.30
AR	LOGAN	05083	0.10
AR	LONOKE	05085	0.10
AR	MADISON	05087	0.10
AR	MARION	05089	0.10
AR	MILLER	05091	0.10
AR	MISSISSIPPI	05093	0.30
AR	MONROE	05095	0.10
AR	MONTGOMERY	05097	0.10
AR	NEVADA	05099	0.30
AR	NEWTON	05101	0.10
AR	OUACHITA	05103	0.30
AR	PERRY	05105	0.10
AR	PHILLIPS	05107	0.00
AR	PIKE	05109	0.00
AR	POINSETT	05111	0.30
AR	POLK	05113	0.10
AR	POPE	05115	0.10
AR	PRAIRIE	05117	0.10
AR	PULASKI	05119	0.10
AR	RANDOLPH	05121	0.10
AR	SAINT FRANCIS	05123	0.10
AR	SALINE	05125	0.10
AR	SCOTT	05127	0.10
AR	SEARCY	05129	0.10

State	Country/parish	FIPS	Class I price adjustment
AR	SEBASTIAN	05131	0.10
AR	SEVIER	05133	0.00
AR	SHARP	05135	0.10
AR	STONE	05137	0.10
AR	UNION	05139	0.10
AR	VAN BUREN	05141	0.10
AR	WASHINGTON	05143	0.10
AR	WHITE	05145	0.10
AR	WOODRUFF	05147	0.10
AR	YELL	05149	0.10
FL	ESCAMBIA	12033	0.55
FL	OKALOOSA	12091	0.55
FL	SANTA ROSA	12113	0.55
FL	WALTON	12131	0.55
GA	APPLING	13001	1.15
GA	ATKINSON	13003	1.15
GA	BACON	13005	1.15
GA	BAKER	13007	0.85
GA	BALDWIN	13009	0.70
GA	BANKS	13011	0.70
GA	BARROW	13013	0.70
GA	BARTOW	13015	0.30
GA	BEN HILL	13017	1.15
GA	BERRIEN	13019	1.15
GA	BIBB	13021	0.70
GA	BLECKLEY	13023	1.00
GA	BRANTLEY	13025	1.15
GA	BROOKS	13027	1.15
GA	BRYAN	13029	1.15
GA	BULLOCH	13031	1.00
GA	BURKE	13033	0.70
GA	BUTTS	13035	0.70
GA	CALHOUN	13037	0.85
GA	CAMDEN	13039	1.15
GA	CANDLER	13043	1.00
GA	CARROLL	13045	0.70
GA	CHARLTON	13049	1.15
GA	CHATHAM	13051	1.15
GA	CHATTAHOOCHEE	13053	0.70
GA	CHEROKEE	13057	0.30
GA	CLARKE	13059	0.70
GA	CLAY	13061	0.85
GA	CLAYTON	13063	0.70
GA	CLINCH	13065	1.15
GA	COBB	13067	0.70
GA	COFFEE	13069	1.15
GA	COLQUITT	13071	1.15
GA	COLUMBIA	13073	0.70
GA	COOK	13075	1.15
GA	COWETA	13077	0.70
GA	CRAWFORD	13079	0.70
GA	CRISP	13081	0.85
GA	DAWSON	13085	0.30
GA	DECATUR	13087	1.15
GA	DE KALB	13089	0.70
GA	DODGE	13091	0.85
GA	DOOLY	13093	0.85
GA	DOUGHERTY	13095	0.85
GA	DOUGLAS	13097	0.70
GA	EARLY	13099	0.85
GA	ECHOLS	13101	1.15
GA	EFFINGHAM	13103	1.00
GA	ELBERT	13105	0.70
GA	EMANUEL	13107	1.00
GA	EVANS	13109	1.15
GA	FAYETTE	13113	0.70
GA	FLOYD	13115	0.30
GA	FORSYTH	13117	0.70
GA	FRANKLIN	13119	0.70
GA	FULTON	13121	0.70
GA	GILMER	13123	0.30
GA	GLASCOCK	13125	0.90
GA	GLYNN	13127	1.15

State	Country/parish	FIPS	Class I price adjustment
GA	GORDON	13129	0.30
GA	GRADY	13131	1.15
GA	GREENE	13133	0.70
GA	GWINNETT	13135	0.70
GA	HABERSHAM	13137	0.30
GA	HALL	13139	0.70
GA	HANCOCK	13141	0.70
GA	HARALSON	13143	0.70
GA	HARRIS	13145	0.70
GA	HART	13147	0.70
GA	HEARD	13149	0.70
GA	HENRY	13151	0.70
GA	HOUSTON	13153	0.70
GA	IRWIN	13155	1.15
GA	JACKSON	13157	0.70
GA	JASPER	13159	0.70
GA	JEFF DAVIS	13161	1.15
GA	JEFFERSON	13163	0.70
GA	JENKINS	13165	1.00
GA	JOHNSON	13167	1.00
GA	JONES	13169	0.70
GA	LAMAR	13171	0.70
GA	LANIER	13173	1.15
GA	LAURENS	13175	1.00
GA	LEE	13177	0.85
GA	LIBERTY	13179	1.15
GA	LINCOLN	13181	0.70
GA	LONG	13183	1.15
GA	LOWNDES	13185	1.15
GA	LUMPKIN	13187	0.30
GA	MC DUFFIE	13189	0.70
GA	MC INTOSH	13191	1.15
GA	MACON	13193	0.70
GA	MADISON	13195	0.70
GA	MARION	13197	0.70
GA	MERIWETHER	13199	0.70
GA	MILLER	13201	0.85
GA	MITCHELL	13205	1.15
GA	MONROE	13207	0.70
GA	MONTGOMERY	13209	1.15
GA	MORGAN	13211	0.70
GA	MUSCOGEE	13215	0.70
GA	NEWTON	13217	0.70
GA	OCONEE	13219	0.70
GA	OGLETHORPE	13221	0.70
GA	PAULDING	13223	0.70
GA	PEACH	13225	0.70
GA	PICKENS	13227	0.30
GA	PIERCE	13229	1.15
GA	PIKE	13231	0.70
GA	POLK	13233	0.70
GA	PULASKI	13235	0.85
GA	PUTNAM	13237	0.70
GA	QUITMAN	13239	0.85
GA	RABUN	13241	0.30
GA	RANDOLPH	13243	0.85
GA	RICHMOND	13245	0.70
GA	ROCKDALE	13247	0.70
GA	SCHLEY	13249	0.70
GA	SCREVEN	13251	1.00
GA	SEMINOLE	13253	1.15
GA	SPALDING	13255	0.70
GA	STEPHENS	13257	0.30
GA	STEWART	13259	0.55
GA	SUMTER	13261	0.85
GA	TALBOT	13263	0.70
GA	TALIAFERRO	13265	0.70
GA	TATTNALL	13267	1.15
GA	TAYLOR	13269	0.70
GA	TELFAIR	13271	1.15
GA	TERRELL	13273	0.85
GA	THOMAS	13275	1.15
GA	TIFT	13277	1.15

State	Country/parish	FIPS	Class I price adjustment
GA	TOOMBS	13279	1.15
GA	TOWNS	13281	0.30
GA	TREUTLEN	13283	1.00
GA	TROUP	13285	0.70
GA	TURNER	13287	0.85
GA	TWIGGS	13289	0.70
GA	UNION	13291	0.30
GA	UPSON	13293	0.70
GA	WALTON	13297	0.70
GA	WARE	13299	1.15
GA	WARREN	13301	0.70
GA	WASHINGTON	13303	0.70
GA	WAYNE	13305	1.15
GA	WEBSTER	13307	0.55
GA	WHEELER	13309	1.15
GA	WHITE	13311	0.30
GA	WILCOX	13315	0.85
GA	WILKES	13317	0.70
GA	WILKINSON	13319	0.70
GA	WORTH	13321	0.85
KY	ALLEN	21003	0.20
KY	BALLARD	21007	0.30
KY	BARREN	21009	0.20
KY	CALDWELL	21033	0.20
KY	CALLOWAY	21035	0.30
KY	CARLISLE	21039	0.30
KY	CHRISTIAN	21047	0.20
KY	CRITTENDEN	21055	0.20
KY	FULTON	21075	0.30
KY	GRAVES	21083	0.30
KY	HICKMAN	21105	0.30
KY	LIVINGSTON	21139	0.30
KY	LOGAN	21141	0.20
KY	LYON	21143	0.20
KY	MC CRACKEN	21145	0.30
KY	MARSHALL	21157	0.30
KY	METCALFE	21169	0.20
KY	MONROE	21171	0.50
KY	SIMPSON	21213	0.20
KY	TODD	21219	0.20
KY	TRIGG	21221	0.20
KY	WARREN	21227	0.20
LA	ACADIA	22001	0.30
LA	ALLEN	22003	0.30
LA	ASCENSION	22005	0.20
LA	ASSUMPTION	22007	0.20
LA	AVOYELLES	22009	0.00
LA	BEAUREGARD	22011	0.30
LA	BIENVILLE	22013	0.00
LA	BOSSIER	22015	0.10
LA	CADDO	22017	0.10
LA	CALCASIEU	22019	0.30
LA	CALDWELL	22021	0.00
LA	CAMERON	22023	0.20
LA	CATAHOULA	22025	0.00
LA	CLAIBORNE	22027	0.10
LA	CONCORDIA	22029	0.00
LA	DE SOTO	22031	0.00
LA	EAST BATON ROUGE	22033	0.20
LA	EAST CARROLL	22035	0.20
LA	EAST FELICIANA	22037	0.30
LA	EVANGELINE	22039	0.30
LA	FRANKLIN	22041	0.00
LA	GRANT	22043	0.00
LA	IBERIA	22045	0.20
LA	IBERVILLE	22047	0.20
LA	JACKSON	22049	0.00
LA	JEFFERSON	22051	0.20
LA	JEFFERSON DAVIS	22053	0.30
LA	LAFAYETTE	22055	0.20
LA	LAFOURCHE	22057	0.20
LA	LA SALLE	22059	0.00
LA	LINCOLN	22061	0.10

State	Country/parish	FIPS	Class I price adjustment
LA	LIVINGSTON	22063	0.20
LA	MADISON	22065	0.00
LA	MOREHOUSE	22067	0.10
LA	NATCHITOCHES	22069	0.00
LA	ORLEANS	22071	0.20
LA	OUACHITA	22073	0.10
LA	PLAQUEMINES	22075	0.20
LA	POINTE COUPEE	22077	0.30
LA	RAPIDES	22079	0.00
LA	RED RIVER	22081	0.00
LA	RICHLAND	22083	0.20
LA	SABINE	22085	0.00
LA	SAINT BERNARD	22087	0.20
LA	SAINT CHARLES	22089	0.20
LA	SAINT HELENA	22091	0.30
LA	SAINT JAMES	22093	0.20
LA	SAINT JOHN THE BAPTIST	22095	0.20
LA	SAINT LANDRY	22097	0.30
LA	SAINT MARTIN	22099	0.20
LA	SAINT MARY	22101	0.20
LA	SAINT TAMMANY	22103	0.30
LA	TANGIPAHOA	22105	0.20
LA	TENSAS	22107	0.00
LA	TERREBONNE	22109	0.20
LA	UNION	22111	0.10
LA	VERMILION	22113	0.20
LA	VERNON	22115	0.00
LA	WASHINGTON	22117	0.30
LA	WEBSTER	22119	0.10
LA	WEST BATON ROUGE	22121	0.20
LA	WEST CARROLL	22123	0.10
LA	WEST FELICIANA	22125	0.30
LA	WINN	22127	0.00
MS	ADAMS	28001	0.00
MS	ALCORN	28003	0.30
MS	AMITE	28005	0.40
MS	ATTALA	28007	0.20
MS	BENTON	28009	0.30
MS	BOLIVAR	28011	0.10
MS	CALHOUN	28013	0.10
MS	CARROLL	28015	0.20
MS	CHICKASAW	28017	0.10
MS	CHOCTAW	28019	0.20
MS	CLAIBORNE	28021	0.10
MS	CLARKE	28023	0.50
MS	CLAY	28025	0.20
MS	COAHOMA	28027	0.30
MS	COPIAH	28029	0.10
MS	COVINGTON	28031	0.00
MS	DE SOTO	28033	0.00
MS	FORREST	28035	0.40
MS	FRANKLIN	28037	0.00
MS	GEORGE	28039	0.40
MS	GREENE	28041	0.40
MS	GRENADA	28043	0.10
MS	HANCOCK	28045	0.30
MS	HARRISON	28047	0.30
MS	HINDS	28049	0.00
MS	HOLMES	28051	0.20
MS	HUMPHREYS	28053	0.20
MS	ISSAQUENA	28055	0.20
MS	ITAWAMBA	28057	0.30
MS	JACKSON	28059	0.30
MS	JASPER	28061	0.10
MS	JEFFERSON	28063	0.00
MS	JEFFERSON DAVIS	28065	0.00
MS	JONES	28067	0.40
MS	KEMPER	28069	0.30
MS	LAFAYETTE	28071	0.30
MS	LAMAR	28073	0.40
MS	LAUDERDALE	28075	0.10
MS	LAWRENCE	28077	0.00
MS	LEAKE	28079	0.20

State	Country/parish	FIPS	Class I price adjustment
MS	LEE	28081	0.30
MS	LEFLORE	28083	0.10
MS	LINCOLN	28085	0.00
MS	LOWNDES	28087	0.20
MS	MADISON	28089	0.20
MS	MARION	28091	0.40
MS	MARSHALL	28093	0.00
MS	MONROE	28095	0.20
MS	MONTGOMERY	28097	0.20
MS	NESHOBA	28099	0.20
MS	NEWTON	28101	0.10
MS	NOXUBEE	28103	0.30
MS	OKTIBBEHA	28105	0.20
MS	PANOLA	28107	0.30
MS	PEARL RIVER	28109	0.40
MS	PERRY	28111	0.40
MS	PIKE	28113	0.40
MS	PONTOTOC	28115	0.30
MS	PRENTISS	28117	0.30
MS	QUITMAN	28119	0.30
MS	RANKIN	28121	0.10
MS	SCOTT	28123	0.10
MS	SHARKEY	28125	0.20
MS	SIMPSON	28127	0.10
MS	SMITH	28129	0.10
MS	STONE	28131	0.40
MS	SUNFLOWER	28133	0.10
MS	TALLAHATCHIE	28135	0.10
MS	TATE	28137	0.00
MS	TIPPAH	28139	0.30
MS	TISHOMINGO	28141	0.30
MS	TUNICA	28143	0.00
MS	UNION	28145	0.30
MS	WALTHALL	28147	0.40
MS	WARREN	28149	0.00
MS	WASHINGTON	28151	0.10
MS	WAYNE	28153	0.40
MS	WEBSTER	28155	0.20
MS	WILKINSON	28157	0.40
MS	WINSTON	28159	0.20
MS	YALOBUSHA	28161	0.10
MS	YAZOO	28163	0.20
MO	BARRY	29009	0.20
MO	BARTON	29011	0.20
MO	BOLLINGER	29017	0.20
MO	BUTLER	29023	0.20
MO	CAPE GIRARDEAU	29031	0.20
MO	CARTER	29035	0.20
MO	CEDAR	29039	0.20
MO	CHRISTIAN	29043	0.20
MO	CRAWFORD	29055	0.40
MO	DADE	29057	0.20
MO	DALLAS	29059	0.20
MO	DENT	29065	0.40
MO	DOUGLAS	29067	0.20
MO	DUNKLIN	29069	0.50
MO	GREENE	29077	0.20
MO	HOWELL	29091	0.20
MO	IRON	29093	0.40
MO	JASPER	29097	0.20
MO	LACLEDE	29105	0.20
MO	LAWRENCE	29109	0.20
MO	MC DONALD	29119	0.20
MO	MADISON	29123	0.20
MO	MISSISSIPPI	29133	0.50
MO	NEW MADRID	29143	0.50
MO	NEWTON	29145	0.20
MO	OREGON	29149	0.20
MO	OZARK	29153	0.20
MO	PEMISCOT	29155	0.50
MO	PERRY	29157	0.20
MO	POLK	29167	0.20
MO	REYNOLDS	29179	0.20

State	Country/parish	FIPS	Class I price adjustment
MO	RIPLEY	29181	0.20
MO	SAINT FRANCOIS	29187	0.40
MO	SCOTT	29201	0.20
MO	SHANNON	29203	0.20
MO	STODDARD	29207	0.20
MO	STONE	29209	0.20
MO	TANEY	29213	0.20
MO	TEXAS	29215	0.20
MO	VERNON	29217	0.20
MO	WASHINGTON	29221	0.40
MO	WAYNE	29223	0.20
MO	WEBSTER	29225	0.20
MO	WRIGHT	29229	0.20
TN	BEDFORD	47003	0.30
TN	BENTON	47005	0.30
TN	BLEDSOE	47007	0.60
TN	CANNON	47015	0.30
TN	CARROLL	47017	0.10
TN	CHEATHAM	47021	0.30
TN	CHESTER	47023	0.10
TN	CLAY	47027	0.30
TN	COFFEE	47031	0.60
TN	CROCKETT	47033	0.30
TN	DAVIDSON	47037	0.30
TN	DECATUR	47039	0.30
TN	DE KALB	47041	0.30
TN	DICKSON	47043	0.30
TN	DYER	47045	0.10
TN	FAYETTE	47047	0.10
TN	FENTRESS	47049	0.30
TN	FRANKLIN	47051	0.40
TN	GIBSON	47053	0.10
TN	GILES	47055	0.40
TN	GRUNDY	47061	0.60
TN	HARDEMAN	47069	0.10
TN	HARDIN	47071	0.10
TN	HAYWOOD	47075	0.30
TN	HENDERSON	47077	0.30
TN	HENRY	47079	0.10
TN	HICKMAN	47081	0.30
TN	HOUSTON	47083	0.30
TN	HUMPHREYS	47085	0.30
TN	JACKSON	47087	0.30
TN	LAKE	47095	0.10
TN	LAUDERDALE	47097	0.30
TN	LAWRENCE	47099	0.40
TN	LEWIS	47101	0.30
TN	LINCOLN	47103	0.40
TN	MC NAIRY	47109	0.10
TN	MACON	47111	0.30
TN	MADISON	47113	0.30
TN	MARSHALL	47117	0.30
TN	MAURY	47119	0.30
TN	MONTGOMERY	47125	0.30
TN	MOORE	47127	0.40
TN	OBION	47131	0.10
TN	OVERTON	47133	0.30
TN	PERRY	47135	0.30
TN	PICKETT	47137	0.30
TN	PUTNAM	47141	0.30
TN	ROBERTSON	47147	0.30
TN	RUTHERFORD	47149	0.30
TN	SHELBY	47157	0.10
TN	SMITH	47159	0.30
TN	STEWART	47161	0.30
TN	SUMNER	47165	0.30
TN	TIPTON	47167	0.10
TN	TROUSDALE	47169	0.30
TN	VAN BUREN	47175	0.60
TN	WARREN	47177	0.60
TN	WAYNE	47181	0.40
TN	WEAKLEY	47183	0.10
TN	WHITE	47185	0.30

State	Country/parish	FIPS	Class I price adjustment
TN	WILLIAMSON	47187	0.30
TN	WILSON	47189	0.30

■ 10. In § 1007.81 paragraph (a) is revised to read as follows:

§ 1007.81 Payments to the transportation credit balancing fund.

(a) On or before the 12th day after the end of the month (except as provided in § 1000.90), each handler operating a pool plant and each handler specified in § 1000.9 (c) shall pay to the market administrator a transportation credit balancing fund assessment determined by multiplying the pounds of Class I producer milk assigned pursuant to § 1007.44 by $0.30 per hundredweight or such lesser amount as the market administrator deems necessary to maintain a balance in the fund equal to the total transportation credits disbursed during the prior June–February period to reflect any changes in the current mileage rate versus the mileage rate(s) in effect during the prior June–February period. In the event that during any month of the June–February period the fund balance is insufficient to cover the amount of credits that are due, the assessment should be based upon the amount of credits that would have been disbursed had the fund balance been sufficient.

* * * * *

■ 11. Section 1007.82 is amended by:
■ a. Revising paragraph (a)(1);
■ b. Revising paragraph (b);
■ c. Revising paragraph (c)(1);
■ d. Removing paragraph (c)(2)(i);
■ e. Redesignating paragraph (c)(2)(ii) as (c)(2)(i) and revising;
■ f. Redesignating paragraph (c)(2)(iii) as (c)(2)(ii); and
■ g. Redesignating paragraph (c)(2)(iv) as (c)(2)(iii) and revising;
■ h. Revising paragraph (d)(2) (iii); and
■ i. Revising paragraph (d)(3)(v);

The revisions read as follows:

§ 1007.82 Payments from the transportation credit balancing fund.

(a) * * *

(1) On or before the 13th day (except as provided in § 1000.90) after the end of each of the months of January, February and July through December and any other month in which transportation credits are in effect pursuant to paragraph (b) of this section, the market administrator shall pay to each handler that received, and reported pursuant to § 1007.30(a)(5), bulk milk transferred from a plant fully regulated under another Federal order as described in paragraph (c)(1) of this section or that received, and reported pursuant to § 1007.30(a)(6), milk directly from producers' farms as specified in paragraph (c)(2) of this section, a preliminary amount determined pursuant to paragraph (d) of this section to the extent that funds are available in the transportation credit balancing fund. If an insufficient balance exists to pay all of the credits computed pursuant to this section, the market administrator shall distribute the balance available in the transportation credit balancing fund by reducing payments pro rata using the percentage derived by dividing the balance in the fund by the total credits that are due for the month. The amount of credits resulting from this initial proration shall be subject to audit adjustment pursuant to paragraph (a)(2) of this section.

* * * * *

(b) The market administrator may extend the period during which transportation credits are in effect (i.e., the transportation credit period) to the month of June if a written request to do so is received 15 days prior to the beginning of the month for which the request is made and, after conducting an independent investigation, finds that such extension is necessary to assure the market of an adequate supply of milk for fluid use. Before making such a finding, the market administrator shall notify the Deputy Administrator of Dairy Programs and all handlers in the market that an extension is being considered and invite written data, views, and arguments. Any decision to extend the transportation credit period must be issued in writing prior to the first day of the month for which the extension is to be effective.

(c) * * *

(1) Bulk milk received at a pool distributing plant from a plant regulated under another Federal order, except Federal Order 1005; and

(2) * * *

(i) The dairy farmer was not a ''producer'' under this order for more than 45 days during the immediately preceding months of March through May, or not more than 50 percent of the production of the dairy farmer during those 3 months, in aggregate, was received as producer milk under this order during those 3 months; and

(ii) * * *

(iii) The market administrator may increase or decrease the milk production standard specified in paragraph (c)(2)(i) of this section if the market administrator finds that such revision is necessary to assure orderly marketing and efficient handling of milk in the marketing area. Before making such a finding, the market administrator shall investigate the need for the revision either on the market administrator's own initiative or at the request of interested persons. If the investigation shows that a revision might be appropriate, the market administrator shall issue a notice stating that the revision is being considered and inviting written data, views, and arguments. Any decision to revise an applicable percentage must be issued in writing at least one day before the effective date.

(d) * * *

(2) * * *

(iii) Subtract the applicable Class I price specified in § 1000.50(a) for the county in which the shipping plant is located from the Class I price applicable for the county in which the receiving plant is located;

* * * * *

(3) * * *

(v) Subtract the Class I price specified in § 1000.50(a) applicable for the county in which the origination point is located from the Class I price applicable at the receiving pool plant's location;

* * * * *

Dated: March 12, 2008.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. 08–1038 Filed 3–13–08; 1:13 pm]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

7 CFR Part 3570

RIN 0575–AC75

Community Facilities Grant Program

AGENCY: Rural Housing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This rule sets forth the regulation changes for the Community

Facilities Grant program, which is available to rural communities impacted by a Presidentially declared disaster. The rule establishes the requirements to qualify for additional funding.

This rule is being issued on an emergency basis due to the severe economic and social conditions caused by disasters, which occur every year in rural America. In order to prepare for these disasters, this rule is being published before the Spring/Summer disasters strike. This will allow USDA to target limited funds to the most devastated communities/counties in rural areas. The revisions will allow USDA to increase potential funding for several essential community facilities in rural communities already designated as a Presidential disaster area.

DATES: This rule will be effective on March 17, 2008.

Written comments on the interim final rule must be submitted on or before May 16, 2008.

ADDRESSES: You may submit comments to this rule by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Submit written comments via the U.S. Postal Service to the Branch Chief, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, STOP 0742, 1400 Independence Avenue, SW., Washington, DC 20250–0742.
- *Hand Delivery/Courier:* Submit written comments via Federal Express Mail or other courier service requiring a street address to the Branch Chief, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, 300 7th Street, SW., 7th Floor, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Chad Parker, Director, Direct Loan and Grant Division, Community Programs; USDA Rural Development, United States Department of Agriculture, STOP 0787, 1400 Independence Avenue, SW., Washington, DC 20250; telephone (202) 720–1502; e-mail: *Chad.Parker@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule has been determined to be not significant under Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

This rule is not subject to the Regulatory Flexibility Act since the Rural Housing Service is not required to publish a notice of proposed rulemaking for this rule.

Environmental Review

The environmental impacts of this rule have been considered in accordance with the provisions of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 et seq., the regulations of the Council on Environmental Quality (40 CFR parts 1500–1508), the Rural Housing Service regulations for compliance with NEPA at 7 CFR part 1940, subpart G. The regulatory changes were determined to have no potential impact upon the human and natural environment because the changes only impact the amount of funding that a potential project is eligible for, not the selection for funding or the establishment of an essential community facility.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372. The Community Facilities Grant program is not listed as a participating in the intergovernmental review process as delineated in RD Instruction 1940, Subpart J, § 1940.453.

Executive Order 13132

This rule does not have Federalism implications that warrant the preparation of a Federalism Assessment. This rule will not have a substantial direct effect on States or their political subdivisions or on the distribution of power and responsibilities among the various levels of government.

Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988. This interim rule is not retroactive and it does not pre-empt State law.

Unfunded Mandates Reform Act

This rule contains no Federal mandates under the regulatory provisions of Title II of the UMRA for State, local, and tribal government or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Programs Affected

The affected program is listed in the Catalog of Federal Domestic Assistance under Number 10.766, Community Facilities Loans and Grants.

Paperwork Reduction Act

There are no new requirements associated with this rule. USDA Rural Development does not expect to receive any additional applications due to this regulatory change. Applications that would have been eligible for a certain percentage of the project through Community Facilities grants will now be able to apply for a higher percentage if the community has been impacted by a Presidentially declared disaster and has had a 60 percent loss of the communities population.

E-Government Act Compliance

USDA Rural Development is committed to complying with the E-Government Act to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes. For information pertinent to E–GOV compliance related to this rule, please contact Chad Parker, Director, Direct Loan and Grant Division, Community Programs; USDA Rural Development, United States Department of Agriculture, STOP 0787, 1400 Independence Avenue, SW., Washington, DC 20250; telephone (202) 720–1502; e-mail: *Chad.Parker@wdc.usda.gov.*

Discussion of Interim Rule

The rule is effective immediately because Federal Emergency Management Agency (FEMA) requirements that plan for use of FEMA funds must be submitted within one year after a disaster has occurred. Several disasters have occurred in the past year and the eligible timeframe for project submission to FEMA for these disaster areas will close in the near future. Community Facilities Grant funds are needed as part of the total funding package to complete several of these essential community facilities.

This interim final rule implements regulatory changes for the Community Facilities Grant program. The present USDA regulation requires that data from the most recent decennial Census of the United States be used to determine the percentage of grant funds that a project is eligible for in a particular rural community. If there is reason to believe that the census data is not an accurate representation of the present conditions within the area to be served, this will be documented and reliable data from local, regional, State, or Federal sources or from a survey conducted by a reliable impartial source may be used. USDA has found that often rural communities impacted by a Presidential declared disaster, where a 60 percent decline in the rural community's population occurs, do not have the resources or employees to develop the survey data with so many other immediate concerns. The regulatory change will allow USDA to look at population loss,

a much more readily available figure to more quickly ascertain the extent of the damage to the economic well-being of the rural community.

The interim final rule will only impact projects in communities that were already eligible for Community Facilities funding. The only communities affected by the rule are communities impacted by a Presidentially declared disaster with a 60 percent loss in population. The interim final rule will allow USDA to consider the impact of such a disaster and increase the percentage of grant funds available to projects in the impacted rural communities. Under the interim final rule, communities impacted by a disaster that has resulted in a loss of 60 percent of the community's population and is located in a rural community designated as a major disaster area by the President will be eligible for up to 60 percent of eligible project cost under the Community Facilities Grant program.

List of Subjects for 7 CFR Part 3570

Accounting, Administrative practice and procedure, Conflicts of interests, Environmental impact statements, Fair housing and civil rights laws, Grant programs—Housing and community development, Loan programs—Housing and community development, Rural areas, Subsidies.

■ Therefore, chapter XXXV, title 7, Code of Federal Regulations, is amended as follows.

PART 3570—COMMUNITY PROGRAMS

■ 1. The authority citation for part 3570 continues to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 1989.

Subpart B—Community Facilities Grant Program

■ 2. Section 3570.63 is amended by redesignating paragraph (b)(5) as paragraph (b)(6), adding a new paragraph (b)(5), and revising newly designated paragraph (b)(6) to read as follows:

§ 3570.63 Grant limitations.

* * * * *

(b) * * *

(5) 60 percent when the proposed project is:

(i) Located in a rural community having a population of 20,000 or less; and

(ii) The median household income of the population to be served by the proposed facility is below the higher of the poverty line or 90 percent of the State non-metropolitan median household income. The 60 percent grants are only available to communities impacted by a disaster that has resulted in a loss of 60 percent of the community's population and is located in a rural community designated as a major disaster area by the President.

(6) Grant assistance cannot exceed the higher of the applicable percentages contained in this section which the applicant is eligible to receive and may be further limited due to availability of funds or by the maximum grant assistance allowable determined in accordance with § 3570.66.

Dated: March 10, 2008.

Russell T. Davis,

Administrator, Rural Housing Service.

[FR Doc. E8–5271 Filed 3–14–08; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 141 and 385

[Docket No. RM07–18–000; Order No. 709]

Elimination of FERC Form No. 423

Issued: March 11, 2008.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is amending its regulations to eliminate the collection of the FERC Form No. 423, *Monthly Report of Cost and Quality of Fuels for Electric Plants*. The Commission is eliminating collection of the FERC Form No. 423 following the December 2007 report, which was due February 15, 2008.

DATES: *Effective Date:* This rule will become effective April 16, 2008.

FOR FURTHER INFORMATION CONTACT:

Lawrence Greenfield (Legal Information), Office of General Counsel, Energy Markets, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–6415, *lawrence.greenfield@ferc.gov*.

James M. Krug (Technical Information), Division of Administration, Case Management and Strategic Planning, Office of Energy Market Regulation, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–8419, *james.krug@ferc.gov*.

Patricia Morris (Technical Information), Division of Administration, Case Management and Strategic Planning, Office of Energy Market Regulation, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–8730, *patricia.morris@ferc.gov*.

SUPPLEMENTARY INFORMATION: Before Commissioners: Joseph T. Kelliher, Chairman; Suedeen G. Kelly, Marc Spitzer, Philip D. Moeller, and Jon Wellinghoff.

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1. The Federal Energy Regulatory Commission (Commission) is amending its regulations, 18 CFR 141.61, to eliminate the collection of the FERC Form No. 423, *Monthly Report of Cost and Quality of Fuels for Electric Plants* (Form 423). The Commission is eliminating collection of the Form 423 following the submission of the December 2007 report, which was due February 15, 2008.

2. As a separate matter, we note that Energy Information Administration (EIA) has expressed a need for the

information previously collected on Form 423 and intends to collect such information starting January 1, 2008, as part of its newly authorized EIA–923.[1] As discussed below, however, to ensure the continuity of data collection, the Commission will, by separate notice, indicate that it will continue to collect such information if EIA is not prepared to begin its collection, but not beyond the December 2008 Form 423, due in February 2009.

I. Background

3. Form 423 gathers information on the cost and quality of fuels delivered to steam electric generating plants of 50 MW or greater. This information had been used over the years for a variety of purposes, including: (1) To conduct fuel reviews under Federal Power Act (FPA) sections 205(a) and (e);[2] (2) to address fuel costs and fuel purchase practices affecting public utility rates under FPA sections 205 and 206;[3] and (3) to detect abnormally high fuel costs in public utility fuel purchases indicative of affiliate preference under FPA sections 205 and 206.[4]

4. Form 423 is submitted electronically on a monthly basis by approximately 190 utilities for their 569 steam electric generating plants.

5. On November 2, 2007, the Commission issued a Notice of Proposed Rulemaking (NOPR) amending its regulations to eliminate the collection of the Form 423.[5] In the NOPR, the Commission stated that the Commission's infrequent use of the information collected in the Form 423 no longer justified the burden and cost of collecting it.

6. In response to the NOPR, comments were filed by: American Electric Power Service Corporation (AEP); the American Public Power Association and the National Rural Electric Cooperative Association (jointly APPA and NRECA); Arch Coal, Inc. (Arch Coal); City of Santa Clara, California, City of Redding, California and M–S–R Public Power Agency (jointly Cities/M–S–R); the Edison Electric Institute (EEI); FPL Group, Inc. (FPL Group); the National Association of Regulatory Utility Commissioners (NARUC); the National Mining Association (NMA); the Oklahoma Corporation Commission (OCC); the South Carolina Office of Regulatory Staff (ORS); and the Public Utilities Commission of Ohio (PUCO). The commenters responded to the Commission's invitation for comments both on its proposal to eliminate the Form 423, and on the proposed date to eliminate Form 423.

II. Discussion

7. The issuance of Order No. 888[6] and the electric industry's increasing reliance on market-based rates have created a diminished need for the Form 423 information. Greater use of market-based rates has resulted in less reliance on cost-based rates and less need to evaluate rates by reference to a utility's costs; market-based rates are not tied to the cost of providing service but instead reflect market conditions. In short, there are fewer public utilities with cost-based rates[7] and particularly with fuel adjustment clauses as part of their rates. This, in turn, has resulted in fewer rate cases and fewer complaints filed with the Commission, and less need for Form 423's fuel cost and quality data. Accordingly, the Commission will no longer collect the Form 423; the reduced need for Form 423's data no longer justifies continued collection of Form 423. Moreover, should the Commission have a need for information concerning fuel costs and purchases in the future, it can obtain such information on a case-by-case basis through special reports, investigations, data requests or formal proceedings.[8]

8. In contrast to the Commission's lack of need for the information, EIA, in its collection statement to the Office of Management and Budget (OMB), stated that ''EIA has multiple uses for the data and requests approval to collect it.'' Presently, EIA collects similar information from non-utility generators and, as explained in EIA's collection statement to OMB, adding to it information from Commission-jurisdictional public utilities would, for the first time, capture all such data on one form for the entire industry. EIA further proposed to merge the combined Form 423 data collection with information from three other existing EIA data collections (EIA–906, EIA–920, and EIA–767), in an effort to improve data quality, consistency and reporting efficiency. The result, EIA stated, would be a new survey, the EIA–923.[9] EIA received OMB approval to collect the EIA–923 on December 21, 2007.[10]

9. The Commission's decision to stop collecting the Form 423 data is not tied to EIA's decision to collect this data. However, to ensure continuity of the data collection, the Commission will coordinate with EIA. EIA anticipates beginning the collection of its EIA–923 starting with the January 2008 report, and so the Commission will end its collection of the Form 423 information with the December 2007 report, which was due February 15, 2008. However, if EIA is not prepared to collect the information, to prevent a gap in data collection, the Commission will continue to collect the data until EIA begins its collection, but not beyond the December 2008 report, due in February 2009.

10. Should EIA begin its collection of EIA–923 data effective January 2008, the Commission will issue a separate notice announcing that it has ceased collection of the Form 423 effective after the December 2007 report. Should EIA not begin its collection at that time, the Commission will issue a separate notice announcing that it will continue collection of the Form 423.

A. Elimination of the Form 423

Comments

11. Three commenters, EEI, FPL Group, and the OCC, support the Commission's proposal to discontinue collecting the Form 423. All three claim that the Form 423 imposes a substantial burden on the regulated community.

12. Eight commenters opposed the Commission's proposal to eliminate the Form 423. State commissions and regulatory offices[11] argue that they need the Form 423 information in a timely manner to do their work. NARUC argues

[1] Energy Information Administration Electric Power Survey, OMB Control No. 1905–0129, Supporting Statement A (submitted to the Office of Management and Budget for review on October 4, 2007), available at: *http://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=200709-1905-003*.

[2] 16 U.S.C. 824d(a), (e).

[3] 16 U.S.C. 824d, 824e.

[4] *Id*.

[5] *Elimination of FERC Form No. 423*, 72 FR 65246 (Nov. 20, 2007), FERC Stats. & Regs. ¶ 32,624 (2007).

[6] *Promoting Wholesale Competition Through Open Access Non-discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities*, Order No. 888, 61 FR 21540 (May 10, 1996), FERC Stats. & Regs. ¶ 31,036 (1996), *order on reh'g*, Order No. 888–A, 62 FR 12274 (Mar. 14, 1997), FERC Stats. & Regs. ¶ 31,048 (1997), *order on reh'g*, Order No. 888–B, 81 FERC ¶ 61,248 (1997), *order on reh'g*, Order No. 888–C, 82 FERC ¶ 61,046 (1998), aff'd in *relevant part sub nom. Transmission Access Policy Study Group* v. *FERC*, 225 F.3d 667 (D.C. Cir. 2000), *aff'd sub nom. New York* v. *FERC*, 535 U.S. 1 (2002).

[7] A review of data from the Electric Quarterly Reports for calendar year 2006 indicates that market-based power sales constituted 90 percent of jurisdictional power sales (reported as energy sales and booked out transactions).

[8] *See*, *e.g.*, 16 U.S.C. 825e, 825f.

[9] Energy Information Administration Electric Power Survey, OMB Control No. 1905–0129, Supporting Statement A (submitted to the Office of Management and Budget for review on October 4, 2007), available from: *http://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=200709-1905-003*.

[10] EIA received final approval from OMB to collect the information through EIA–923 in a Notice of Office of Management and Budget Action dated December 21, 2007.

[11] NARUC, PUCO, and ORS.

that the Form 423 information helps to facilitate state commission efforts to assure efficient use and pricing of fuels. PUCO states that it has an essential need for timely receipt of Form 423 data and that the timeliness of the Commission's data collection and posting allows it to efficiently conduct electric fuel cost reviews, address electric utility fuel costs and fuel purchase practices, detect abnormally high fuel costs, calculate electric rates based on fuel costs, and properly respond to any energy emergency. PUCO believes the Commission's discontinuation of collecting Form 423 information would hinder PUCO's ability to effectively perform its duties. PUCO asserts that getting the Form 423 data only from EIA, as proposed, will result in a six-month delay between the time the data is collected and when the data is published. Such a delay, PUCO believes, compromises its ability to conduct fuel cost reviews. The ORS states that the timeliness of the Form 423 information is important to the annual review of fuel costs and purchasing practices in South Carolina.

13. Arch Coal is concerned that the elimination of the Form 423 will result in a significant loss of market data used by coal producers, transportation companies and other entities that service the electric industry. Arch Coal believes only power generators currently required to file EIA–906 and EIA–920 will be required to file the new EIA–923, resulting in a reduction of the sample size by 24 percent, and significantly degrading both the quality and value of the data. Arch Coal argues that data collected on EIA–923 will not be available at the plant level for 18 months for non-jurisdictional generators, and only for those plants that currently file EIA–906 and EIA–920. It believes this means there will be an additional time lag of more than one year, making it extremely difficult to use this data for business decisions. Arch Coal urges greater transparency in the electric power generation sector, which it believes promotes market competitiveness. Reducing data reliability and timeliness hinders market efficiency.

14. NMA feels the Commission may be dropping collection of vital information at a time when the need for this data is escalating. NMA further contends that, should EIA subsequently discontinue its EIA–923 due to budget constraints, the Commission will need to reestablish collection of the Form 423 data. NMA adds that the data EIA will collect in EIA–923 will be sample data, rather than the more inclusive plant data the Commission currently collects. NMA believes this methodology will result in a material reduction in the number of reporting plants. Further, there are no guarantees that EIA will make plant-level information available to the public as in the past. NMA argues that without public access to this information, complaints against generators cannot be filed.

15. AEP suggests that, should responsibility for the data collection be transferred, EIA should use the same or similar filing procedures for its EIA–923 as those employed by the Commission for its Form 423 data. AEP is concerned that the technological advances made by the Commission with respect to the collection of the data may not be maintained by EIA.

16. APPA and NRECA state that the Commission has an obligation to ensure that cost-based rates are just and reasonable, and that the Commission's reliance on other means to gather data under specific circumstances or on a case-by-case basis is not sufficient to protect customers. APPA and NRECA also assert the Commission itself needs the information for its ongoing market oversight. Customers also need access to the data on an ongoing basis in order to have sufficient information to protect their own interests through filing a complaint with the Commission. Furthermore, APPA and NRECA are concerned that the Commission has not gone far enough in its commitment to maintain the availability of the data. They note that EIA has made changes to its data collection programs in the past after EIA has cited budget constraints and that these changes were detrimental to the quality and availability of industry data. Further, APPA and NRECA claim the Commission must take an active role in ensuring that EIA receives sufficient funding to continue its collection of the data that is currently in Form 423. If EIA decides to stop collecting the Form 423 data in its EIA–923, APPA and NRECA assert the Commission must step in and resume its collection of the information. Cities/M–S–R state that the Commission should continue to collect Form 423 data.

Commission Response

17. As explained above, the Commission's infrequent use of the Form 423 data no longer justifies the burden and cost of the Commission collecting the data. While others may have their own particular proprietary reasons for this data,[12] the Commission's collection of information is driven by the Commission's needs and the Commission no longer needs Form 423's fuel cost and quality data.[13] The arguments put forth by the eight commenters opposing the Commission's proposal thus do not provide sufficient reasons for the Commission to continue collecting the data; the Commission does not need this data on an ongoing basis.

18. Despite our elimination of the Form 423, the public will still have access to this data. EIA has taken the initiative to continue collection and has received OMB authorization to do so. The generator data to be collected by EIA on Schedules 1 and 2 of its new EIA–923 is the same as the generator data collected in the Form 423 (with the exception of one item—the coal district number—which was eliminated). Furthermore, EIA will be making EIA–923 data available on its Web site for both Commission-jurisdictional and non-jurisdictional companies under a planned EIA data-collection-and-release cycle that will be shorter than the Form 423 data collection-and-release cycle utilized by the Commission.[14] The Commission thus finds no basis for commenter concerns that only sample data will be collected, or about the loss of data or a smaller number of respondents who must file.

19. The Commission's ability to carry out its market and rate oversight functions will not be hindered by the elimination of the Form 423. Current users of the Form 423 data will be readily able to download the same data by accessing the new EIA–923 data from EIA's Web site. In addition, there are other sources of data which can be utilized, such as Form Nos. 1 and 3–Q, which will give them access to information they may need to protect their interests should they wish to file a complaint with the Commission. As a result, elimination of Form 423 should not hinder the Commission's ability to carry out its market and rate oversight functions. AEP's suggestion that EIA consider Commission methodologies in its EIA–923 software should be addressed to EIA.

[12] *E.g.*, state commission review of retail rates, state commission review of fuel purchasing practices, and coal industry analysis of coal markets.

[13] We are not aware of any reason why a state commission that needs such data from utilities it regulates, or associated companies, cannot obtain such data from them. 16 U.S.C. 824(g); 42 U.S.C. 16453.

[14] Currently, the Form 423 is due 45 days after the end of the month. The data is then posted to the Commission's Web site 45 days after the due date. The EIA–923 will be due the last day of the month following the reporting month and the data will be posted to EIA's Web site approximately 45 days after the due date, when EIA publishes its Electric Power Monthly for that month.

20. Commenter concerns about future EIA funding levels and their impact on EIA data collections are speculative and, in any event, are beyond the scope of this rulemaking.

B. Date of Elimination of the Form 423

Comments

21. EEI, NARUC, OCC, and Cities/M–S–R argue that the Commission should continue to collect the information contained in Form 423 until EIA is prepared to take over these duties, so there is no gap in information collection. NARUC and Cities/M–S–R both add that, if necessary, this data collection should continue beyond the Commission deadline of December 2008.

Commission Response

22. As noted above, the Commission intends to coordinate its elimination of Form 423 with EIA's collection of EIA–923. The Commission will continue collection of Form 423 should EIA not be able to begin its collection program as proposed, but not beyond December 2008; the Commission is currently authorized by OMB to collect Form 423 data only through December 2008. Moreover, EIA has received OMB authorization to begin collecting EIA–923.[15] Therefore, the Commission disagrees with EEI, NARUC, OCC, and Cities/M–S–R that there is a need to extend its collection of, and to obtain additional OMB authorization to collect, Form 423 beyond December 2008.

C. Other Issues

Comment

23. Commenters raise various issues largely related to the type and timing of information to be collected by EIA.

24. PUCO claims Form 423 data should be updated to include renewable and intermittent resources.[16] The OCC, while it supports the Commission in its suggestion not to require additional reporting, proposes that ''state commissions [be] notified of additional reviews or requests about individual public utilities' information that are in the respective state commission's jurisdiction.''

25. FPL Group does not support EIA's proposal to institute a mandatory collection of this information in its EIA–923. FPL Group argues that, absent a greater showing of need for this information by the EIA, providing such information should be voluntary.

26. EEI encourages the Commission to recognize that the fuel cost, quantity, and other information reported in the Form 423 is commercially sensitive, and asks that EIA treat this same information as confidential and not release it in a disaggregated form that discloses company and plant level information or even state or regional information because that can compromise negotiations and prices in particular markets.

27. NARUC urges the Commission to join it in requesting that EIA preserve the existing reporting schedule to ensure the usefulness of the information collected. NARUC is concerned that EIA proposes to collect the same data using a six month rather than a two month lag period. NARUC contends a six month delay would significantly reduce the usefulness of the information and would undermine the ability of state commissions to effectively use this information in conducting fuel cost reviews.

28. AEP states the proposed submission deadline for EIA–923 should be lengthened. AEP is concerned about the shorter submission time that is proposed by the EIA, noting that the Commission allowed forty-five days after the close of the previous month to submit the data requested in Form 423 whereas under EIA–923 the time is shortened to thirty days after the last day of the prior month. AEP argues it is a large, multi-state utility operating in eleven states, and shortening the time for submission of data by fifteen days will not allow AEP enough time to gather all of the information from various resources and submit the data in a timely fashion. AEP claims this situation will be exacerbated if the efficiencies in the filing methods employed by the Commission are not adopted by the EIA. AEP also states a testing period should be established in order to ensure both utility and EIA preparedness.

Commission Response

29. The Commission is eliminating the collection of the Form 423 data. The concerns raised by PUCO, OCC, FPL Group, EEI, NARUC, and AEP are concerns that instead should be brought to the attention of EIA. Thus, issues about EIA's mandatory collection of fuel cost and quality data, whether to include renewable and intermittent resource data, the confidentiality of data, the timing of the submission of data, and the need for a testing period are issues that should be brought to the attention of EIA. The OCC's request that state commissions be notified of ''additional reviews or requests'' is beyond the scope of this rulemaking.

III. Information Collection Statement

30. The Office of Management and Budget (OMB) regulations require that OMB approve certain reporting and record keeping (information collections) imposed by an agency. Here, the Commission is proposing to cease collecting certain information. Nevertheless, OMB has been notified of the Commission's proposed actions in this case. The Commission will submit a copy of the Final Rule to inform OMB of its actions to discontinue the collection of this information and the resulting alleviation of burden imposed on the public.

IV. Environmental Analysis

31. Commission regulations require that an environmental assessment or an environmental impact statement be prepared for any Commission action that may have a significant adverse effect on the human environment.[17] No environmental consideration is necessary for the promulgation of a rule that involves information gathering, analysis, and dissemination.[18] This Final Rule eliminates a data collection. Consequently, neither an environmental impact statement nor an environmental assessment is required.

V. Regulatory Flexibility Act

32. The Regulatory Flexibility Act of 1980 (RFA)[19] generally requires either a description and analysis of a rule that will have a significant economic impact on a substantial number of small entities or a certification that the rule will not have a significant economic impact on a substantial number of small entities. Most utilities to which this Final Rule applies would not fall within the RFA's definition of small entity.[20] Moreover, elimination of the Form 423 will reduce the burden on all entities, including small entities. Consequently, the

[15] *Notice of Office of Management and Budget Action* (December 21, 2007) (OMB Control No. 1905–0129).

[16] If the Commission determines that it has additional data needs related to renewable and intermittent resources, those data needs will be addressed in a separate proceeding.

[17] *Regulations Implementing National Environmental Policy Act*, 52 FR 47897 (Dec. 17, 1987), FERC Stats. & Regs. ¶ 30,783 (1987).

[18] 18 CFR 380.4(a)(5).

[19] 5 U.S.C. 601–12.

[20] 5 U.S.C. 601(3), *citing* to section 3 of the Small Business Act, 15 U.S.C. 632. Section 3 of the Small Business Act defines a ''small business concern'' as a business that is independently owned and operated and that is not dominant in its field of operation. The Small Business Size Standards component of the North American Industry Classification System (NAICS) defines a small electric utility as one that, including its affiliates, is primarily engaged in the generation, transmission, and/or distribution of electric energy for sale and whose total electric output for the preceding fiscal year did not exceed four million MWh. 13 CFR 121.201.

Commission certifies that this Final Rule will not have a significant economic impact on a substantial number of small entities.

VI. Document Availability

33. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to obtain this document via the Internet through the Commission's Home Page (*http://www.ferc.gov*) and from its Public Reference Room during normal business hours (8:30 a.m. to 5 p.m. Eastern time) at 888 First Street, NE., Room 2A, Washington, DC 20426.

34. From the Commission's Home Page on the Internet, the full text of this document is available in the Commission's document management system, eLibrary, in PDF and Microsoft Word format for viewing, printing, and downloading. To access this document in eLibrary, type the docket number (excluding the last three digits of the docket number), in the Docket Number field.

35. User assistance is available for eLibrary and the Commission's Web site during normal business hours. For assistance, please contact FERC Online Support at (202) 502–6652 (toll-free at 1–866–208–3676), e-mail *ferconlinesupport@ferc.gov*, or contact the Public Reference Room at (202) 502–8371, TTY (202) 502–8659, e-mail: *public.referenceroom@ferc.gov*.

VII. Effective Date and Congressional Notification

36. These changes in the regulations are effective April 16, 2008. The Commission has determined, with the concurrence of the Administrator of the Office of Information and Regulatory Affairs of OMB that this rule is not a ''major rule'' as defined in section 351 of the Small Business Regulatory Enforcement Fairness Act of 1996.[21]

List of Subjects

18 CFR Part 141

Electric power, Reporting and recordkeeping requirements.

18 CFR Part 385

Administrative practice and procedure, Electric power, Penalties, Pipelines, Reporting and recordkeeping requirements.

By the Commission.

Kimberly D. Bose,

Secretary.

■ In consideration of the foregoing, the Commission amends parts 141 and 385, Chapter I, Title 18, *Code of Federal Regulations*, as follows:

[21] 5 U.S.C. 804(2).

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

■ 1. The authority citation for part 141 continues to read as follows:

Authority: 15 U.S.C. 79; 16 U.S.C. 791a–828c, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352.

§ 141.61 [Removed and Reserved]

■ 2. Section 141.61 is removed and reserved:

PART 385—RULES OF PRACTICE AND PROCEDURE

■ 3. The authority citation for part 385 continues to read as follows:

Authority: 5 U.S.C. 551–557; 15 U.S.C. 717–717z, 3301–3432; 16 U.S.C. 791a–825v, 2601–2645; 28 U.S.C. 2461; 31 U.S.C. 3701, 9701; 42 U.S.C. 7101–7352, 16441, 16451–16463; 49 U.S.C. 60502; 49 App. U.S.C. 1–85 (1988).

§ 385.2011 [Amended]

■ 4. Section 385.2011, paragraph (a)(8) is removed and reserved.

[FR Doc. E8–5251 Filed 3–14–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs; Penicillin G Procaine Aqueous Suspension

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by IVX Animal Health, Inc. The supplemental NADA provides for changing scientific nomenclature for a swine pathogen on labeling for penicillin G procaine aqueous suspension.

DATES: This rule is effective March 17, 2008.

FOR FURTHER INFORMATION CONTACT: Cindy L. Burnsteel, Center for Veterinary Medicine (HFV–130), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–276–8341, e-mail: cindy.burnsteel@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: IVX Animal Health, Inc., 3915 South 48th Street Ter., St. Joseph, MO 64503, filed a supplement to NADA 65–110 for PEN-G MAX (penicillin G procaine) Aqueous Suspension used for the treatment of animal diseases associated with several bacterial pathogens. The supplemental NADA provides for changing a pathogen name from *Erysipelothrix insidiosa*to *Erysipelothrix rhusiopathiae* on product labeling. The supplemental NADA is approved as of February 12, 2008, and the regulations are amended in 21 CFR 522.1696b to reflect the approval.

Approval of this supplemental NADA did not require review of additional safety or effectiveness data or information. Therefore, a freedom of information summary is not required.

The agency has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 522

Animal drugs.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 522 is amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 522.1696b [Amended]

■ 2. In § 522.1696b, in paragraph (d)(2)(ii), remove ''*Erysipelothrix insidiosa*'' and add in its place ''*Erysipelothrix rhusiopathiae*''.

Dated: March 6, 2008.

Bernadette Dunham,

Director, Center for Veterinary Medicine.

[FR Doc. E8–5217 Filed 3–14–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA–289F]

RIN 1117–AB04

Schedules of Controlled Substances: Exempt Anabolic Steroid Products

AGENCY: Drug Enforcement Administration (DEA), Department of Justice.

ACTION: Final rule.

SUMMARY: The Drug Enforcement Administration (DEA) is finalizing an Interim Rule designating six pharmaceutical preparations as exempt anabolic steroid products under the Controlled Substances Act. This action is part of the ongoing implementation of the Anabolic Steroids Control Act of 1990.

DATES: *Effective Date:* This final rule is effective April 16, 2008.

FOR FURTHER INFORMATION CONTACT: Christine A. Sannerud, PhD, Chief, Drug and Chemical Evaluation Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Telephone: (202) 307–7183.

SUPPLEMENTARY INFORMATION:

Background

The Anabolic Steroids Control Act (ASCA) of 1990 (Title XIX of Pub. L. 101–647) placed anabolic steroids into schedule III of the Controlled Substances Act (CSA). Section 1903 of the ASCA provides that the Attorney General may exempt products which contain anabolic steroids from all or any part of the CSA (21 U.S.C. 801 *et seq.*) if the products have no significant potential for abuse. The authority to exempt these products was delegated from the Attorney General to the Administrator of the Drug Enforcement Administration (DEA) (28 CFR 0.100(b)), who in turn, redelegated this authority to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (28 CFR Part 0, Appendix to Subpart R, Section 7(g)). The procedure for implementing this section of the ASCA is found in 21 CFR 1308.33. Three applications which were in conformance with 21 CFR 1308.33 were received and forwarded to the Secretary of Health and Human Services for evaluation. The purpose of this rule is to finalize an interim rule regarding six products which the Deputy Assistant Administrator, Office of Diversion Control, finds meet the exempt anabolic steroid product criteria.

Anabolic Steroid Products Being Added to the List of Products Exempted From Application of the CSA

DEA received three letters dated June 8, 2005, July 1, 2005 and August 22, 2005, written to the DEA on behalf of Interpharm Inc., Lannett Company Inc., and ANDAPharm, LLC., respectively. Each of these three letters contained an application to exempt from control under the CSA two products, each containing esterified estrogens and methyltestosterone. In two letters dated November 14, 2005, DEA provided a copy of the Lannett and ANDAPharm applications to the Department of Health and Human Services (HHS) along with a request for evaluation and a recommendation. In a letter dated November 15, 2005, DEA provided a copy of the Interpharm application to HHS along with a request for evaluation and recommendation. In three separate letters dated March 30, 2006, the Assistant Secretary of Health for HHS recommended that all six products, two products of esterified estrogen and methyltestosterone from each of three applications, be exempted from control under the CSA based on their similarity to the products, Estratest®, Estratest® H.S., Essian™ and Essian™ H.S., which have been exempted from control under the CSA (71 FR 10835, March 3, 2006 and 71 FR 61876, October 20, 2006).

DEA agreed with HHS regarding the similarity of these products to products which have already been exempted from the regulatory controls of the CSA. Further, after reviewing several law enforcement databases, DEA did not find evidence of significant abuse or trafficking of these types of products. Therefore, DEA published an Interim rule with request for comments (71 FR 51996, September 1, 2006) exempting these products from regulatory control under the CSA.

Comments Received

DEA received one comment in opposition to the Interim Rule. As a basis for this objection, the commenter cited generally to Article I, Section 1 of the U.S. Constitution: ''All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.'' DEA has considered the comment and determined that the objection is without legal basis.

Thus, the rule is being finalized without change. Accordingly, the Deputy Assistant Administrator, Office of Diversion Control, hereby affirms his order that the following anabolic steroid products be added to the list of products excluded from application of certain controls of the Controlled Substances Act and referenced in 21 CFR 1308.34.

Exempt Anabolic Steroid Products:

Trade name	Company	Form	Ingredients	Quantity
Esterified Estrogens and Methyltestosterone, USP (1.25 mg/2.5 mg).	Interpharm, Inc	Tablets	Esterified Estrogens Methyltestosterone	1.25 mg/Tablet. 2.5 mg/Tablet.
Esterified Estrogens and Methyltestosterone, USP (0.625 mg/1.25 mg).	Interpharm, Inc	Tablets	Esterified Estrogens Methyltestosterone	0.625 mg/Tablet. 1.25 mg/Tablet.
Methyltestosterone and Esterified Estrogens (2.5 mg/1.25 mg).	Lannett Company, Inc	Tablets	Esterified Estrogens Methyltestosterone	1.25 mg/Tablet. 2.5 mg/Tablet.
Methyltestosterone and Esterified Estrogens (Half Strength) (1.25 mg/0.625 mg).	Lannett Company, Inc	Tablets	Esterified Estrogens Methyltestosterone	0.625 mg/Tablet. 1.25 mg/Tablet.
Esterified Estrogens/Methyltestosterone, (1.25 mg/2.5 mg) Tablet.	ANDAPharm, LLC	Tablets	Esterified Estrogens Methyltestosterone	1.25 mg/Tablet. 2.5 mg/Tablet.
Esterified Estrogens/Methyltestosterone, (0.625 mg/1.25 mg) Tablet.	ANDAPharm, LLC	Tablets	Esterified Estrogens Methyltestosterone	0.625 mg/Tablet. 1.25 mg/Tablet.

Regulatory Certifications

Regulatory Flexibility Act

The granting of exemption status relieves persons who handle the exempted products in the course of legitimate business from the registration, recordkeeping, security, and other requirements imposed by the CSA. Accordingly, the Deputy Assistant Administrator certifies that this action will not have a significant economic impact upon a substantial number of small entities whose interests must be considered under the Regulatory Flexibility Act (5 U.S.C. 601–612).

Executive Order 12866

The Deputy Assistant Administrator further certifies that this rulemaking has been drafted in accordance with the principles in Executive Order 12866. It has been determined that this is not a significant regulatory action. Therefore, this action has not been reviewed by the Office of Management and Budget. This final rule exempts the identified steroid products from the regulatory controls that apply to controlled substances.

Executive Order 12988

This rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 Civil Justice Reform.

Executive Order 13132

This rule does not preempt or modify any provision of state law; nor does it impose enforcement responsibilities on any state; nor does it diminish the power of any state to enforce its own laws. Accordingly, this rulemaking does not have federalism implications warranting the application of Executive Order 13132.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, of $120,000,000 or more (adjusted for inflation) in any one year, and will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Congressional Review Act

This rule is not a major rule as defined by § 804 of the Small Business Regulatory Enforcement Fairness Act of 1996 (Congressional Review Act). This rule will not result in an annual effect on the economy of $100 million or more, a major increase in costs or prices, or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

21 CFR Part 1308—Schedules of Controlled Substances

The Interim Rule with Request for Comment amending the list of exempt anabolic steroid products described in 21 CFR 1308.34 published at 71 FR 51996, September 1, 2006 is hereby adopted as a final rule without change.

Dated: March 8, 2008.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control.

[FR Doc. E8–5173 Filed 3–14–08; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 943

[SATS No. TX–058–FOR; Docket No. OSM–2007–0018]

Texas Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSM), are approving an amendment to the Texas regulatory program (Texas program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Texas proposed revisions to its regulations regarding annual permit fees. Texas intends to revise its program to improve operational efficiency.

DATES: *Effective Date:* March 17, 2008.

FOR FURTHER INFORMATION CONTACT: Alfred L. Clayborne, Director, Tulsa Field Office. Telephone: (918) 581–6430. E-mail: *aclayborne@osmre.gov*.

SUPPLEMENTARY INFORMATION:

I. Background on the Texas Program
II. Submission of the Amendment
III. OSM's Findings
IV. Summary and Disposition of Comments
V. OSM's Decision
VI. Procedural Determinations

I. Background on the Texas Program

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its State program includes, among other things, ''a State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of this Act * * *; and rules and regulations consistent with regulations issued by the Secretary pursuant to this Act.'' See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Texas program effective February 16, 1980. You can find background information on the Texas program, including the Secretary's findings, the disposition of comments, and the conditions of approval, in the February 27, 1980, **Federal Register** (45 FR 12998). You can find later actions on the Texas program at 30 CFR 943.10, 943.15, and 943.16.

II. Submission of the Amendment

By letter dated October 2, 2007 (Administrative Record No. TX–664), Texas sent us an amendment to its program under SMCRA (30 U.S.C. 1201 *et seq.*). Texas sent the amendment at its own initiative.

We announced receipt of the proposed amendment in the December 17, 2007, **Federal Register** (72 FR 71293). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the adequacy of the amendment. We did not hold a public hearing or meeting because no one requested one. The public comment period ended on January 16, 2008. We did not receive any public comments.

III. OSM's Findings

Following are the findings we made concerning the amendment under SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17. We are approving the amendment as described below. Any revisions that we do not specifically discuss below concern nonsubstantive wording or editorial changes.

16 Texas Administrative Code (TAC) Section 12.108 Permit Fees

Texas proposed to revise its regulations at 16 TAC section 12.108(b)(1) through (b)(3) regarding annual permit fees by:

(1) Decreasing, from $160.00 per acre to $150.00 per acre, the amount of the fee in paragraph (b)(1) for each acre of land within the permit area on which coal or lignite was actually removed during the calendar year,

(2) Increasing, from $3.00 to $3.75, the amount of the fee in paragraph (b)(2) for each acre of land within a permit area

covered by a reclamation bond on December 31st of the year, and

(3) Increasing, from $3,550.00 to $4,200.00, the amount of the fee in paragraph (b)(3) for each permit in effect on December 31st of the year.

The Federal regulations at 30 CFR 777.17, concerning permit fees, provide that applications for surface coal mining permits must be accompanied by a fee determined by the regulatory authority. The Federal regulations also provide that the fees may be less than, but not more than the actual or anticipated cost of reviewing, administering, and enforcing the permit. In its letter dated October 2, 2007 (Administrative Record No. TX–664), Texas advised us that the monies collected from the revised annual permit fees, when coupled with the permit application fees are not expected to exceed 50 percent of the anticipated costs to administer the coal mining regulatory program for State fiscal years 2007 and 2008.

We find that Texas' proposed permit fees including the annual permit fees are reasonable and are consistent with the discretionary authority provided by the Federal regulations at 30 CFR 777.17.

IV. Summary and Disposition of Comments

Public Comments

We asked for public comments on the amendment, but did not receive any.

Federal Agency Comments

On November 9, 2007, under 30 CFR 732.17(h)(11)(i) and section 503(b) of SMCRA, we requested comments on the amendment from various Federal agencies with an actual or potential interest in the Texas program (Administrative Record No. TX–664.01). We did not receive any comments.

Environmental Protection Agency (EPA) Concurrence and Comments

Under 30 CFR 732.17(h)(11)(ii), we are required to get a written concurrence from EPA for those provisions of the program amendment that relate to air or water quality standards issued under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). None of the revisions that Texas proposed to make in this amendment pertain to air or water quality standards. Therefore, we did not ask EPA to concur on the amendment. However, on November 9, 2007, under 30 CFR 732.17(h)(11)(i), we requested comments on the amendment from the EPA (Administrative Record No. TX–664.01). The EPA did not respond to our request.

State Historical Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

Under 30 CFR 732.17(h)(4), we are required to request comments from the SHPO and ACHP on amendments that may have an effect on historic properties. On November 9, 2007, we requested comments on Texas' amendment (Administrative Record No. TX–664.01), but neither responded to our request.

V. OSM's Decision

Based on the above findings, we approve the amendment Texas sent us on October 2, 2007.

To implement this decision, we are amending the Federal regulations at 30 CFR Part 943, which codify decisions concerning the Texas program. We find that good cause exists under 5 U.S.C. 553(d)(3) to make this final rule effective immediately. Section 503(a) of SMCRA requires that the State's program demonstrate that the State has the capability of carrying out the provisions of the Act and meeting its purposes. Making this rule effective immediately will expedite that process. SMCRA requires consistency of State and Federal standards.

VI. Procedural Determinations

Executive Order 12630—Takings

This rule does not have takings implications. This determination is based on the analysis performed for the counterpart Federal regulation.

Executive Order 12866—Regulatory Planning and Review

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866.

Executive Order 12988—Civil Justice Reform

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments because each program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and the Federal regulations at 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR parts 730, 731, and 732 have been met.

Executive Order 13132—Federalism

This rule does not have Federalism implications. SMCRA delineates the roles of the Federal and State governments with regard to the regulation of surface coal mining and reclamation operations. One of the purposes of SMCRA is to ''establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations.'' Section 503(a)(1) of SMCRA requires that State laws regulating surface coal mining and reclamation operations be ''in accordance with'' the requirements of SMCRA, and section 503(a)(7) requires that State programs contain rules and regulations ''consistent with'' regulations issued by the Secretary pursuant to SMCRA.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

In accordance with Executive Order 13175, we have evaluated the potential effects of this rule on federally-recognized Indian tribes and have determined that the rule does not have substantial direct effects 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. This determination is based on the fact that the Texas program does not regulate coal exploration and surface coal mining and reclamation operations on Indian lands. Therefore, the Texas program has no effect on federally-recognized Indian tribes.

Executive Order 13211—Regulations That Significantly Affect the Supply, Distribution, or Use of Energy

On May 18, 2001, the President issued Executive Order 13211 which requires agencies to prepare a Statement of Energy Effects for a rule that is (1) considered significant under Executive Order 12866, and (2) likely to have a significant adverse effect on the supply, distribution, or use of energy. Because this rule is exempt from review under Executive Order 12866 and is not expected to have a significant adverse effect on the supply, distribution, or use of energy, a Statement of Energy Effects is not required.

National Environmental Policy Act

This rule does not require an environmental impact statement because section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 et seq.).

Regulatory Flexibility Act

The Department of the Interior 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.). The State submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule: (a) Does not have an annual effect on the economy of $100 million; (b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This determination is based upon the fact that the State submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation was not considered a major rule.

Unfunded Mandates

This rule will not impose an unfunded mandate on State, local, or tribal governments or the private sector of $100 million or more in any given year. This determination is based upon the fact that the State submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation did not impose an unfunded mandate.

List of Subjects in 30 CFR Part 943

Intergovernmental relations, Surface mining, Underground mining.

Dated: February 22, 2008.

Ervin J. Barchenger,

Acting Regional Director, Mid-Continent Region.

■ For the reasons set out in the preamble, 30 CFR part 943 is amended as set forth below:

PART 943—TEXAS

■ 1. The authority citation for part 943 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

■ 2. Section 943.15 is amended in the table by adding a new entry in chronological order by ''Date of final publication'' to read as follows:

§ 943.15 Approval of Texas regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
* *	* * *	* *
October 2, 2007	March 17, 2008	16 TAC 12.108(b)(1) through (b)(3).

[FR Doc. E8–5315 Filed 3–14–08; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[USCG–2008–0045]

RIN 1625–AA11

Regulated Navigation Area: Herbert C. Bonner Bridge, Oregon Inlet, NC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard proposes to establish a temporary regulated navigation area (RNA) on the waters of Oregon Inlet, NC. The regulated navigation area (RNA) is needed to minimize the risk of potential structural damage to the Herbert C. Bonner Bridge during fender repair work. This rule will enhance the safety of vessels transiting the area and vehicles crossing over the bridge during periods of reduced horizontal clearance in the main navigation channel.

DATES: This rule is effective from 5 a.m. on April 16, 2008 through 8 p.m. May 31, 2008.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2008–0045 and are available online at *www.regulations.gov*. They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, 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 and at the United States Coast Guard District Five Legal Office, 431 Crawford Street, Portsmouth, Virginia between 9 a.m. and 3 p.m.

FOR FURTHER INFORMATION CONTACT: If you have questions concerning this temporary final rule, phone CWO4 Stephen Lyons, Waterways Management Division Chief, Sector North Carolina, at (252) 247–4525. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. Immediate action is needed to protect the maritime public from the hazards associated with this maintenance project. The necessary information to determine whether the construction poses a threat to persons and vessels was not provided with

sufficient time to publish an NPRM. For the safety concerns noted, it is in the public interest to have this regulation in place during the construction.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date would be contrary to public interest, since immediate action is needed to ensure the public's safety.

Background and Purpose

The State of North Carolina Department of Transportation has awarded two contracts to Marine Technologies Inc. of Baltimore, MD to perform repair work on the Herbert C. Bonner Bridge located in Oregon Inlet, NC. The first contract provides for the placing of six supplemental concrete sub-caps and the installation of nine pile jackets. The second contract is for the repair of the existing fender system that protects the main channel span from vessel allision. The fender repair is scheduled to begin on April 16, 2008 and will require 45 working days to complete. The contractor will be utilizing a spud barge with a 30′ beam during the fender system repair work. During periods of work, the spud barge will reduce the available horizontal clearance of the main navigational channel to 105′. Vessel use of the alternate channels will not be sanctioned by the Coast Guard because the alternate spans are not clearly marked by navigational aids. In addition, due to concerns about the stability of the bridge, potential vessel strikes, and the absence of a fender system in the alternate channels, the only safe passage for vessels is through the main navigational channel.

Discussion of Rule

The proposed regulated navigation area would encompass the area of the main navigational channel directly under the Herbert C. Bonner Bridge. All vessels of 100 gross tons and greater are not permitted to transit the waterway during the periods of time when the available horizontal clearance is reduced by the contractor's spud barge unless the vessel asks the District Commander for permission to transit. The District Commander can be contacted via Sector North Carolina at telephone number (252) 247–4570.

The contractor's spud barge will be relocated out of the main navigational channel each day during non-working hours. All vessels, including vessels of 100 gross tons and greater, will be permitted to transit the main navigational channel during non-working hours when the spud barge is removed.

Vessels less than 100 gross tons are permitted to use the main navigational channel at all times, including the periods of time when the spud barge is restricting the available horizontal clearance, but must transit the area at no-wake speed. However, nothing in this proposed rule negates the requirement to operate at a safe speed as provided in the Navigation Rules and Regulations.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

Although this regulation will restrict access to the regulated area, the effect of this rule will not be significant because: (i) The regulated navigation area will be in effect for a limited duration of time and (ii) the Coast Guard will make notification via maritime advisories so mariners can adjust their plans accordingly.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. Although the regulated area will apply to the waters of the Oregon Inlet, the zone will not have significant impact on small entities because the zone will only be in place for a limited duration of time and maritime advisories will be issued in advance to allow the public to adjust their plans accordingly.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offer to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does 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.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Commandant Instruction M16475.lD which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, from further environmental documentation. A final ''Environmental Analysis Check List'' and a final ''Categorical Exclusion Determination'' will be available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Regulation

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6 and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add temporary § 165.T05–005 to read as follows:

§ 165.T05–005 Regulated Navigation Area; Bonner Bridge Herbert C. Bonner Bridge, Oregon Inlet, NC.

(a) *Definitions.* For the purposes of this section, *District Commander* means the Commander, U.S. Coast Guard District Five and any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Commander, U.S. Coast Guard District Five to act as a designated representative on his behalf.

(b) *Location.* The following area is a regulated navigation area: All waters of Oregon Inlet, from the surface to the bottom, encompassing the area of the main navigational channel directly under the Herbert C. Bonner Bridge.

(c) *Regulations.* (1) The general regulations governing regulated navigation areas found in § 165.13 of this part apply to the regulated navigation area described in paragraph (b).

(2) Any vessel of 100 gross tons or greater may not transit the waterway when the available horizontal clearance is reduced by the contractor's spud barge without first obtaining permission in accordance with paragraph (5).

(3) All vessels, including vessels of 100 gross tons or greater, will be permitted to transit the main navigational channel during non-working hours when the spud barge is removed.

(4) Vessels less than 100 gross tons are permitted to use the main navigational channel at all times, including the periods of time when the spud barge is restricting the available horizontal clearance, but must transit the area at no-wake speed.

(5) Vessels of 100 gross tons or greater desiring to transit the area of the regulated navigation area when the available horizontal clearance is reduced by the contractor's spud barge must first obtain authorization from the District Commander. To seek permission to transit the area, the District Commander can be contacted via Sector North Carolina at telephone number (252) 247–4570.

(6) Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed. The Coast Guard vessels enforcing this section can be contacted on Marine Band Radio, VHF–FM channel 16 (156.8 MHz).

(7) If permission is granted, all persons and vessels must comply with the instructions of the District Commander and proceed at the minimum speed necessary to maintain a safe course while within the zone.

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the zone by Federal, State, and local agencies.

(e) *Enforcement period.* This section will be enforced from 5 a.m. on April 16, 2008 through 8 p.m. May 31, 2008.

Dated: February 22, 2008.

F.M. Rosa, Jr.,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. E8–5327 Filed 3–14–08; 8:45 am]

BILLING CODE 4910–15–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 258

[Docket No. RM 2008–3]

Section 119 and the Changes in the Consumer Price Index

AGENCY: Copyright Office, Library of Congress.

ACTION: Final rule.

SUMMARY: The Copyright Office makes royalty rate adjustments for satellite carriers based upon changes in the Consumer Price Index.

EFFECTIVE DATE: March 17, 2008. These rates are applicable for the rate period of January 1, 2008, through December 31, 2008.

FOR FURTHER INFORMATION CONTACT: Ben Golant, Assistant General Counsel, and Tanya M. Sandros, General Counsel, Copyright GC/I&R, P.O. Box 70400, Washington, DC 20024. Telephone: (202) 707–8380. Telefax: (202) 707–8366.

SUPPLEMENTARY INFORMATION: Pursuant to Section 119(c) and our implementing rules, we are hereby giving notice to the public of the Office's adoption of royalty rate adjustments for the accounting period commencing January 1, 2008, based on changes in the Consumer Price Index. This action is consistent with voluntary agreements reached between satellite carriers and copyright owners under the Copyright Act.

Section 119 and royalty payments for analog television signals. In 2004, Congress enacted the Satellite Home Viewer Extension and Reauthorization Act (''SHVERA''). SHVERA extended for an additional five years the statutory license for satellite carriers retransmitting over–the–air television broadcast stations to their subscribers and made a number of amendments to the Section 119 license. One of the amendments sets forth a process for adjusting the royalty fees paid by satellite carriers for retransmitting analog television networks and superstations. 17 U.S.C. 119(c)(1). The law directed the Librarian of Congress to publish a notice in the **Federal Register** announcing the initiation of a voluntary negotiation period, the result of which may be a rate settlement between the parties. The Library published such a notice on December 30, 2004, and, pursuant to the statute, requested that any agreements be submitted no later than January 10, 2005. 69 FR 78482 (December 30, 2004).

The Office received one agreement, submitted jointly by the satellite carriers DirecTV, Inc. and EchoStar Satellite, L.L.C. the copyright owners of motion pictures and syndicated television series represented by the Motion Picture Association of America, and the copyright owners of sports programming represented by the Office of the Commissioner of Baseball. Section 119(c)(1)(D)(ii)(II) requires the Library to ''provide public notice of the royalty fees from the voluntary agreement and afford parties an opportunity to state that they object to those fees.'' 17 U.S.C. 119(c)(1)(D)(ii)(II). The Library published a Notice of Proposed Rulemaking on January 26, 2005, to fulfill this requirement. 70 FR 3656 (January 26, 2005). The Library subsequently adopted the rates in the voluntary agreement as final. 70 FR 17320 (Apr. 6, 2005).

The terms and conditions of the agreement were codified at Section 258.3 of the Copyright Office's rules. Subpart (g) of this rule specifically states, with regard to private home viewing, that the 2007 rate per subscriber per month for distant superstations and network stations shall be adjusted for the amount of inflation as measured by the change in the Consumer Price Index for all urban consumers from January 2007 to January 2008. Similarly, for viewing in commercial establishments, the 2007 rate per subscriber per month for viewing distant superstations in commercial establishments shall also be adjusted for the amount of inflation as measured by the change in the Consumer Price Index for all urban consumers from January 2007 to January 2008.

Section 119 and royalty payments for digital television signals. Another SHVERA amendment to Section 119 set forth a process, for the first time, for adjusting the royalty fees paid by satellite carriers for the retransmission of digital broadcast signals. 17 U.S.C. 119(c)(2). The initial rates were the rates set by the Librarian in 1997 for the retransmission of analog broadcast signals, 37 CFR 258.3(b)(1) and (2), reduced by 22.5 percent. 17 U.S.C. 119(c)(2)(A). These rates are to be adjusted in accordance with the procedures set forth in Section 119(c)(1) as directed by Section 119(c)(2) of the Copyright Act.

On March 8, 2005, the Copyright Office received a letter from EchoStar Satellite, L.L.C. DirecTV, Inc., Program Suppliers, and the Joint Sports Claimants requesting that the Office begin the process of setting the rates for the retransmission of digital broadcast signals by initiating a voluntary negotiation period so that rates for both digital and analog signals would be in place before the July 31, 2005, deadline for satellite carriers to pay royalties for the first accounting period of 2005. The Office granted the request and, pursuant to Section 119(c)(1), published a notice in the **Federal Register** initiating a voluntary negotiation period and requesting that any agreements reached during this period be submitted no later than April 25, 2005. *See* 70 FR 15368 (March 25, 2005).

In accordance with the March 25 Notice, the Office received one agreement, submitted jointly by EchoStar Satellite, L.L.C. and DirecTV, Inc., the copyright owners of motion pictures and syndicated television series represented by the Motion Picture Association of America, and the copyright owners of sports programming represented by the Office of the Commissioner of Baseball. The agreement proposed rates for the private home viewing of distant superstations and distant network stations for the 2005–2009 period, as well as the viewing of those signals for commercial establishments.

As required by statute, the Library provided public notice of the royalty fees from the voluntary agreement and afforded parties an opportunity to state that they object to those fees. 17 U.S.C. 119(c)(1)(D)(ii)(II). The Library published a Notice of Proposed Rulemaking on May 17, 2005, to fulfill this requirement. 70 FR 28231 (May 17, 2005). Consequently, the Library adopted the rates as set forth in the voluntary agreement as final. 70 FR 39178 (July. 7, 2005).

The terms and conditions of the agreement were codified at Section 258.4 of the Copyright Office's rules. Subpart (d) of the rule states the royalty rate for secondary transmission of digital signals of broadcast stations by satellite carriers for the first three years of the licensing period and the process for readjusting the rates for the last two years of the five year licensing period (2008 and 2009).

The Copyright Office's regulations prescribe that the 2008 rates should be adjusted according to the following schedule. For private home viewing, the 2007 rate per subscriber per month for distant superstations and network stations is to be adjusted for the amount of inflation as measured by the change in the Consumer Price Index for all urban consumers from January 2007 to January 2008. For viewing in commercial establishments, the 2007 rate per subscriber per month for viewing distant superstations in commercial establishments is to be adjusted for the amount of inflation as measured by the change in the Consumer Price Index for all urban consumers from January 2007 to January 2008.

2008 rates. In December 2007, the Copyright Office published a notice in the **Federal Register** announcing that it will be adjusting the royalty rates for the secondary transmission of the analog and digital transmissions of network and superstations to reflect changes in the Consumer Price Index for all urban

consumers from January 2007 to January 2008. 72 FR 68198 (Dec. 4, 2007). Through this final rule, we hereby announce those changes.

The change in the cost of living as determined by the Consumer Price Index (all consumers, all items) for the relevant period is 4.3% (January 2007 figure was 202.4; the figure for January 2008 is 211.080, based on 1982 – 1984 = 100 as a reference base). Rounding off to the nearest cent, the new rates are as follows. For private home viewing of analog stations: 24 cents per subscriber per month for distant superstations and 24 cents per subscriber per month for distant network stations. For viewing in commercial establishments: 48 cents per subscriber per month for distant superstations. For private home viewing of digital stations: 24 cents per subscriber per month for distant superstations and 24 cents per subscriber per month for distant network stations. For viewing in commercial establishments: 48 cents per subscriber per month for distant superstations.

List of Subjects in 37 CFR Part 258

Copyright, Satellite, Television.

Final Regulations

■ For the reasons set forth above, the Copyright Office amends 37 CFR chapter II as follows:

PART 258—ADJUSTMENT OF ROYALTY FEE FOR SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS

■ 1. The authority citation for part 258 continues to read as follows:

Authority: 17 U.S.C. 119, 702, 802.

■ 2. Section 258.3(g) is revised to read as follows:

§ 258.3 Royalty fee for secondary transmission of analog signals of broadcast stations by satellite carriers.

* * * * *

(g) Commencing January 1, 2008, the royalty rate for secondary transmission of analog signals of broadcast stations by satellite carriers shall be as follows:

(1) For private home viewing—

(i) 24 cents per subscriber per month for distant superstations.

(ii) 24 cents per subscriber per month for distant network stations.

(2) For viewing in commercial establishments, 48 cents per subscriber per month for distant superstations.

* * * * *

■ 3. Section 258.4(d) is revised to read as follows:

§ 258.4 Royalty fee for secondary transmission of digital signals of broadcast stations by satellite carriers.

* * * * *

(d) Commencing January 1, 2008, the royalty rate for secondary transmission of digital signals of broadcast stations by satellite carriers shall be as follows:

(1) For private home viewing—

(i) 24 cents per subscriber per month for distant superstations.

(ii) 24 cents per subscriber per month for distant network stations.

(2) For viewing in commercial establishments, 48 cents per subscriber per month for distant superstations.

* * * * *

Dated: March 11, 2008

Marybeth Peters,

Register of Copyright.

[FR Doc. E8–5301 Filed 3–14–08; 8:45 am]

BILLING CODE 1410–30–S

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket No. FEMA–8015]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date.

DATES: *Effective Dates:* The effective date of each community's scheduled suspension is the third date (''Susp.'') listed in the third column of the following tables.

ADDRESSES: If you want to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office.

FOR FURTHER INFORMATION CONTACT: David Stearrett, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2953.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the NFIP, 42 U.S.C. 4001 *et seq.*; unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, FEMA has identified the Special Flood Hazard Areas (SFHAs) in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year, on FEMA's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment under 5 U.S.C. 553(b)

are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

■ Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

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

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain federal assistance no longer available in SFHAs
Region VII				
Iowa: Frederika, City of, Bremer County.	190027	December 7, 1990, Emerg; December 7, 1990, Reg; March 04, 2008, Susp.	03/04/2008	03/04/2008
Region IV				
Alabama:				
Arab, City of, Marshall County.	010345	March 21, 1977, Emerg; August 1, 1987, Reg; March 18, 2008, Susp.	03/18/2008	03/18/2008
Boaz, City of, Marshall County.	010276	July 15, 1975, Emerg; August 4, 1985, Reg; March 18, 2008, Susp.	.....*do	Do.
Kentucky:				
Sparta, City of, Letcher County.	210079	February 3, 1976, Emerg; August 19, 1986, Reg; March 18, 2008, Susp.	.....do	Do.
Trimble County, Unincorporated Areas.	210300	October 25, 1996, Emerg; September 1, 2001, Reg; March 18, 2008, Susp.	.....do	Do.
Tennessee:				
Bruceton, Town of, Carroll County.	470244	October 17, 1986, Emerg; February 1, 1990, Reg; March 18, 2008, Susp.	.....do	Do.
Carroll County, Unincorporated Areas.	470222	May 15, 1989, Emerg; September 1, 1990, Reg; March 18, 2008, Susp.	.....do	Do.
Clarksville, City of, Montgomery County.	470137	July 31, 1975, Emerg; June 15, 1984, Reg; March 18, 2008, Susp.	.....do	Do.
McKenzie, Town of, Carroll County.	470023	January 3, 1975, Emerg; September 4, 1985, Reg; March 18, 2008, Susp.	.....do	Do.
Montgomery County, Unincorporated Areas.	470136	September 2, 1975, Emerg; June 15, 1984, Reg; March 18, 2008, Susp.	.....do	Do.
Region VI				
New Mexico:				
Bernalillo, Town of, Sandoval County.	350056	January 17, 1975, Emerg; January 6, 1983, Reg; March 18, 2008, Susp.	.....do	Do.
Corrales, Village of, Sandoval County.	350094	October 14, 1975, Emerg; January 6, 1983, Reg; March 18, 2008, Susp.	.....do	Do.
Jemez Springs, Village of, Sandoval County.	350096	April 21, 1976, Emerg; January 3, 1986, Reg; March 18, 2008, Susp.	.....do	Do.
Rio Rancho, City of, Sandoval County.	350146	November 14, 1990, Emerg; April 15, 1992, Reg; March 18, 2008, Susp.	.....do	Do.
Sandoval County, Unincorporated Areas.	350055	-, Emerg; June 30, 1998, Reg; March 18, 2008, Susp	.....do	Do.
Region VII				
Nebraska:				
Hoskins, Village of, Wayne County.	310289	May 15, 1975, Emerg; March 1, 1987, Reg; March 18, 2008, Susp.	.....do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain federal assistance no longer available in SFHAs
Palisade, Village of, Hitchcock County.	310108	August 1, 1978, Emerg; June 3, 1986, Reg; March 18, 2008, Susp.	.....do	Do.
Stratton, Village of, Hitchcock County.	310112	July 31, 1975, Emerg; September 24, 1984, Reg; March 18, 2008, Susp.	.....do	Do.
Trenton, Village of, Hitchcock County.	310113	March 11, 1975, Emerg; September 1, 1986, Reg; March 18, 2008, Susp.	.....do	Do.
Region VIII				
South Dakota:				
Aberdeen, City of, Brown County.	460007	April 9, 1973, Emerg; June 1, 1978, Reg; March 18, 2008, Susp.	.....do	Do.
Brown County, Unincorporated Areas.	460006	April 9, 1973, Emerg; September 30, 1988 , Reg; March 18, 2008, Susp.	.....do	Do.
Columbia, City of, Brown County.	460008	-, Emerg; April 7, 1994, Reg; March 18, 2008, Susp	.....do	Do.
Frederick, Town of, Brown County.	460009	March 24, 1976, Emerg; March 1, 1978, Reg; March 18, 2008, Susp.	.....do	Do.
Groton, City of, Brown County.	460179	August 8, 1975, Emerg; March 1, 1978, Reg; March 18, 2008, Susp.	.....do	Do.
Warner, City of, Brown County.	460298	February 26, 1997, Emerg; June 8, 1998, Reg; March 18, 2008, Susp.	.....do	Do.
Westport, Town of, Brown County.	460011	March 21, 1978, Emerg; August 5, 1986, Reg; March 18, 2008, Susp.	.....do	Do.

* do = Ditto.
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: March 5, 2008.

David Maurstad,

Assistant Administrator for Mitigation Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. E8–5243 Filed 3–14–08; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 060314069–6138–002]

RIN 0648–XG29

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

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS announces that the Elephant Trunk Scallop Access Area (ETAA) will close to general category scallop vessels until it re-opens on March 1, 2009 under current regulations. This action is based on the determination that 865 general category scallop trips into the ETAA are projected to be taken as of 0001 hr local time, March 13, 2008. This action is being taken to prevent the allocation of general category trips in the ETAA from being exceeded during the 2008 fishing year, in accordance with the regulations implementing Framework 18 to the Atlantic Sea Scallop Fishery Management Plan (FMP) and the Magnuson-Stevens Fishery Conservation and Management Act.

DATES: The closure of the ETAA to all general category scallop vessels is effective 0001 hr local time, March 13, 2008, through February 28, 2009.

FOR FURTHER INFORMATION CONTACT: Don Frei, Fishery Management Specialist, (978) 281–9221, fax (978) 281–9135.

SUPPLEMENTARY INFORMATION: Regulations governing fishing activity in the Sea Scallop Access Areas are found at §§ 648.59 and 648.60. Regulations specifically governing general category scallop vessel operations in the ETAA are specified at § 648.59(e)(4)(ii). These regulations authorize vessels issued a valid general category scallop permit to fish in the ETAA under specific conditions, including a total of 865 trips that may be taken by general category vessels during the 2008 fishing year. The regulations at § 648.59(e)(4)(ii) require the ETAA to be closed to general category scallop vessels once the Northeast Regional Administrator has determined that the allowed number of trips are projected to be taken.

Based on Vessel Monitoring System (VMS) trip declarations by general category scallop vessels fishing in the ETAA, and analysis of fishing effort, a projection concluded that, given current activity levels by general category scallop vessels in the area, the trip-cap will be attained on March 12, 2008. Therefore, in accordance with the regulations at § 648.59(e)(4)(ii), the ETAA is closed to all general category scallop vessels as of 0001 hr local time, March 13, 2008. This closure is in effect for the remainder of the 2008 scallop fishing year under current regulations. The ETAA is scheduled to re-open to scallop fishing, including trips for general category scallop vessels, on March 1, 2009, unless the schedule for scallop access areas is modified by the New England Fishery Management Council.

Classification

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

This action closes the ETAA to all general category scallop vessels until March 1, 2009 under current regulations. The regulations at § 648.59(e)(4)(ii) allow such action to ensure that general category scallop vessels do not take more than their allocated number of trips in the ETAA. The ETAA opened for the 2008 fishing year at 0001 hours on March 1, 2008. Data indicating the general category scallop fleet has taken all of the ETAA

trips have only recently become available. To allow general category scallop vessels to continue to take trips in the ETAA during the period necessary to publish and receive comments on a proposed rule would result in vessels taking much more than the allowed number of trips in the ETAA. Excessive trips and harvest from the ETAA would result in excessive fishing effort in the ETAA, where effort controls are critical, thereby undermining conservation objectives of the FMP. Should excessive effort occur in the ETAA, future management measures would need to be more restrictive. Based on the above, under 5 U.S.C. 553(d)(3), proposed rulemaking is waived because it would be impracticable and contrary to the public interest to allow a period for public comment. Furthermore, for the same reasons, there is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delayed effectiveness period for this action.

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

Dated: March 12, 2008.

Emily H. Menashes,

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

[FR Doc. 08–1034 Filed 3–12–08; 1:42 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 73, No. 52
Monday, March 17, 2008

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–0300; Directorate Identifier 2008–NM–019–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) and CL–600–2D24 (Regional Jet Series 900) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

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

The assessment and lightning tests showed that certain fuel tube self-bonded couplings do not provide sufficient lightning current capability. The assessment also showed that single failure of the integral bonding wire of the self-bonded couplings could affect electrical bonding between the tubes.

Insufficient electrical bonding between fuel tubes or insufficient current capability of fuel tube couplings, if not corrected, could result in arcing and potential ignition source[s] inside the fuel tank during lightning strikes and consequent fuel tank explosion.

The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

DATES: We must receive comments on this proposed AD by April 16, 2008.

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

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

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: James Delisio, Aerospace Engineer, Airframe and Propulsion Branch, ANE–171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228–7321; fax (516) 794–5531.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2008–0300; Directorate Identifier 2008–NM–019–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2008–02, dated January 3, 2008 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

Bombardier Aerospace has completed a system safety review of the CL–600–2C10/CL–600–2D24 aircraft fuel system against new fuel tank safety standards, introduced in Chapter 525 of the Airworthiness Manual through Notice of Proposed Amendment (NPA) 2002–043. The identified non-compliances were assessed using Transport Canada Policy Letter No. 525–001 to determine if mandatory corrective action is required.

The assessment and lightning tests showed that certain fuel tube self-bonded couplings do not provide sufficient lightning current capability. The assessment also showed that single failure of the integral bonding wire of the self-bonded couplings could affect electrical bonding between the tubes.

Insufficient electrical bonding between fuel tubes or insufficient current capability of fuel tube couplings, if not corrected, could result in arcing and potential ignition source[s] inside the fuel tank during lightning strikes and consequent fuel tank explosion. To correct the unsafe condition, this directive mandates the replacement of certain fuel tube couplings with redesigned couplings.

For certain airplanes, the AD You may obtain further information by examining the MCAI in the AD docket.

The FAA has examined the underlying safety issues involved in fuel tank explosions on several large transport airplanes, including the adequacy of existing regulations, the service history of airplanes subject to those regulations, and existing maintenance practices for fuel tank systems. As a result of those findings, we issued a regulation titled ''Transport Airplane Fuel Tank System Design Review, Flammability Reduction and Maintenance and Inspection Requirements'' (66 FR 23086, May 7, 2001). In addition to new airworthiness standards for transport airplanes and new maintenance requirements, this rule included Special Federal Aviation Regulation Number 88 (''SFAR 88,'' Amendment 21–78, and subsequent Amendments 21–82 and 21–83).

Among other actions, SFAR 88 requires certain type design (i.e., type certificate (TC) and supplemental type certificate (STC)) holders to substantiate

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

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

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

Relevant Service Information

Bombardier has issued Service Bulletin 670BA–28–014, Revision A, dated May 7, 2007. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

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

Differences Between This AD and the MCAI or Service Information

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

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

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 160 products of U.S. registry. We also estimate that it would take about 32 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 $0 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these costs. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $409,600, or $2,560 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

We determined that this 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:

Bombardier, Inc. (Formerly Canadair): Docket No. FAA–2008–0300; Directorate Identifier 2008–NM–019–AD.

Comments Due Date

(a) We must receive comments by April 16, 2008.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Bombardier Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes, serial numbers 10003 through 10169 inclusive; and Model CL–600–2D24 (Regional Jet Series 900) airplanes, serial numbers 15001 through 15025 inclusive; certificated in any category.

Subject

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

Reason

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

Bombardier Aerospace has completed a system safety review of the CL–600–2C10/CL–600–2D24 aircraft fuel system against new fuel tank safety standards, introduced in Chapter 525 of the Airworthiness Manual through Notice of Proposed Amendment (NPA) 2002–043. The identified non-compliances were assessed using Transport Canada Policy Letter No. 525–001 to determine if mandatory corrective action is required.

The assessment and lightning tests showed that certain fuel tube self-bonded couplings do not provide sufficient lightning current capability. The assessment also showed that single failure of the integral bonding wire of the self-bonded couplings could affect electrical bonding between the tubes.

Insufficient electrical bonding between fuel tubes or insufficient current capability of fuel tube couplings, if not corrected, could result in arcing and potential ignition source[s] inside the fuel tank during lightning strikes and consequent fuel tank explosion. To correct the unsafe condition, this directive mandates the replacement of certain fuel tube couplings with redesigned couplings.

Actions and Compliance

(f) Within 4,500 flight hours after the effective date of this AD, unless already done, do the following actions.

(1) For airplanes on which Bombardier Service Bulletin 670BA–28–014, dated January 4, 2005, has not been incorporated as of the effective date of this AD: Replace fuel tube couplings inside the wing and center fuel tanks with redesigned couplings, in accordance with Part A of the Accomplishment Instructions of Bombardier Service Bulletin 670BA–28–014, Revision A, dated May 7, 2007.

(2) For airplanes on which Bombardier Service Bulletin 670BA–28–014, dated January 4, 2005, has been incorporated as of the effective date of this AD: Do a visual inspection of the aft scavenge ejector fuel couplings inside the left- and right-hand wing fuel tanks to determine if redesigned couplings are installed, and replace with redesigned couplings as applicable, in accordance with Part B of the Accomplishment Instructions of Bombardier Service Bulletin 670BA–28–014, Revision A, dated May 7, 2007.

FAA AD Differences

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

Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: James Delisio, Aerospace Engineer, Airframe and Propulsion Branch, ANE–171, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228–7321; fax (516) 794–5531. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

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

Related Information

(h) Refer to MCAI Transport Canada Civil Aviation Canadian Airworthiness Directive CF–2008–02, dated January 3, 2008, and Bombardier Service Bulletin 670BA–28–014, Revision A, dated May 7, 2007, for related information.

Issued in Renton, Washington, on March 9, 2008.

Stephen P. Boyd,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E8–5335 Filed 3–14–08; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–0331; Directorate Identifier 2008–CE–009–AD]

RIN 2120–AA64

Airworthiness Directives; Cessna Aircraft Company, Models 208 and 208B 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 certain Cessna Aircraft Company (Cessna) Models 208 and 208B airplanes. This proposed AD would require inspection of the left and right wing wire bundle(s) and repair or replacement of damaged wire. This proposed AD would also require inspecting the wire bundles for correct attachment to the anchor points and correcting any deficient attachments. This proposed AD results from chafed wiring found on wire bundles in the left and right wings containing the auto-control wing de-ice system, fuel quantity indication, and low fuel annunciation on the Cessna 208B airplanes. Improper installation of wire bundle supporting hardware can cause chafed wiring in the affected bundles. We are proposing this AD to detect and correct damaged wiring of the auto-control wing de-ice system, fuel quantity indication, and low fuel annunciation systems. This condition could result in incorrect fuel quantity indications, loss of low fuel quantity annunciations, or loss of the autocontrol wing de-ice system.

DATES: We must receive comments on this proposed AD by May 16, 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 Cessna Aircraft Company, One Cessna Boulevard, P.O. Box 7706, Wichita, KS 67277–7704; telephone: (316) 517–5800; fax: (316) 942–9006.

FOR FURTHER INFORMATION CONTACT: Daniel Hilton, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone: 316–946–4173; e-mail address: *daniel.hilton@faa.gov.*

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–2008–0331; Directorate Identifier 2008–CE–009–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

We have reports of chafed wiring found on wire bundles in the left and right wings containing the auto-control wing de-ice system, fuel quantity indication, and low fuel annunciation on several Cessna Model 208B airplanes. Improper installation of wire bundle supporting hardware can cause chafed wiring in the affected bundles. We are proposing this AD to detect and correct damaged wiring of the auto-control wing de-ice system, fuel quantity indication, and low fuel annunciation systems. This condition, if not corrected, could result in incorrect fuel quantity indications, loss of low fuel quantity annunciations, or loss of the auto-control wing de-ice system.

Relevant Service Information

We have reviewed Cessna Aircraft Company Service Bulletin CAB08–02, dated February 4, 2008.

The service information describes procedures for:

- Inspecting the left and right wing electrical wire bundles;
- Repairing and properly attaching damaged wires; and
- Properly securing loosely attached wires.

FAA's Determination and Requirements of the Proposed AD

We are proposing this AD because we evaluated all information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design. This proposed AD would require the inspection of the wire harness and repair or replacement of damaged wire.

Costs of Compliance

We estimate that this proposed AD would affect 512 airplanes in the U.S. registry.

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 work-hour × $80 per hour = $80	Not Applicable	$80	$40,960

We estimate the following costs to do any necessary repairs or replacements that would be required based on the results of the proposed inspection. We have no way of determining the number of airplanes that may need this repair/replacement:

Labor cost	Parts cost	Total cost per airplane
1 work-hour × $80 per hour = $80	$10	$90

Warranty credit will be given to the extent specified in Cessna Aircraft Company Service Bulletin CAB08–02, dated February 4, 2008.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

Examining the AD Docket

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Cessna Aircraft Company: Docket No. FAA–2008–0331; Directorate Identifier 2008–CE–009–AD.

Comments Due Date

(a) We must receive comments on this airworthiness directive (AD) action by May 16, 2008.

Affected ADs

(b) None.

Applicability

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

Models	Serial Nos.
208	20800001 through 20800415.
208B	208B0001 through 208B1299.

Unsafe Condition

(d) This AD results from reports of chafed wiring found on wire bundles in the left and right wings containing the auto-control wing de-ice system, fuel quantity indication, and low fuel annunciation on several Cessna Model 208B airplanes. We are proposing this AD to detect and correct damaged wiring of the auto-control wing de-ice system, fuel quantity indication, and low fuel annunciation systems. This condition, if not corrected, could result in incorrect fuel quantity indications, loss of low fuel quantity annunciations, or loss of the auto-control wing de-ice system.

Compliance

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

Actions	Compliance	Procedures
(1) Inspect the left and right wing electrical wire bundles at the anchor attach points for loose and damaged wiring.	Within the next 200 hours time-in-service after the effective date of this AD, or within 12 months after the effective date of this AD, whichever comes first.	Follow Cessna Aircraft Company Service Bulletin CAB08–02, dated February 4, 2008.
(2) If, as a result of the inspection required by paragraph (e)(1) of this AD, damaged wires are found, repair or replace damaged wires and properly attach wire bundle.	Before further flight after the inspection required by paragraph (e)(1) of this AD.	Follow Cessna Aircraft Company Service Bulletin CAB08–02, dated February 4, 2008.
(3) If, as a result of the inspection required by paragraph (e)(1) of this AD, loosely attached wires were found, secure any wires that are loosely attached and properly attach wire bundle supporting hardware.	Before further flight after the inspection required by paragraph (e)(1) of this AD.	Follow Cessna Aircraft Company Service Bulletin CAB08–02, dated February 4, 2008.

Alternative Methods of Compliance (AMOCs)

(f) The Manager, Wichita 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: Daniel Hilton, Aerospace Engineer, FAA, Wichita ACO, 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone: 316–946–4173; e-mail address: *daniel.hilton@faa.gov*. 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 Cessna Aircraft Company, One Cessna Boulevard, P.O. Box 7706, Wichita, KS 67277–7704; telephone: (316) 517–5800; fax: (316) 942–9006. 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 March 11, 2008.

David R. Showers,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E8–5269 Filed 3–14–08; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 181

[Docket No. USCG–2007–29236]

Hull Identification Numbers for Recreational Vessels

AGENCY: Coast Guard, DHS.

ACTION: Request for public comments.

SUMMARY: The Coast Guard announces it is again requesting comments on the costs and benefits of expanding the existing 12-character Hull Identification Number (HIN) in order to provide additional information identifying vessels. The Coast Guard requests public comments on this issue and on the specific questions in this Notice.

DATES: Comments and related material must reach the Docket Management Facility on or before June 16, 2008.

ADDRESSES: You may submit comments identified by Coast Guard docket number USCG–2007–29236 to the Docket Management Facility at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:

(1) *Online: http://www.regulations.gov.*

(2) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

(3) *Hand delivery:* Room W12–140 on the Ground Floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(4) *Fax:* 202–493–2251.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call Philip Cappel, Office of Boating Safety, Recreational Boating Product Assurance Division, Coast Guard, telephone 202–372–1076. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to submit comments and related material on this notice. All comments received will be posted, without change, to *http://www.regulations.gov* and will include any personal information you have provided. We have an agreement with the Department of Transportation (DOT) to use the Docket Management Facility. Please see DOT's ''Privacy Act'' paragraph below.

Submitting comments: If you submit a comment, please include the docket

number for this notice (USCG–2007–29236), and give the reason for each comment. You may submit your comments and material by electronic means, mail, fax, or delivery to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. We recommend that you include your name and a mailing address, an e-mail address, or a phone number in the body of your document so that we can contact you if we have questions regarding your submission. For example, we may ask you to resubmit your comment if we are not be able to read your original submission. If you submit them by mail or delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period.

Viewing the comments: To view the comments, go to *http://www.regulations.gov* at any time, click on ''Search for Dockets,'' and enter the docket number for this notice (USCG–2007–29236) in the Docket ID box, and click enter. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the Department of Transportation's Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477), or you may visit *http://DocketsInfo.dot.gov*.

Background and Purpose

The existing Hull Identification Number (HIN) is a unique 12-character serial number required on each recreational vessel manufactured in or imported into the United States for the purposes of sale. The Coast Guard assigns the first three characters, a Manufacturer Identification Code (MIC), which identifies the manufacturer or importer; characters four through eight are a manufacturer serial number; characters nine and ten indicate date of certification for vessels subject to safety standards or the date of manufacture for vessels not subject to standards; and characters eleven and twelve indicate the model year.

The proposed expanded HIN would consist of five additional characters. Four of the additional characters would indicate length, hull material, principal means of propulsion, and vessel type. The fifth additional character would be a check digit. The expanded HIN with its check digit would reflect additional information useful to law enforcement authorities, marine bankers, marine insurers, boating accident data analysts, and marine investigators, and also provide a useful means of identifying vessels in the Vessel Identification System (VIS). The VIS is only applicable to recreational vessels that are registered by a State (see 33 CFR 187.3).

The Secretary of the Department of Homeland Security is required to establish the VIS (46 U.S.C. chapters 125, 131 & 313) for use by the public and law enforcement officials. The Secretary has delegated to the Commandant, U.S. Coast Guard, the authority to implement VIS. VIS will provide a nationwide pool of vessel and vessel owner information that will help in the identification and recovery of stolen vessels, deter vessel theft, and will aid in homeland security.

Regulatory History

We published a Request for Comments in the **Federal Register** on November 16, 1998 (63 FR 63638), soliciting comments on: (1) The expected benefits of an expanded HIN with vessel-specific characters and a check digit; (2) the manner in which the Coast Guard should exempt small entities and the builders of high-volume, low-cost vessels, such as canoes, kayaks, and inflatables; and (3) the estimated burdens and costs to boat manufacturers if the HIN regulations were revised to require vessel-specific characters and a check digit. The comment period closed on February 16, 1999.

We received 31 comments, only one of which contained any economic data that could be used to determine the benefits of a requirement for an expanded HIN containing vessel-specific characters and a check digit. Only four comments were in favor of allowing exceptions for small entities and the builders of high-volume, low-cost vessels, such as canoes, kayaks, and inflatable boats. None of the comments contained information about the estimated burdens and costs to boat manufacturers.

Discussion

States, bankers, insurers, and theft and accident investigators favor an expanded format. With vessel-specific characters and a check digit it would deter both vessel theft and the alteration of HIN's for fraudulent purposes and could allow for more in-depth analysis of accident data. In addition, there are other people who favor the existing 12-character HIN format.

A rulemaking to increase the number of characters in the HIN to include vessel-specific information could aid in the recovery of stolen vessels, reduce fraud, improve the accuracy of accident data analysis, and help in the remote identification of a ''suspect'' vessel. In addition there may be other benefits associated with expanding the existing 12-character HIN to include certain vessel-specific information.

Investigations of lost and stolen vessels depend, in large part, on the proper authorities' ability to identify a vessel. The proposed regulations would aid in this pursuit by expanding the current 12-character HIN to include detailed information about each vessel.

In addition, a check digit in the expanded HIN would make alteration of an HIN more difficult thereby helping to prevent fraud in the sale of vessels.

Boating accident statistics are compiled annually by the Coast Guard from data received from the States and territories through the Boating Accident Report Database (BARD). These statistics are analyzed to, among other uses, determine the different causes of accidents and what course(s) of action, if any, may be taken by the Boating Safety Program to reduce the number of accidents. The accident analyses, however, have been hindered by the lack of specific descriptive information regarding the vessels involved in the accidents and/or the inaccuracy of the vessel descriptive data provided in the BARD system. Boating accident reports are submitted by the owner/operator of the vessel or, in the case of serious accidents, by an investigating officer. Since the accident information is being provided by thousands of different individuals the reports may not always be accurate as to the exact description of the vessel, which leads to inaccuracies in the analyses of the accident database. A 17-character HIN with the additional descriptors built into the HIN is expected to improve both the scope and the accuracy of the data analyses.

Adding vessel description information to the HIN could also improve the personal safety of State water patrol officers by enabling them, prior to boarding a vessel, through the use of computer lookup of the vessel registration number, to get an accurate description of the vessel via the HIN

and alert them to approach with caution if the description does not match the vessel they are planning to board.

However, the Coast Guard lacks detailed information about the anticipated costs and benefits of the expanded HIN format. Also, we still believe that, if an expanded HIN format, consisting of vessel-specific characters and a check digit, is adopted, the Coast Guard should be allowed to except manufacturers that are small business entities, and manufacturers of high-volume, low-cost vessels to minimize costs and information collection burdens.

Federal agencies with regulatory programs are subject to regulations implementing the Paperwork Reduction Act which are enforced by the Office of Management and Budget (OMB). The intent of the Act is to ensure that the Federal Government imposes only the minimum burden on the public in collecting information and requiring the maintenance of records, and that the information collected or maintained is necessary and useful. A regulation requiring manufacturers to display labels, such as HIN's, is an example of a collection of information requirement.

The Coast Guard encourages you to comment on: (1) The expected benefits and costs of an expanded Hull Identification Number with vessel-specific characters and a check digit; (2) the manner in which the Coast Guard should except small entities and the builders of high-volume, low-cost vessels, such as canoes, kayaks, and inflatables; (3) the estimated collection of information burdens to boat manufacturers if the current 12-character HIN regulation were revised to require additional vessel-specific characters and a check digit; and (4) possible alternatives to an expanded HIN.

Data is needed to support a decision-making process. Therefore we particularly need your help in answering any of the following questions (please provide arguments or data to support each answer):

1. What are the expected benefits if the HIN on a vessel included vessel-specific characters (e.g. vessel length, hull material, means of propulsion, boat type, and check digit)?

2. What are the estimated numbers of thefts that might be prevented?

3. What are the estimated numbers of additional lost or stolen vessels that might be recovered?

4. What is the estimated value of insurance company losses that might be prevented?

5. What are the estimated numbers of fraud attempts that might be prevented?

6. What are the estimated reductions in investigatory expenditures?

7. What are the expected benefits from improved accident data analyses?

8. How long will it take and what will it cost to determine a 17-character HIN?

9. How long will it take and what will it cost to affix a 17-character HIN to the hull of a vessel?

10. What are the measurable resources such as labor and capital that you would include in a cost-benefit analysis of a 17-character HIN implementation?

11. Should the Coast Guard consider excepting all builders of non-powered vessels?

12. Should the Coast Guard consider excepting manufacturers of boats that sell for less than a certain dollar value?

13. What alternatives are available that would reduce adverse impacts on small entities and builders of high-volume, low-cost vessels?

14. Should the Coast Guard consider a phase-in period for compliance with a 17-character HIN regulation? What time frame would be appropriate?

15. What are effective alternatives to a 17-character HIN? Examples could include the following:

a. Leave the current 12-character HIN as is.

b. Implement the Vessel Identification System in lieu of implementing a 17-character HIN.

c. Develop a regulation requiring uniform State titling/registration policies.

d. Develop a regulation requiring a uniform method to affix the HIN that would reduce the likelihood of tampering.

e. Increase security around shore and harbor facilities (more officers, tracking/monitoring devices).

f. Require other security measures during vessel construction, such as barcode HINs, radio frequency identification tags, etc.

Dated: March 7, 2008.

James A. Watson,

Rear Admiral (Lower Half), U.S. Coast Guard, Director of Prevention Policy.

[FR Doc. E8–5326 Filed 3–14–08; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 223 and 224

[Docket No. 080229341–8367–01]

RIN 0648–XF89

Listing Endangered and Threatened Species and Designating Critical Habitat: Notice of Finding on a Petition to List Five Rockfish Species in Puget Sound (Washington) as Endangered or Threatened Species Under the Endangered Species Act

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

ACTION: Notice of finding; request for information, and initiation of status review.

SUMMARY: On October 29, 2007, we, NMFS, received new information and a request to reconsider our ''not warranted'' finding on a petition submitted in April 2007 to list bocaccio (*Sebastes paucispinis*), canary rockfish (*S. pinniger*), yelloweye rockfish (*S. ruberrimus*), greenstripe rockfish (*S. elongatus*) and redstripe rockfish (*S. proriger*) in Puget Sound (Washington) as endangered or threatened species under the Endangered Species Act (ESA). We consider this a new petition and find that this new petition presents substantial scientific or commercial information indicating that the petitioned actions may be warranted. Accordingly, we are initiating a status review of these five rockfish species. To ensure that the status review is complete and based upon the best available scientific and commercial information, we are soliciting information regarding the population structure and status of these rockfish species.

DATES: Information and comments on the subject action must be received by May 16, 2008.

ADDRESSES: You may submit comments, identified by the code 0648–XF89, addressed to: Chief, NMFS, Protected Resources Division, by any of the following methods:

- *Electronic Submissions:* Submit all electronic comments via the Federal eRulemaking Portal *http://www.regulations.gov*
- *Facsimile (fax):* 503–231–5441
- *Mail:* 1201 NE Lloyd Boulevard, Suite 1100, Portland, Oregon, 97232.
- *Hand delivery:* You may hand-deliver written comments to our office

during normal business hours at the street address given above.

Instructions: All comments received are a part of the public record and may be posted to *http://www.regulations.gov* or *http://www.nwr.noaa.gov* without change. All personally identifiable information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not 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, Corel WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Garth Griffin, NMFS, Northwest Region, (503) 231–2005; or Dwayne Meadows, NMFS, Office of Protected Resources, (301) 713–1401.

SUPPLEMENTARY INFORMATION:

Background

On April 9, 2007, we received a petition from Mr. Sam Wright (Olympia, Washington) to list distinct population segments (DPSs) of bocaccio, canary rockfish, yelloweye rockfish, greenstripe rockfish, and redstripe rockfish in Puget Sound as endangered or threatened species under the ESA and to designate critical habitat. We declined to initiate a review of the species' status under the ESA, finding that the petition failed to present substantial scientific or commercial information to suggest that the petitioned actions may be warranted (72 FR 56986; October 5, 2007). On October 29, 2007, we received a letter from Sam Wright presenting information that was not included in the April 2007 petition, and requesting that we reconsider our October 5, 2007, decision not to initiate a review of the species' status. We considered the supplemental information provided in the letter, in addition to the information submitted previously in the April 2007 petition, as a new petition to list bocaccio, canary rockfish, yelloweye rockfish, greenstripe rockfish, and redstripe rockfish and to designate critical habitat. Copies of the April 2007 petition, our October 2007 petition finding, and the October 2007 letter are available from NMFS (see **ADDRESSES**, above).

ESA Statutory, Regulatory, and Policy Provisions

Section 4(b)(3) of the Endangered Species Act (ESA) contains provisions concerning petitions from interested persons requesting the Secretary of Commerce (Secretary) to list species under the (ESA) (16 U.S.C. 1533(b)(3)(A)). Section 4(b)(3)(A) requires that, to the maximum extent practicable, within 90 days after receiving such a petition, the Secretary make a finding whether the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted. Joint NOAA-U.S. Fish and Wildlife Service (USFWS) ESA implementing regulations define ''substantial information'' as the amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted (50 CFR 424.14(b)(1)). In evaluating a petitioned action, the Secretary considers whether the petition contains a detailed narrative justification for the recommended measure, including: past and present numbers and distribution of the species involved, and any threats faced by the species (50 CFR 424.14(b)(2)(ii)); and information regarding the status of the species throughout all or a significant portion of its range (50 CFR 424.14(b)(2)(iii)). In addition to the information presented in a petition, we review other data and publications readily available to our scientists (i.e., currently within agency files) to determine whether it is in general agreement with the information presented in the petition. When it is found that substantial information is presented in the petition, we are required to promptly commence a review of the status of the species concerned. Within 1 year of receipt of the petition, we must make one of the following findings: (1) the petitioned action is not warranted; (2) the petitioned action is warranted, in which case we must promptly publish a propped listing determination; or (3) the petitioned action is warranted but that a proposed listing is precluded by pending rulemaking for other species.

Under the ESA, a listing determination may address a species, subspecies, or a DPS of any vertebrate species which interbreeds when mature (16 U.S.C. 1532(15)). A joint NOAA-USFWS policy clarifies the agencies' interpretation of the phrase ''distinct population segment of any species of vertebrate fish or wildlife'' (ESA section 3(16)) for the purposes of listing, delisting, and reclassifying a species under the ESA (61 FR 4722, February 7, 1996). The joint DPS policy established two criteria that must be met for a population or group of populations to be considered a DPS: (1) the population segment must be discrete in relation to the remainder of the species (or subspecies) to which it belongs; and (2) the population segment must be significant to the remainder of the species (or subspecies) to which it belongs. A population segment may be considered discrete if it satisfies either one of the following conditions: (1) it is markedly separated from other populations of the same biological taxon as a consequence of physical, physiological, ecological, or behavioral factors (quantitative measures of genetic or morphological discontinuity may provide evidence of this separation); or (2) it is delimited by international governmental boundaries across which there is a significant difference in exploitation control, habitat management, conservation status, or if regulatory mechanisms exist that are significant in light of section 4(a)(1) of the ESA. If a population is determined to be discrete, the agency must then consider whether it is significant to the taxon to which it belongs. Considerations in evaluating the significance of a discrete population include: (1) persistence of the discrete population in an unusual or unique ecological setting for the taxon; (2) evidence that the loss of the discrete population segment would cause a significant gap in the taxon's range; (3) evidence that the discrete population segment represents the only surviving natural occurrence of a taxon that may be more abundant elsewhere outside its historical geographic range; or (4) evidence that the discrete population has marked genetic differences from other populations of the species.

A species, subspecies, or DPS is ''endangered'' if it is in danger of extinction throughout all or a significant portion of its range, or ''threatened'' if it is likely to become endangered within the foreseeable future throughout all or a significant portion of its range (ESA Sections 3(6) and 3(20), respectively).

Listing Factors and Basis for Determination

Under section 4(a)(1) of the ESA, a species can be determined to be threatened or endangered based on any of the following factors: (1) The present or threatened destruction, modification, or curtailment of its habitat or range; (2) overutilization for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) inadequacy of existing regulatory mechanisms; or (5) other natural or manmade factors affecting the species continuing existence. Listing determinations are based solely on the best available scientific and commercial data after taking into account any efforts

being made by any state or foreign nation to protect the species.

Distribution and Life-History Traits of Rockfishes

Rockfishes are a diverse group of marine fishes (about one hundred and two species worldwide and at least seventy-two species in the northeastern Pacific (Kendall, 1991)), and are among the most common benthic fish on the Pacific coast of North America (Love *et al.*, 2002). Adult rockfish can be the most abundant fish in various coastal benthic habitats such as relatively shallow subtidal kelp forests, rocky reefs, and rocky outcrops in submarine canyons at depths greater than 980 feet (300 m) (Yoklavich, 1998). The life history of rockfish is different than that of most other bony fishes. Whereas most bony fishes fertilize their eggs externally, fertilization and embryo development in rockfishes is internal, and female rockfish give birth to live larval young. Larvae are found in surface waters, and may be distributed over a wide area extending several hundred miles (several hundred kilometers) offshore (Love *et al.*, 2002). Larvae and small juvenile rockfish may remain in open waters for several months being passively dispersed by ocean currents. The dispersal potential for larvae varies by species depending on the length of time larvae remain in the pelagic environment (i.e., ''pelagic larval duration''), and the fecundity of females (i.e., the more larval propagules a species produces, the greater the potential that some larvae will be transported long distances). Larval rockfish feed on diatoms, dinoflagellates, tintinnids, and cladocerans, and juveniles consume copepods and euphausiids of all life stages (Sumida and Moster, 1984). Survival and subsequent recruitment of young rockfishes exhibit considerable interannual variability (Ralston and Howard, 1995). New recruits may be found in tide pool habitats, and shallow coastal waters associated with rocky bottoms and algae (Love, 1996; Sauma and Ralston, 1995). Juvenile and subadults may be more common than adults in shallow water, and are associated with rocky reefs, kelp canopies, and artificial structures such as piers and oil platforms (Love *et al.*, 2002). Adults generally move into deeper water as they increase in size and age (Garrison and Miller, 1982; Love, 1996), but generally exhibit strong site fidelity to rocky bottoms and outrcrops (Yoklavich *et al.*, 2000). Adults eat demersal invertebrates and small fishes, including other species of rockfish, associated with kelp beds, rocky reefs, pinnacles, and sharp drop-offs (Love, 1996; Sumida and Moser, 1984). Many species of rockfishes are slow-growing, long-lived (50–140 years; Archibald *et al.*, 1981), and mature at older ages (6–12 yrs; Wyllie-Echeverria, 1987).

Bocaccio Bocaccio range from Punta Blanca, Baja California, to the Gulf of Alaska off Krozoff and Kodiak Islands (Chen, 1971; Miller and Lea, 1972). They are most common within this range between Oregon and northern Baja California (Love *et al.*, 2002). Bocaccio are most common between 160 and 820 feet (50 and 250 m) depth, but may be found as deep as 1560 feet (475 m) (Orr *et al.*, 2000). Bocaccio larvae have relatively high dispersal potential with a pelagic larval duration of approximately 155 days (Shanks and Eckert, 2005), and fecundity ranging from 20,000 to over 2 million eggs, considerably more than many other rockfish species (Love *et al.*, 2002). Approximately 50 percent of adults mature in 4 to 6 years (MBC, 1987). Adults are difficult to age, but are suspected to live as long as 50 years (Love *et al.*, 2002).

Canary Rockfish – Canary rockfish range between Punta Colnett, Baja California, and the Western Gulf of Alaska (Boehlert, 1980; Mecklenburg *et al.*, 2002). Within this range canary rockfish are most common off the coast of central Oregon (Richardson and Laroche, 1979). Canary rockfish primarily inhabit waters 160 to 820 feet (50 to 250 m) deep (Orr *et al.*, 2000), but may be found up to 1400 feet (425 m) depth (Boehlert, 1980). Canary rockfish larvae have relatively high dispersal potential with a pelagic larval duration of approximately 116 days (Shanks and Eckert, 2005), and fecundity ranging from 260,000 to 1.9 million eggs, considerably more than many other rockfish species (Love *et al.*, 2002). Approximately 50 percent of adults are mature at 14 inches (35.6 cm) total length (5 to 6 years of age) (Hart, 1973). Canary rockfish can live to be 75 years old (Love, 1996).

Greenstripe Rockfish – Greenstripe rockfish range from Cedros Island, Baja California, to Green Island in the Gulf of Alaska. Within this range greenstripe rockfish are common between British Columbia and Punta Colnett in Northern Baja California (Eschmeyer *et al.*, 1983; Hart, 1973; Love *et al.*, 2002). Greenstripe rockfish is a deep-water species that can inhabit waters from 170 to 2715 feet (52 to 828 m) in depth, but is most common between 330 and 820 feet (100 and 250 m) depth (Orr *et al.*, 2000). Estimates of pelagic larval duration and fecundity are not available for greenstripe rockfish to infer dispersal potential, although we expect that larval duration would be similar to or lower than that for bocaccio or canary rockfish (116–155 days; Varanasi, 2007). Approximately 50 percent of adults mature at 7 to 7.5 inches (18 to 19 cm) total length (Love *et al.*, 1990). Male greenstripe rockfish can live to approximately 37 years of age, and females to approximately 28 years of age (Love *et al.*, 1990).

Redstripe Rockfish – Redstripe rockfish occur from southern Baja California to the Bering Sea (Hart, 1973; Love *et al.*, 2002). Redstripe rockfish have been reported between 39 and 1400 feet (12 and 425 m) in depth, but 95 percent occur between 490 and 900 feet (150 and 275 m) (Love *et al.*, 2002). Estimates of pelagic larval duration and fecundity are not available for redstripe rockfish to infer dispersal potential, although we expect that larval duration would be similar to or lower than that for bocaccio or canary rockfish (116–155 days; Varanasi, 2007). Approximately 50 percent of adults mature at 11 to 11.5 inches (28 to 29 cm) total length (Garrison and Miller, 1982), and may reach 55 years of age (Munk, 2001).

Yelloweye Rockfish – Yelloweye rockfish range from northern Baja California to the Aleutian Islands, Alaska, but are most common from central California northward to the Gulf of Alaska (Clemens and Wilby, 1961; Eschmeyer *et al.*, 1983; Hart, 1973; Love, 1996). Yelloweye rockfish occur in waters 80 to 1560 feet (25 to 475 m) deep (Orr *et al.*, 2000), but are most commonly found between 300 to 590 feet (91 to 180 m) depth (Love *et al.*, 2002). Approximately 50 percent of adults are mature by 16 inches (41 cm) total length (about 6 years) (Love, 1996). Estimates of pelagic larval duration are not available for yelloweye rockfish, although we expect that it would be similar to or lower than that for bocaccio or canary rockfish (116–155 days; Varanasi, 2007). Fecundity ranges from 1.2 to 2.7 million eggs, considerably more than many other rockfish species (Love *et al.*, 2002). Yelloweye rockfish are among the longest lived of rockfishes, living to be at least 118 years old (Love, 1996; Love *et al.*, 2002; O'Connell and Funk, 1986).

Previous Rockfish Petitions and Status Review

In February 1999 we received a petition from Mr. Wright to list 18 species of marine fishes in Puget Sound under the ESA, including 14 species of rockfish. We issued a positive 90–day finding on June 21, 1999 (64 FR 33037), and initiated ESA status reviews for

seven of the petitioned species, including three rockfish species (copper, brown and quillback rockfishes). For the remaining 11 petitioned rockfish species, which included the five rockfish species that are the subject of this notice, we found that there was insufficient information concerning stock structure, status and trends. Consequently, for these 11 species, we found that the petition failed to present substantial information to suggest that listing these species in Puget Sound may be warranted.

In 2001 we convened a Biological Review Team (BRT) to evaluate the population structure and biological status of the three rockfish species for which we initiated status reviews. The BRT concluded that the brown, copper and quillback rockfishes in Puget Sound Proper (defined as east of Deception Pass and to the south and east of Admiralty Head, encompassing southern Puget Sound, Whidbey Basin, Hood Canal, and the main Basin) constitute DPSs for consideration as ''species'' under the ESA (Stout *et al.*, 2001). On April 3, 2001, we concluded that these DPSs did not warrant listing as threatened or endangered species (66 FR 17659). Although these DPSs had experienced declines over the last 40 years, likely due to overharvest, we noted that the populations appeared stable over the most recent 5 years.

In September 2006, we received another petition from Mr. Wright to list the Puget Sound DPSs of copper and quillback rockfishes as endangered or threatened species under the ESA. The petition did not include new data or information regarding the abundance, trends, productivity, or distribution for these species. The petitioner criticized the risk assessment methods of the 2001 BRT and disagreed with our conclusion that the two DPSs did not warrant listing. We determined that the September 2006 petition from Mr. Wright failed to present substantial scientific and commercial information to suggest that the ESA listing of copper and quillback rockfishes in Puget Sound may be warranted (72 FR 2863; January 23, 2007).

Analysis of Mr. Wright's New Petition

We reviewed the information from Mr. Wright's April 2007 petition, the supplemental information provided in his October 2007 letter, as well as other information readily available to our scientists (i.e., currently within our files), to determine if the new petition presents substantial scientific or commercial information indicating that the petitioned actions may be warranted. Specifically, we evaluated whether: (1) the 5 rockfish species may warrant delineation into one or more DPSs; and (2) the 5 species, or putative DPSs, may be in danger of extinction or likely to become so within the foreseeable future throughout all or a significant portion of their range.

Information Regarding the DPS Structure of the Five Rockfish Species in Puget Sound

Under the 1996 joint DPS policy, a population or group of populations is considered a DPS if it is ''discrete'' and ''significant'' to the remainder of the species to which it belongs (51 FR 4722; February 7, 1996). The petitioner contends that the five petitioned species likely warrant delineation as Puget Sound DPSs based on: (1) relatively closed oceanographic circulation patterns in the Puget Sound area (see Stout *et al.*, 2001, at p. 75) that should promote the retention of rockfish larvae originating within Puget Sound, and limit the delivery of larvae from sources external to Puget Sound; and (2) NMFS' finding in 2001 that brown, copper, and quillback rockfishes in Puget Sound respectively warranted delineation as DPSs (Stout *et al.*, 2001; 66 FR 17659, April 3, 2001). Although the five petitioned rockfish species may be considered to have high dispersal ''potential'' due to their long pelagic larval duration and high fecundity, their realized larval dispersal is determined to a large extent by local oceanographic patterns and larval behavior (Varanasi, 2007). Since the larvae of these rockfish species are generally associated with surface waters during the pelagic dispersal phase, we agree with the petitioner that the relatively closed circulation patterns of surface waters in Puget Sound lends support to the ''discreteness'' of these species in Puget Sound. Although, as the petitioner acknowledges, there are no population genetic studies of the five petitioned species that include samples from Puget Sound, the available studies of West Coast rockfish suggest that it is reasonable to suspect that there are genetically discrete Puget Sound population segments for these species. There are examples of rockfish populations exhibiting genetic differences in relation to circulation patterns and biogeographic barriers, many of which are probably less restrictive to trans-boundary larval dispersal than the entrance to Puget Sound (Sekino *et al.*, 2001; Varanasi, 2007). Even on the open coast where one might expect oceanographic patterns to result in considerable larval exchange and strong genetic similarities among stocks, the available genetic studies indicate that rockfish species exhibit some level of genetic population structure (Buonaccorsi *et al.*, 2002, 2005; Cope, 2004; Rocha-Olivares and Vetter, 1999). One of the petitioned species, bocaccio, also exhibits genetic population structure on the open coast (Matala *et al.*, 2004), and it is reasonable to assume the it would also show some genetic isolation within Puget Sound relative to other areas (Varanasi, 2007). Genetic studies that include samples from Puget Sound have found that rockfish populations in Puget Sound are generally distinct from populations sampled in other geographic areas (Buonaccorsi *et al.*, 2002, 2005). Based on the above information, we find that the new petition presents substantial scientific information indicating that the five petitioned DPSs may satisfy the ''discreteness'' criterion under the joint DPS policy (Varanasi, 2007).

However, ''discreteness'' does not necessarily indicate that a population group may also be ''significant'' and hence a DPS for listing consideration. As noted above, the petitioner contends that the 5 petitioned rockfish species are likely DPSs based on our 2001 DPS delineations for brown, copper, and quillback rockfishes in Puget Sound (Stout *et al.*, 2001). These three ''discrete'' population segments were found to be ''significant'' under the DPS policy because the environmental, geological, and biogeographic characteristics of Puget Sound represent ''an ecological setting that is unusual or unique for the taxon.'' These characteristics unique to the Puget Sound are reflected in likely adaptive life-history differences (e.g., coloration patterns, mating behaviors, or timing of reproduction) for the respective species in Puget Sound relative to elsewhere in their range (Stout *et al.*, 2001). These same characteristics that established the uniqueness of the Puget Sound ecosystem also apply to the 5 petitioned rockfish species in Puget Sound (Varanasi, 2007). It is likely that ''discrete'' population segments for the 5 species would be ''significant'' under the DPS policy as Puget Sound represents an ecological setting that is unusual or unique for the taxon. We find that the new petition presents substantial scientific information indicating that the five petitioned rockfish species in Puget Sound may satisfy the ''significance'' criterion under the joint DPS policy, and thus may warrant delineation as DPSs for listing consideration under the ESA.

Information Regarding the Extinction Risk of the Five Rockfish Species in Puget Sound

The petitioner stresses the importance of age structure, longevity, and the maternal-age effect in evaluating the extinction risk of rockfish populations. (The reader is referred to our earlier petition finding (72 FR 2865; January 23, 2007) for further discussion of the maternal-age effect and related scientific publications.) The importance of this maternal-age effect in the wild depends upon the age structure and age-at-maturity of the specific populations under consideration (72 FR 2865; January, 23, 2007). However, the necessary data are not available to evaluate the actual importance of the maternal-age effect for the five recently petitioned rockfish species.

The April 2007 petition provides recreational catch data for the five petitioned species spanning approximately 12 years from the mid–1970s to mid–1990s. These data suggest possible declines for three of the species (bocaccio, greenstripe, and red stripe rockfishes) and no decline for the other two species (canary and yelloweye rockfish). In our October 2007 finding we noted that the support for making any inferences regarding population status was weak, given that the petition did not include information regarding the level or distribution of fishery effort, changes in fisheries practices, or changes in regulations governing fisheries in which the petitioned species are taken as bycatch (72 FR 56986; October 5, 2007). We concluded that without this additional information it was not possible to determine whether the recreational catch data reflect population status. We concluded that the recreational catch and other anecdotal information in the petition do not represent ''substantial scientific or commercial'' information that would lead a reasonable person to believe that the status of the petitioned species may be at risk.

In his October 29, 2007, letter the petitioner presents supplemental information necessary for determining whether the recreational catch data provided in the April 2007 petition are valid reflections of population status for the petitioned species. Specifically, the petitioner provides the information regarding fishery effort, changes in fisheries practices, and changes in fishery regulations that we found lacking in the April 2007 petition.

The petitioner explains that there are three possible explanations that might account for a decline in the recreational catch data: (1) That there was a change in the distribution of fishery effort or a change in the distribution of the petitioned species; (2) that there was a change in angler behavior or fishery regulations resulting in decline in overall fishery effort; or (3) that the recreational catch data indeed reflect declining trends in the species' abundance. The petitioner notes that the petitioned species are non-migratory, so a change in the stocks' distribution is not a valid explanation for the observed declining trends in catch for bocaccio, redstripe rockfish and greenstripe rockfish. Moreover, there is no information to suggest that the spatial distribution of fishery effort changed appreciably over the time period to explain the observed trends in the recreational catch data. The petitioner also concludes that the observed trends are not explainable by declining fishery effort due to changes in angler behavior or fishery regulations.

During the 12–year period for which there is recreational fishery data, anglers began to directly target rockfish species to compensate for the reduced availability of salmonids for harvest, and anglers were also able to target rockfish aggregations more efficiently and at much greater depths due to rapid advances in fish-finding technology. The petitioner concludes that these changes in angler effort and of rockfish harvest should have led to an increase in total catch. Given this expectation, the petitioner is particularly concerned that observed declines in the catch data for bocaccio, redstripe rockfish, and greenstripe rockfish likely reflect severe declines in the abundance of these stocks. The petitioner further suspects that the increasing fishery effort and efficiency likely masked declining trends in abundance for canary rockfish and yelloweye rockfish stocks. In support of his qualitative inferences from changes in angler behavior and efficiency, the petitioner provides data for overall fishery effort (measured in the number of angler boat trips) and catch per unit effort over the 12–year period of recreational catch data. Over this period the number of angler trips increased substantially, and there was a decline in the average number of rockfish caught per trip (Palsson *et al.*, 1997; Palsson and Pacunski, 1998; West, 1997).

The fishery effort and catch per unit effort data support the petitioner's conclusions that the recreational catch data reflect severe declines in stock abundance for bocaccio, redstripe rockfish, and greenstripe rockfish, and that increasing fishery effort and efficiency over the time period likely masked declines in stock abundance for canary rockfish and yelloweye rockfish. Finally, the petitioner concludes that the observed declining trends in the recreational catch data cannot be explained by a reduction in catch due to changing fishery regulations. Changes in rockfish catch regulations (e.g., reductions in the daily bag limit) and large scale closures in salmonid fisheries in which rockfish are taken as bycatch did not occur until 1994, well after the period covered by the recreational catch data (1975–1986). Based on the supplemental information, the petitioner concludes that the most parsimonious explanation for the observed trends in the recreational catch data is that they reflect actual declines in the abundance of the five petitioned species in Puget Sound.

Petition Finding

After reviewing the information contained in the April 2007 petition, the supplemental information contained in the petitioner's October 2007 letter, and other information readily available in our files, we determine that the new petition presents substantial scientific or commercial information indicating the petitioned actions may be warranted. In accordance with section 4(b)(3)(B) of the ESA and NMFS' implementing regulations (50 CFR 424.14(b)(2)), we will commence a review of the status of the five species concerned and make a determination within 12 months of receiving the new petition (i.e., by October 29, 2008) whether the petitioned action is warranted.

Information Solicited

DPS Structure and Extinction Risk

To ensure that the updated status review is complete and based on the best available and most recent scientific and commercial data, we solicit data, information, and comments (see **DATES** and **ADDRESSES**) concerning the status of bocaccio, canary rockfish, yelloweye rockfish, greenstripe rockfish, and redstripe rockfish. We solicit pertinent information such as: (1) biological or other data pertinent to determining the DPS structure of these 5 rockfish species (e.g., age structure, genetics, migratory patterns, morphology, physiology); (2) historical trends and current abundance and distribution of these rockfish stocks in Puget Sound; (3) natural and human-influenced factors that cause variability in their survival, distribution, and abundance; and (4) current or planned activities and their possible impact on these rockfish species (e.g., harvest measures and habitat actions).

Efforts Being Made to Protect Puget Sound Rockfish

Section 4(b)(1)(A) of the ESA requires the Secretary to make listing determinations solely on the basis of the best scientific and commercial data available after conducting a review of the status of a species and after taking into account efforts being made to protect the species. Therefore, in making its listing determinations, we first assess the status of the species and identify factors that have led to the decline. We then assess conservation measures to determine whether they ameliorate a species' extinction risk (50 CFR 424.11(f)). In judging the efficacy of conservation efforts, NMFS considers the following: the substantive, protective, and conservation elements of such efforts; the degree of certainty that such efforts will reliably be implemented, and the degree of certainty that such efforts will be effective in furthering the conservation of the species (68 FR 15100, March 28, 2003); and the presence of monitoring provisions that track the effectiveness of recovery efforts, and that inform iterative refinement to management as information is accrued. In some cases, conservation efforts may be relatively new or may not have had sufficient time to demonstrate their biological benefit. In such cases, provisions of adequate monitoring and funding for conservation efforts are essential to ensure that the intended conservation benefits are realized. We also encourage all parties to submit information on ongoing efforts to protect these 5 rockfish stocks in Washington, as well as information on recently implemented or planned activities and their likely impact(s).

References Cited

A complete list of all references is available upon request from the Protected Resources Division of the NMFS Northwest Regional Office (see **ADDRESSES**).

Authority: 16 U.S.C. 1531 *et seq.*

Dated: March 11, 2008.

John Oliver,

Deputy Assistant Administrator for Operations, National Marine Fisheries Service.

[FR Doc. E8–5309 Filed 3–14–08; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register
Vol. 73, No. 52
Monday, March 17, 2008

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

Forest Service

Black Hills National Forest, Northern Hills Ranger District, South Dakota, Telegraph Forest Management Project

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service will prepare an environmental impact statement on a proposal to implement multiple resource management actions within the Telegraph Forest Management Project Area to implement the Black Hills National Forest Land and Resource Management Plan. The Telegraph Project Area covers approximately 56,172 acres of National Forest System land and approximately 7,436 acres of interspersed private land about five miles directly south of Lead, South Dakota. Proposed actions include a combination of vegetation and fuels treatments to limit the spread of mountain pine beetle and further reduce the risk of infestation. Actions are also intended to reduce the risk of catastrophic fire and to improve vegetative and structural diversity. Treatments are proposed for approximately 31,722 acres of National Forest System Lands. Approximately 83 miles of new road construction would be necessary to carry out the proposed treatments.

DATES: Comments concerning the scope of the analysis would be most helpful if received by April 14, 2008. The draft environmental impact statement is expected to be available July 2008, and the final environmental impact statement is expected to be completed by September 2008.

ADDRESSES: Send written comments to Rhonda O'Byrne, District Ranger, Northern Hills Ranger District at 2014 North Main Street, Spearfish, SD 57783. Oral comments may be submitted by telephone at (605) 642–4622. Electronic comments may be submitted via e-mail at *comments-rocky-mountain-black-hills-northern-hills@fs.fed.us*. If submitting electronic comments, please include ''Telegraph Project'' in the subject line.

FOR FURTHER INFORMATION CONTACT: Jackie Groce, Natural Resource Planner, Northern Hills Ranger District, 2014 North Main Street, Spearfish, SD 57783. Telephone number: (605) 642–4622.

SUPPLEMENTARY INFORMATION:

Purpose of and Need for Action

The primary purpose of and need for action in the Telegraph project area is to reduce the risk of catastrophic fire and insect events. Existing conditions indicate that insect risk ratings and fire hazard ratings are higher than desired. There is an opportunity to move toward Forest-wide objectives outlined for managing insect risk and fire hazard in the current Black Hills National Forest Land and Resource Management Plan (Forest Plan).

In addition, there is a need to enhance structural and vegetative diversity within the project area. Existing conditions indicate that movement toward a more desirable distribution of structural stages for ponderosa pine stands in areas managed for a resource production emphasis could be achieved through vegetation treatments. There are also opportunities to enhance the condition of lodgepole pine and aspen stands in the project area to help ensure their continued persistence.

Finally, in line with Forest Plan objectives, there is a need to contribute to local and regional economies by providing commercial timber harvest opportunities.

Proposed Action

The proposed action is intended to be responsive to the purpose of and need for action specified for this project and to move conditions within the project area toward more desirable conditions as described in the Forest Plan. The proposed action includes a variety of commercial and non-commercial vegetation and fuels treatments. Some treatments will stand alone, while others include initial treatments as well as follow-up treatments. The following proposed activities will be designed so that they are consistent with Forest Plan Standards and Guidelines:

- Commercial Hardwood Enhancement (1611 acres)
- Commercial Lodgepole Pine Enhancement (405 acres)
- Commercial Overstory Removal/ Pre-commercial Thinning (9350 acres)
- Commercial Overstory Removal/ Pre-commercial Thinning/Prescribed Burning (1037 acres)
- Commercial Seed Cut/Pre-commercial Thinning/Prescribed Burning (2741 acres)
- Commercial Thinning/Pre-commercial Thinning/Prescribed Burning (8675 acres)
- Meadow Enhancement (293 acres)
- Pre-commercial Thinning (3055 acres)
- Pre-commercial Thinning/ Prescribed Burning (177 acres)
- Prescribed Burning (4312 acres)
- Planting of Native Species (66 acres)

To facilitate these vegetation treatments, an estimated 83 miles of new National Forest System road would need to be constructed, and 29 miles of currently unclassified road would be added to the system. These roads would be closed following harvest activities. The proposal would also require use of approximately 166 miles of existing National Forest System road. These system roads would need to be prepared for use. Preparation could range from minimal maintenance activities to reconstruction of the road template, depending on the current condition of the road.

Responsible Official

Rhonda O'Byrne, District Ranger, Northern Hills Ranger District, 2014 North Main Street, Spearfish, SD 57783.

Nature of Decision To Be Made

The decision to be made is whether or not to approve the proposed action or alternatives at this time. No Forest Plan amendments are proposed.

Scoping Process

Comments and input regarding the proposed action are being requested from the public and other interested parties in conjunction with this notice of intent. The comment period will be open for thirty days, beginning on the date of publication of this notice of intent. Public information meetings regarding this proposal are being scheduled for early April.

Comment Requested

This notice of intent initiates the scoping process which guides the development of the environmental impact statement. It is our desire to involve interested parties and especially adjacent landowners in identifying the issues related to proposed activities.

Comments will assist in identification of key issues and opportunities to develop project alternatives and design criteria.

Early Notice of Importance of Public Participation in Subsequent Environmental Review

A draft environmental impact statement will be prepared for comment. The comment period on the draft environmental impact statement will be 45 days (beginning approximately in July 2008) from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions (*Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978)). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts (*City of Angoon* v. *Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980)). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45 day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Comments received, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available for public inspection (40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, Section 21).

Dated: March 10, 2008.

Dennis Jaeger,

Deputy Forest Supervisor, Black Hills National Forest.

[FR Doc. E8–5131 Filed 3–14–08; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: Manufacturers' Shipments, Inventories, and Orders (M3) Supplement: 2006–2007 Unfilled Orders Benchmark Survey.

Form Number(s): MA–3000, MA–3000(I), MA–3000–L1, MA–3000–L2.

OMB Control Number: 0607–0561.

Type of Request: Reinstatement, with change, of an expired collection.

Burden Hours: 3,000.

Number of Respondents: 6,000.

Average Hours per Response: 30 minutes.

Needs and Uses: The Manufacturers' Shipments, Inventories, and Orders (M3) survey collects monthly data on shipments, inventories, new orders, and unfilled orders from manufacturing companies. The orders and shipments data are used widely and are valuable tools for analysts of business cycle conditions, including members of the Council of Economic Advisers, Bureau of Economic Analysis, Federal Reserve Board, Department of the Treasury, and the business community.

New orders serve as an indicator of future production commitments and the data are direct inputs into the leading economic indicator series. New orders, as reported in the monthly survey, are derived by adding shipments to the net change in the unfilled orders from the previous month. The ratio of unfilled orders to shipments is an important indicator of pressure on manufacturing capacity.

The monthly M3 estimates are based on a relatively small panel of domestic manufacturers and reflect primarily the month-to-month changes of large companies. There is a clear need for periodic benchmarking of the M3 estimates to reflect the entire manufacturing universe. The Annual Survey of Manufactures (ASM) provides annual benchmarks for the shipments and inventories, but there is no benchmark for unfilled orders. A benchmark survey for unfilled orders was last conducted for 1999.

The industries selected for this survey are those which the Census Bureau determined to maintain considerable unfilled orders. Due to the length of time since the last benchmark survey (8 years), an unfilled orders benchmark survey is necessary to ensure future accuracy of the new orders data and also to determine which NAICS industries continue to maintain unfilled orders.

Report forms will be mailed to approximately 6,000 companies requesting data for 47 of 89 NAICS defense and nondefense industry categories for the M3 survey.

The Census Bureau will use the information provided by this survey to develop universe estimates of unfilled orders as of the end of 2006 and 2007, and then adjust the monthly M3 data on unfilled orders to these levels. The benchmarked unfilled orders levels will be used to derive estimates of new orders received by manufacturers. New orders are derived using the following formula:

NEW ORDERS (current) = SHIPMENTS (current) + UNFILLED ORDERS (current) − UNFILLED ORDERS (prior)

Affected Public: Business or other for-profit organizations.

Frequency: One time.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13, United States Code, sections 131, 182, 193, and 224.

OMB Desk Officer: Brian Harris-Kojetin, (202) 395–7314.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed

information collection should be sent within 30 days of publication of this notice to Brian Harris-Kojetin, OMB Desk Officer either by fax (202–395–7245) or e-mail (*bharrisk@omb.eop.gov*).

Dated: March 11, 2008.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8–5215 Filed 3–14–08; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; Comment Request; Annual Survey of Manufactures

AGENCY: U.S. Census Bureau.

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 May 16, 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 Mendel D. Gayle, Census Bureau, 4600 Silver Hill Rd., Rm. 7K055, Washington, DC 20233, (301) 763–4587 or via the Internet at *mendel.d.gayle@census.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau has conducted the Annual Survey of Manufactures (ASM) since 1949 to provide key measures of manufacturing activity during intercensal periods. In census years ending in ''2'' and ''7'', the ASM is mailed and collected as part of the Economic Census covering the Manufacturing Sector. This survey is an integral part of the Government's statistical program. The ASM furnishes up-to-date estimates of employment and payroll, hours and wages of production workers, value added by manufacture, cost of materials, value of shipments by product class, inventories, and expenditures for both plant and equipment and structures. The survey provides data for most of these items for each of the 5-digit and selected 6-digit industries as defined in the North American Industry Classification System (NAICS). It also provides geographic data by state at a more aggregated industry level.

The survey also provides valuable information to private companies, research organizations, and trade associations. Industry makes extensive use of the annual figures on product class shipments at the U.S. level in its market analysis, product planning, and investment planning. The ASM data are used to benchmark and reconcile monthly and quarterly data on manufacturing production and inventories. This ASM clearance request will be for the year 2008. There will be no changes to the information requested from respondents.

II. Method of Collection

The ASM statistics are based on a survey that includes both a mail and nonmail components. Previously, the mail portion of the survey was comprised of a probability sample of approximately 53,000 manufacturing establishments from a frame of approximately 225,000 establishments. These 225,000 establishments were all manufacturing establishments of multiunit companies (companies with operations at more than one location) and all single-location manufacturing companies that were mailed in the 2002 Census of Manufacturing. The nonmail component was comprised of the remaining small single-location companies; approximately 155,000 companies. No data has been collected from companies in the nonmail component. Rather, data has been directly obtained from the administrative records of the Internal Revenue Service (IRS), the Social Security Administration (SSA), and the Bureau of Labor Statistics (BLS). Although the nonmail companies account for over half of the population, they have accounted for less than 2 percent of the manufacturing output.

III. Data

OMB Control Number: 0607–0449.

Form Number: MA–10000(L), MA–10000(S).

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations; not-for-profit institutions; State or local governments.

Estimated Number of Respondents: 53,000.

Estimated Time per Response: 3.7 hours.

Estimated Total Annual Burden Hours: 187,000.

Estimated Total Annual Cost: The estimated cost to the respondents is $5,454,790.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13, United States Code, Sections 182, 224, and 225.

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: March 11, 2008.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8–5214 Filed 3–14–08; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket Number 070913515–7516–01]

Alaska Native Areas (ANAs) for the 2010 Census—Proposed Criteria and Guidelines

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of proposed program revisions and request for comments.

SUMMARY: The Bureau of the Census (Census Bureau) is requesting comment on proposed criteria and guidelines for Alaska Native Areas (ANAs) for the 2010 Census. Criteria are those rules and conditions that must be met when defining a geographic entity; guidelines

are procedures and measures suggested by the Census Bureau to enhance the utility of statistical geographic areas for presentation and analysis of statistical data. ANAs are geographic entities within the State of Alaska defined for the collection, tabulation, and presentation of decennial census data and will be used for the 2010 Census. ANAs also will be used to tabulate and present period estimates from the American Community Survey (ACS) after 2010 and potentially other Census Bureau surveys. ANAs consist of two types of unique geographic entities: Alaska Native Regional Corporations (ANRCs) and Alaska Native village statistical areas (ANVSAs) [1]. At this time, the Census Bureau does not propose any changes to the process for naming and delineating boundaries of ANRCs as used in Census 2000. The Census Bureau proposes to revise the criteria and guidelines for eligibility, location, delineation, and naming of ANVSAs to ensure more consistent and comparable ANVSAs and more meaningful, relevant, and reliable statistical data for Alaska Natives and their ANAs. This Notice also contains definitions of key terms used in the ANVSA criteria and guidelines for the 2010 Census.

The Census Bureau will publish a separate notice in the **Federal Register** that proposes criteria and guidelines for American Indian Areas (AIAs) for the 2010 Census. After the final ANA criteria and guidelines for the 2010 Census are published in the **Federal Register**, the Census Bureau will offer designated tribal governments or associations an opportunity through the Tribal Statistical Areas Program (TSAP) to review and, if necessary, suggest updates to the boundaries and names of their ANAs.

DATES: Written comments must be submitted on or before June 16, 2008.

ADDRESSES: Please direct all written comments on this proposed program to the Director, U.S. Census Bureau, Room 8H001, Mail Stop 0100, Washington, DC 20233–0001.

FOR FURTHER INFORMATION CONTACT: Requests for additional information on these proposed program criteria and guidelines should be directed to Mr. Michael Ratcliffe, Chief, Geographic Standards and Criteria Branch, Geography Division, U.S. Census Bureau, via e-mail at *geo.tsap.list@census.gov* or telephone at 301–763–3056.

[1] For Census Bureau purposes, the Annette Island Reserve in Alaska is considered an American Indian area (AIA), more specifically an American Indian reservation (AIR), not an ANA.

SUPPLEMENTARY INFORMATION: Pursuant to Title 13 of the United States Code (U.S.C.), section 141(a) (2000), the Secretary of Commerce, as delegated to the Census Bureau, undertakes the decennial census every ten years ''in such form and content as he may determine.'' This language gives wide discretion to the Census Bureau in taking the census.

The Census Bureau portrays the boundaries of both legal and statistical geographic entities for the purpose of collecting, tabulating, and presenting meaningful, relevant, and reliable statistical data from the decennial census, the ACS, and potentially other censuses and surveys. The Census Bureau attempts to develop objective criteria and guidelines to establish geographic entities that meet this purpose.

The Census Bureau is committed to delineating geographic entity boundaries in partnership with tribal, state, and local officials using criteria and guidelines developed in an open process. It is the responsibility of the Census Bureau to ensure that geographic entity criteria and guidelines achieve the goal of providing meaningful, relevant, and reliable statistical data. While aware that there are nonstatistical uses of ANAs and the data tabulated for them, the Census Bureau will not modify ANA boundaries or attributes specifically to meet the requirements of any of these nonstatistical program uses, including any attempt to meet the specific program requirements of other government agencies. Further, changes made to a geographic entity to meet the requirements of a specific nonstatistical program may have detrimental effects on uses of the same geographic entity for other nonstatistical programs. In addition, the Census Bureau makes no attempt to specifically link the establishment of statistical geographic entities to federal, tribal, or state laws.

The development of the ANAs has been an evolutionary process in which the Census Bureau has worked with various data users to develop geographic entities that both aid in census enumeration and tabulation activities and are meaningful for Alaska Natives,[2] their governments, associations working with Alaska Natives, and the federal and state agencies administering tribal programs benefiting Alaska Natives.

ANRCs are corporate entities organized to conduct both for-profit and non-profit affairs of Alaska Natives in accordance with the Alaska Native Claims Settlement Act (ANCSA) (as amended) (43 U.S.C. § 1601 et seq. (2000)). ANRCs are geographic entities with legally defined boundaries that subdivide all of Alaska into twelve regions, except for the area within the Annette Island Reserve (an AIR under the governmental authority of the Metlakatla Indian Community). A thirteenth non-geographic ANRC represents Alaska Natives who do not belong to one of the other twelve ANRCs; the Census Bureau does not tabulate or present data for this thirteenth ANRC. The twelve geographic ANRCs are what the Census Bureau terms ''legal geographic entities.''

ANVSAs are statistical geographic entities representing the residences, permanent and/or seasonal, for Alaska Natives who are members of or receive governmental services from the defining ANV, and that are located within the region and vicinity of the ANV's historic and/or traditional location. ANVSAs are intended to represent the relatively densely settled portion of each ANV and should include only an area where Alaska Natives, especially members of the defining ANV, represent a substantial proportion of the population during at least one season of the year. ANVSAs also should not contain large areas that are primarily unpopulated or that do not include concentrations of Alaska Natives, especially members of the defining ANV. For the 2010 Census, the Census Bureau proposes changes to the ANVSA criteria and guidelines. These proposed changes are discussed more fully below.

I. History of Alaska Native Areas in the Decennial Census

Prior to the 1980 Census, the Census Bureau had no program specifically designed to recognize or tabulate data for ANAs. Data were published for most of the ANVs as either incorporated places or ''unincorporated places'' (referred to as census designated places (CDPs) in later censuses). Congress used data tabulated from the 1970 Census for these places, in conjunction with other information, to determine if they qualified as a ''Native village'' or a ''Native group'' in accordance with the ANCSA.

Upon enactment of the ANCSA, the Census Bureau began to report data specifically for ANAs beginning with the 1980 Census. The types of ANAs included in the 1980 Census were based

[2] The term Alaska Native is used throughout this document, but refers to anyone who a) self-identifies as an American Indian and/or an Alaska Native alone or in combination with one or more other races, and b) resides in Alaska. If using race data from Census 2000 rather than some other data source, use data for ''American Indian and Alaska Native alone or in combination with one or more races'' to determine if an ANVSA meets the proposed delineation criteria and guidelines.

on recommendations of an ad hoc interagency committee established by Office of Management and Budget (OMB) to examine how the federal government could provide improved data for Alaska Natives. In addition to input from OMB, the Census Bureau also consulted directly with Alaska Native tribal governments and associations, as well as Alaska State officials.

The Census Bureau used approximate boundaries for the ANRCs to tabulate data from the 1980 Census. Data for ANRCs were not published as part of the standard decennial census tabulations, but were included in a supplementary report. In sparsely populated areas, the ANRC boundaries were generalized to follow visible features and the boundaries of other census geographic entities.

For the 1980 Census, the Census Bureau worked with Alaska State officials to identify the names and locations of ANVs recognized in accordance with the ANCSA, and to delineate their boundaries. The boundaries of most ANVs coincided with the boundaries of other census geographic entities, in particular incorporated places and CDPs. In the few remaining ANVs whose boundaries did not coincide with incorporated place or CDP boundaries, the Census Bureau delineated boundaries that corresponded to one or more enumeration districts (similar to the block groups of later censuses). For the 1980 Census, the Census Bureau identified 209 ANVs.

After reviewing these data from the 1980 Census, the Census Bureau discovered that the territory encompassing housing units and population associated with an ANV did not necessarily correspond with the territory of an incorporated place or CDP of the same name. In addition, ANV and ANRC officials commented that the ANV boundaries for the 1980 Census were not their historical or traditional boundaries. The ANV boundaries also did not represent the land withdrawals, selections, or conveyances for the Alaska Native Village Corporations (ANVCs) made in accordance with the ANCSA or the lands historically or traditionally used for subsistence activities, including hunting and fishing. In response to these concerns and to emphasize that these points were all valid, the Census Bureau changed the term for these statistical geographic entities from ANVs to ANVSAs to indicate that while they still were based on the historical or traditional *location* of the ANV, they did not necessarily represent the ANV's historical or traditional *boundary*.

To improve the accuracy of ANRC boundaries for the 1990 Census, the Census Bureau transferred the ANRC boundaries from a source map provided by the U.S. Bureau of Land Management (BLM) onto a series of U.S. Geological Survey (USGS) 1:250,000-scale topographic maps, and digitized from there into their geographic database. The Census Bureau implemented a review process, which included the participation of each ANRC, to verify that the ANRC regional boundary was updated correctly. At the request of ANRCs, the Census Bureau worked directly with the ANRC's non-profit associations, whose purpose is to conduct the sociocultural outreach and support for members and other Alaska Natives within their region, in reviewing each regional boundary.

ANV government officials and ANRC non-profit association officials were encouraged to delineate ANVSA boundaries for the 1990 Census to facilitate enumeration of Alaska Natives, especially in remote Alaska. To meet the need for suitable boundaries for use in collecting, tabulating, and presenting data for ANV housing and population by aiding in the correct allocation of residences and thus population, ANVSA boundaries were required to follow physical features that would likely be visible to census enumerators, such as roads, trails, shorelines, rivers, streams, and ridgelines, or locally known boundaries of other legal geographic entities, such as boroughs,[3] ANRCs, etc. For the 1990 Census, the Census Bureau identified 217 ANVSAs.

There were no changes to the types of ANAs identified for Census 2000. Similar to the 1990 Census, ANRC boundaries were reviewed by officials of the ANRC non-profit associations. A few small boundary corrections were made for some of the ANRCs. The new development seen in the Census 2000 was the introduction of tribal designated statistical areas (TDSAs) in Alaska. TDSAs had existed in some of the forty-eight conterminous states for the 1990 Census, but they had purposely been excluded from Alaska because ANVSAs were thought to cover all the ANVs in Alaska. Some data users stated that there was a difference between those ANVs that participated in the ANCSA and those that did not, but were recognized by the U.S. Bureau of Indian Affairs (BIA) as tribes and eligible to receive services from the BIA. In an attempt to remedy this, the Census Bureau introduced TDSAs in Alaska. For Census 2000, the Census Bureau identified 205 ANVSAs and 2 TDSAs in Alaska. Fewer ANVSAs were delineated for Census 2000 primarily because some of the ANVs identified in previous censuses were not recognized in accordance with the ANCSA or recognized by the BIA.

II. Proposed Alaska Native Areas for the 2010 Census

A. Alaska Native Regional Corporations (ANRCs)

The Census Bureau is not proposing any changes to the process for delineating the ANRC boundaries for the 2010 Census. The boundaries used by the Census Bureau for the ANRCs represent their regional boundaries established in accordance with the ANCSA. These boundaries do not take into consideration land withdrawals, selections, or conveyances under the ANCSA, nor any form of land ownership. The boundaries for the ANRCs will be included in the materials for the Boundary and Annexation Survey (BAS). Each ANRC's boundary will be reviewed, especially in relation to the boundaries of the Public Land Survey System (PLSS) townships and sections, to confirm that it is the correct legal boundary for that region as developed under the ANCSA. Each ANRC will also be reviewed to determine if the correct ANVSAs are depicted within its regional boundary. At the request of the ANRCs, the Census Bureau will continue to work with representatives of the twelve ANRC non-profit associations to review their regional boundaries and to ensure that the name for each region continues to closely match the name of the for-profit ANRC for that region (*see Table 1*).

[3] For Census Bureau purposes, boroughs in Alaska are the equivalent of counties in other states. For purposes of this notice, the term borough includes the legal designation in Alaska of ''cities and boroughs'' and ''municipalities'', as well as ''census areas''. Census areas are comparable to and the equivalent to boroughs for collecting, tabulating, and presenting Census Bureau data. They were created cooperatively by the State of Alaska and the Census Bureau to subdivide the large portion of Alaska not within an organized borough into geographic entities more comparable with the organized boroughs.

TABLE 1.—ANRC FOR-PROFIT CORPORATIONS AND NON-PROFIT ASSOCIATIONS

ANRC name	For-Profit Alaska Native Regional Corporation	Non-Profit Alaska Native Regional Association
1. Ahtna	Ahtna, Incorporated	Copper River Native Association.
2. Aleut	The Aleut Corporation	Aleutian-Pribilof Islands Association.
3. Arctic Slope	Arctic Slope Regional Corporation	Arctic Slope Native Association.
4. Bering Straits	Bering Straits Native Corporation	Kawerak, Incorporated.
5. Bristol Bay	Bristol Bay Native Corporation	Bristol Bay Native Association.
6. Calista	Calista Corporation	Association of Village Council Presidents.
7. Chugach	Chugach Alaska Corporation	Chugachmiut, Incorporated.
8. Cook Inlet	Cook Inlet Region, Incorporated	Cook Inlet Tribal Council.
9. Doyon	Doyon, Limited	Tanana Chiefs Conference.
10. Koniag	Koniag, Incorporated	Kodiak Area Native Association.
11. NANA	NANA Regional Corporation	Maniilaq Association.
12. Sealaska	Sealaska Corporation	Central Council of Tlingit and Haida Indian Tribes.

B. Alaska Native Village Statistical Areas (ANVSAs)

The goal for the 2010 Census is to improve the delineation of ANVSA boundaries to result in more consistent and comparable ANVSAs and more meaningful, relevant, and reliable statistical data for Alaska Natives and their ANVs. The majority of ANVSAs from Census 2000 meet this goal. No new types of ANAs are proposed for the 2010 Census.

ANVSAs are statistical geographic entities representing the residences, permanent and/or seasonal, for Alaska Natives who are members of or receiving governmental services from the defining ANV located within the region and vicinity of the ANV's historic and/or traditional location. ANVSAs are intended to represent the relatively densely settled portion of each ANV and should include only areas where Alaska Natives, especially members of the defining ANV, represent a significant proportion of the population during at least one season of the year. ANVSAs also should not contain large areas that are primarily unpopulated or do not include concentrations of Alaska Natives, especially members of the defining ANV.

The delineation of ANVSAs is not meant to necessarily depict land ownership, including any land withdrawals, selections, or conveyances for the ANVCs, nor to represent all of the area over which an ANV has any form of governmental authority or jurisdiction, nor to represent all of the traditional or historical areas associated with the ANV, including areas used for subsistence activities. Representation of ANVSA boundaries in Census Bureau products is solely for the purpose of data collection, tabulation, and presentation and does not convey or confer any rights to land ownership, governmental authority, or jurisdictional status.

Although ANVSAs represent relatively densely settled concentrations of Alaska Natives, and therefore are similar to places, there are some key differences. The two place-level geographic entities for which the Census Bureau publishes data are incorporated places (cities in Alaska) and census designated places (CDPs). Incorporated places are governmental entities sanctioned by the State of Alaska to perform general purpose functions and whose boundaries are defined without specifically considering ANV members or other Alaska Natives. CDPs are unincorporated places delineated by State and borough officials in Alaska, and are intended to encompass all people at a given location, including ANV members. Incorporated places and CDPs are mutually exclusive of each other because, by definition, a CDP represents a named, unincorporated area. Because ANVSAs are defined specifically to represent concentrations of Alaska Natives, they are not constrained by other place-level geographic entities; that is, ANVSAs may overlap incorporated places and CDPs. An ANVSA may be delineated to encompass only a part of an incorporated place and/or a CDP; it may encompass area within multiple incorporated places or CDPs; or it may cover an area that has neither incorporated places nor CDPs. In addition, ANVSAs are used in census data collection activities and are included in the specific American Indian/Alaska Native geographic hierarchy for tabulating and presenting data from the 2010 Census; incorporated places and CDPs do not appear in the American Indian/Alaska Native geographic hierarchy. Incorporated places and CDPs do not clearly identify geographic entities that are specific to Alaska Natives, and therefore data for incorporated places and CDPs likely will reflect the characteristics of both Alaska Native and non-Native populations.

ANVSAs will be used to tabulate and present data from both the 2010 Census and the ACS. Defining officials should take into consideration that ACS period estimates of demographic characteristics for geographic entities that are small in population size will be subject to higher variances than comparable estimates for geographic entities with larger populations. Thus, if an ANVSA contains only a small number of housing units occupied by Alaska Natives during at least one season of the year, then the quality, reliability, and availability of the sample data may vary from year to year. In addition, the Census Bureau's disclosure avoidance and data quality assurance methodologies may have the effect of restricting the availability and amount of data for geographic entities with small populations. On the other hand, if an ANVSA encompasses a large total population that is not representative of the ANV's membership or service population, then the data for the Alaska Native population may be subsumed, or ''masked,'' by the characteristics of the overall population. The more closely an ANVSA's boundary relates to the distribution of ANV members and Alaska Natives receiving governmental services from the ANV, and does not include large numbers of people and households not affiliated with the ANV, the more likely that data presented for the ANVSA will reflect the characteristics of the ANV population. Therefore, when delineating ANVSAs, it is important to strike an appropriate balance, avoiding a definition that is too small to obtain meaningful sample data, and one that is so large that data for the Alaska Native population are masked by the presence of a high percentage of non-Native households. The Census Bureau has taken these concerns into consideration when developing the criteria and guidelines proposed below.

Officials designated to delineate boundaries also should consider that tribal affiliation data, including ANV affiliation, as collected by the Census Bureau, generally are not released for geographic entities that are small in population size, including ANVSAs, due to data disclosure concerns. If an ANVSA is defined in accordance with the program criteria and guidelines, the ANVSA data may provide a surrogate for tribal affiliation data for a specific, small geographic area, while tribal affiliation data are available for larger geographic entities such as the whole State of Alaska.

Although eligible, an ANV may elect not to delineate an ANVSA if it will not provide meaningful, relevant, or reliable statistical data. For example, the data may not be meaningful, relevant, or reliable because the member population now resides in other places or has been completely subsumed by non-member and/or non-Native populations. However, these ANVs may still be able to receive meaningful, relevant, and reliable statistical data for their ANV membership at higher levels of census geography, especially through the characteristic of tribal affiliation, but a specific geographic solution to their data issues, like an ANVSA, may not be feasible.

1. Proposed ANVSA Criteria and Guidelines for the 2010 Census

The Census Bureau proposes the following criteria and guidelines for the 2010 Census. Criteria are those rules and conditions that must be met when defining a geographic entity; guidelines are procedures and measures suggested by the Census Bureau to enhance the utility of statistical geographic areas for presentation and analysis of statistical data.

a. Proposed ANVSA Eligibility Criteria

An ANV would be eligible to delineate an ANVSA for the 2010 Census if the ANV is:

i. Recognized by and eligible to receive services from the BIA, or

ii. Recognized in accordance with the ANCSA as either a Native village, or Native group.

BIA recognition (criterion i. above) is determined by inclusion of an ANV on the BIA's list of recognized tribes [4] or by addenda to the list as published by the BIA. ANCSA recognition (criterion ii. above) is determined by inclusion of an ANV on the BLM's list of ANCSA recognized Native villages and Native groups; the BLM's list of those ANVs recognized in accordance with the ANCSA is available from the BLM's Alaska State Office.

Table 2 provides a list of the 237 ANVs that meet these proposed criteria and guidelines and that would be eligible to delineate an ANVSA for the 2010 Census. Table 2 also lists the BIA recognized name for each ANV [5] and indicates whether each is a Native village or Native group in accordance with the ANCSA. Any new ANV recognized by the BIA or in accordance with the ANCSA as of January 1, 2010 (the reference date for geographic entity boundaries for the 2010 Census), also will be eligible to delineate an ANVSA.

The following three tribes in Alaska recognized by the BIA would not be eligible to be represented by ANVSAs because they are not ANVs, are large regional tribal associations, or have a legally defined American Indian reservation:

- Central Council of the Tlingit and Haida Indian Tribes
- Inupiat Community of the Arctic Slope
- Metlakatla Indian Community, Annette Island Reserve

All ANVs that were eligible to delineate TDSAs for Census 2000 would be eligible to delineate ANVSAs for the 2010 Census if the resulting ANVSA meets all the program's criteria. TDSAs would not be delineated in Alaska for the 2010 Census.

The Census Bureau will continue to work with representatives of the BIA-recognized ANV to delineate their ANVSA for the 2010 Census. If the ANV is not recognized by the BIA, or if the BIA-recognized ANV government does not respond to the Census Bureau's invitation to participate in the ANVSA program, the Census Bureau will work with the ANCSA-recognized ANVC or Alaska Native Group Corporation (ANGC), as applicable, to delineate their ANVSA. If neither replies to the Census Bureau, the Census Bureau will work with the ANRC non-profit associations in whose region the ANV is located to delineate the ANVSA. If none of the entities referenced above reply to the Census Bureau, time and resources permitting the Census Bureau may delineate an ANVSA for the ANV.

b. Proposed ANVSA Location Criteria

All eligible ANVs shall be located in areas of historical and traditional significance. These locations are referenced in:

- The BIA recognized name for an ANV—e.g., Native Village of Atka;
- The former BIA recognized name for an ANV—e.g., Iqurmuit Traditional Council (formerly the Native Village of Russian Mission); and/or
- The BLM ANCSA recognized name for a Native village or Native group—e.g., Buckland or Canyon Village.

The latitude and longitude coordinates listed in Table 2 represent the point location of each eligible ANV, as determined by the Census Bureau. Each point location has been verified using the ANRC boundaries, the USGS Geographic Names Information System (GNIS) point locations, USGS topographic maps, location information from previous censuses, BLM Core Townships, ANCSA 14(c) survey plats, location information from the State of Alaska, and Native allotment boundaries. The latitude and longitude coordinates listed for an ANV provide the starting point for delineation of that ANVSA. Each ANVSA must primarily include land immediately surrounding the corresponding point locations listed in Table 2 for each ANV, but may include additional territory according to the other final program criteria and guidelines. The point location information for each ANV included in Table 2 is used in the specific ANVSA delineation criteria and guidelines listed below.

c. Proposed ANVSA Delineation Criteria and Guidelines

The Census Bureau has received comments from data users, tribes, and ANV officials over the past twenty or more years regarding the purpose of American Indian/Alaska Native statistical geographic entities, including ANVSAs, and how they should be defined to facilitate tabulation and presentation of meaningful data. In response, the Census Bureau proposes the following criteria and guidelines to help ensure that ANVSAs delineated for the 2010 Census support their intended purpose, provide useful and meaningful data for the ANV they represent, and enhance the ability of data users to make more meaningful comparisons between ANVSAs. When finalized, the proposed criteria must be followed by all officials delineating an ANVSA for the 2010 Census. The guidelines are provided to assist delineating officials in defining an ANVSA.

Proposed ANVSA Delineation Criteria

i. ANVSAs delineated for the 2010 Census shall not overlap.

[4] Published regularly in the **Federal Register** in accordance with the Federally Recognized Indian Tribe Act of 1994 (Pub. L. No. 103–454, 108 Stat. 4791 (1994); 25 U.S.C. 479a–1 (2000)). As of the publication of this Notice, the list was last published in the **Federal Register** on Thursday, March 22, 2007 (72 FR 13648–13652).

[5] From the **Federal Register** notice published Thursday, March 22, 2007 (72 FR 13648–13652).

ii. An ANVSA shall not completely surround the location of another ANV as listed in Table 2.

iii. All portions of an ANVSA must be located within fifty miles of the ANV's point location listed in Table 2.

iv. An ANVSA shall not include more water area than land area. Large expanses of water area should be included only to maintain contiguity, to provide a generalized version of the shoreline, or if the water area is completely surrounded by land area included in the ANVSA.

v. An ANVSA's boundary shall follow visible, physical features, such as rivers, streams, shorelines, roads, trails, and ridgelines. Officials delineating ANVSAs may use nonvisible lines as an ANVSA boundary only if acceptable boundary features are not available. For example, an ANVSA boundary may follow the nonvisible, legally defined boundaries of ANRCs, boroughs, or cities.

Proposed ANVSA Delineation Guidelines

The following delineation guidelines are suggested good practices to improve the utility of ANVSAs for collecting, tabulating, presenting, and analyzing statistical data for Alaska Native populations. These are not requirements, but rather are suggestions for consideration when delineating ANVSA boundaries.

An ANVSA should not extend beyond the regional boundary of the ANRC in which the ANV is located (see Table 2). This helps avoid confusion regarding the relationship between ANRCs, ANVs, and ANVSAs, and helps orient data users working with data for both ANRCs and ANVSAs.

An ANVSA should not exceed 325 square miles in area. Based on review of ANVSAs boundaries from previous censuses as well as other information about ANVs and ANVSAs, the Census Bureau suggests this size as sufficient to encompass the Alaska Native population and housing associated with each respective ANVSA, but not so extensive that large amounts of non-Native population and housing are included.

Housing units occupied by Alaska Natives,[6] even if seasonal, should constitute the majority of housing units within an ANVSA. In addition, the population within an ANVSA should be majority Alaska Native, and, of that population, the majority should be members of or population served by the delineating ANV. An ANVSA should avoid encompassing or including any portion of a military installation or a large portion of an urbanized area. These guidelines are suggested to help ensure that the data presented for an ANVSA are as meaningful as possible, and avoid including large amounts of non-Alaska Native population and housing units.

An ANVSA also should not contain large areas without housing or population. Specifically, an ANVSA should have a housing unit density of at least three housing units per square mile. The Census Bureau suggests this threshold based on review of ANVSA boundaries from previous decades.

An ANVSA should be contiguous; that is, an ANVSA should form a single area with all territory located within a continuous boundary. This makes identification of the extent of the ANVSA easier for residents and data users, and also provides for a clearer representation of the ANVSA's boundaries on maps. An ANVSA, however, may be defined with multiple noncontiguous pieces if doing so helps avoid inclusion of population and housing not associated with the ANV.

d. Proposed ANVSA Naming Criteria

The name for an ANVSA must match the corresponding ANV name in Table 2. If an ANV wishes to use a name that deviates from the corresponding ANV name, the ANV must submit a brief statement describing the reason for the change. Changes to the name of an ANVSA will be considered only if submitted in writing and signed by the highest elected official (Chairperson, Chief, or President) of the ANV.

2. ANVSA Review Process

As with all of the Census Bureau's statistical geographic entities, the Census Bureau reserves the right to modify, create, or reject any boundary or attribute as needed to meet the final program criteria or to maintain geographic relationships before the tabulation geography is finalized for the 2010 Census.

The Census Bureau will accept an ANVSA only if it meets the final program criteria. Any decision to reject a particular ANVSA delineation will be conveyed to the delineating official in writing. The delineating official may redelineate the ANVSA and re-submit it to the Census Bureau for review.

Interested parties will be able to review and comment on delineated ANVSA boundaries and names. If a dispute between two or more parties occurs over the boundary delineated for a specific ANVSA, the Census Bureau encourages the respective parties to reach a mutually acceptable agreement that complies with the final program criteria and follows the final program guidelines. There may be instances in which a mutually acceptable boundary for an ANVSA cannot be delineated, or the mutually acceptable boundary does not follow the final program criteria and guidelines. In such instances, the Census Bureau shall give priority to the boundary submitted by the ANV delineating official, in recognition of the government-to-government relationship with the ANV, provided that the delineated ANVSA meets the final program criteria. If a mutually acceptable ANVSA is not delineated in accordance with final program criteria by the program's deadline, the Census Bureau may, independently delineate an ANVSA.

III. Definitions of Key Terms and Acronyms

Alaska Native—For purposes of this program, Alaska Native refers to anyone who self-identifies as an American Indian and/or an Alaska Native and resides in Alaska.

Alaska Native area (ANA)—A geographic entity within the State of Alaska that is defined for the collection and tabulation of decennial census data for Alaska Natives. For the 2010 Census, ANAs include Alaska Native Regional Corporations (ANRCs) and Alaska Native Village statistical areas (ANVSAs).

Alaska Native Group Corporation (ANGC)—A corporation created in accordance with the ANCSA and organized under the laws of the State of Alaska as a for-profit or non-profit business to hold, invest, manage, and/or distribute lands, property, funds, and other rights and assets for and on behalf of a Native group.

Alaska Native Claims Settlement Act (ANCSA)—Legislation (Pub. L. No. 92–203, 85 Stat. 688 (1971); 43 U.S.C. 1602 et seq. (2000)) enacted in 1971 that recognized Native villages and Native groups, and established ANRCs and their regional boundaries.

Alaska Native Regional Corporation (ANRC)—A legal geographic entity established under the ANCSA as a ''Regional Corporation'' to conduct both the for-profit and non-profit affairs of Alaska Natives within a defined region of Alaska. Twelve ANRCs cover the entire State of Alaska except for the area within the Annette Island Reserve (an AIR under the governmental authority of the Metlakatla Indian Community).

Alaska Native Urban Corporation (ANUC)—A corporation created in

[6] If using race data from Census 2000 rather than some other data source, use data for ''American Indian and Alaska Native alone or in combination with one or more races'' to determine whether an ANVSA meets the proposed delineation criteria.

accordance with the ANCSA and organized under the laws of the State of Alaska as a for-profit or non-profit business to hold, invest, manage, and/or distribute lands, property, funds, and other rights and assets for and on behalf of one of the four Alaska Native urban communities recognized under the ANCSA: Juneau, Kenai, Kodiak, and Sitka.

Alaska Native village (ANV)—A local governmental unit in Alaska that constitutes an association, band, clan, community, group, tribe, or village recognized by and eligible to receive services from the BIA and/or in accordance with the ANCSA as a Native village or Native group.

Alaska Native Village Corporation (ANVC)—A corporation created in accordance with the ANCSA and organized under the laws of the State of Alaska as a for-profit or non-profit business to hold, invest, manage, and/or distribute lands, property, funds, and assets for or on behalf of a Native village.

Alaska Native village statistical area (ANVSA)—A statistical geographic entity that represents the residences, permanent and/or seasonal, for Alaska Natives who are members of or receiving governmental services from the defining ANV that are located within the region and vicinity of the ANV's historic and/or traditional location. ANVSAs are intended to represent the relatively densely settled portion of each ANV and should include only an area where Alaska Natives, especially members of the defining ANV, represent a significant proportion of the population during at least one season of the year. ANVSAs also should not contain large areas that are primarily unpopulated or do not include concentrations of Alaska Natives, especially members of the defining ANV.

American Indian reservation (AIR)—A federally recognized American Indian land area with a boundary established by final treaty, statute, Executive Order, and/or court order and over which the tribal government of a federally recognized American Indian tribe has governmental authority. The AIR in Alaska is referred to as a reserve (Annette Island Reserve).

ANCSA 14(c) Survey Plat—A map issued by the BLM that depicts the surveyed boundaries for each Native village and its ANVC in accordance with the process set out in Section 14(c) of the ANCSA (See 43 U.S.C. 1613(c) (2000)). Digital versions of the completed plats are available online at *http://ftp.dcbd.dced.state.ak.us/14cPlats/14c-Plats.htm*.

BLM Core Township—A PLSS township designated in accordance with the ANCSA, 43 U.S.C. 1641(b) (2000), in which all or part of a Native village was determined to be located.

Borough—A legal geographic entity within the State of Alaska. For purposes of this program, the Census Bureau treats boroughs as equivalent to a county in other states for data collection, tabulation, and presentation purposes. In addition, when used generically, this term also includes ''cities and boroughs,'' ''municipalities,'' and ''census areas'' in Alaska.

Boundary and Annexation Survey (BAS)—A Census Bureau survey of legal geographic entities. In Alaska, BAS includes boroughs, boroughs and cities, municipalities, cities, ANRCs, and federally recognized American Indian reservations. Its purpose is to determine, solely for data collection and tabulation by the Census Bureau, the complete and current inventory and the correct names, legal descriptions, official status, and official boundaries of the legal geographic entities with primary governmental authority over certain lands within the United States as of January 1 of the survey year. The BAS also collects specific information to document the legal actions that established a boundary or imposed a boundary change.

Bureau of Indian Affairs (BIA)—The primary agency of the federal government, located within the Department of the Interior, charged with the trust responsibility between the federal government and federally recognized American Indian and Alaska Native tribal governments and communities, including BIA recognized ANVs.

Census area—A statistical geographic entity that serves as the equivalent of a borough in Alaska and that is delineated cooperatively by the State of Alaska and the Census Bureau solely for the purposes of subdividing that portion of Alaska that is not within an organized borough to allow more efficient census data collection and more useful census data tabulations.

Census designated place (CDP)—A statistical geographic entity with a concentration of population, housing, and commercial structures that is clearly identifiable by a single name, but is not within an incorporated place (i.e., a city in Alaska). CDPs are intended to be the statistical counterparts of incorporated places for distinct unincorporated communities.

City—A legal designation for incorporated places.

Contiguous—A description of a geographic entity having an uninterrupted outer boundary such that it forms a single, connected piece of territory. Noncontiguous areas form separate, disconnected pieces.

Geographic Names Information System (GNIS)—The GNIS is the federal standard for geographic nomenclature. The USGS developed the GNIS for the U.S. Board on Geographic Names as the official repository of domestic geographic names data; the official vehicle for geographic names use by all departments of the federal government; and the source for applying geographic names to federal electronic and printed products. The GNIS is available online at *http://geonames.usgs.gov/domestic/index.html.*

Incorporated place—A governmental unit, incorporated under state law as a city, town (except in New England, New York, and Wisconsin), borough (except in Alaska and New York), or village, to provide governmental services for a concentration of people within a legally defined boundary.

Legal geographic entity—A geographically defined governmental, administrative, or corporate entity whose origin, boundary, name, and description result from charters, laws, treaties, or other governmental action. Examples are the United States, states and statistically equivalent entities, counties and statistically equivalent entities, minor civil divisions, incorporated places, congressional districts, American Indian reservations and off-reservation trust lands, school districts, and ANRCs. The legal geographic entities that will be recognized for the 2010 Census are those in existence on January 1, 2010.

Native allotment—Land in Alaska allotted to Alaska Native adults primarily in accordance with the Native Allotment Act of 1906 (Ch. 2469, 34 Stat. 197 (1906)). A Native allotment can be up to 160 acres in area (.25 of a square mile), and its title is held in restricted fee status (*see ''Restricted fee land''*). Native allotments were provided from the public lands at large in Alaska and required each Alaska Native applicant to demonstrate use and occupancy of the allotment for at least a five-year period. Although many Native allotments are still used for subsistent activities, most do not include housing units.

Native group (NG)—Any tribe, band, clan, group, community, village, or village association of Alaska Natives designated by the Secretary of the Interior composed of less than twenty-five, but more than three, Alaska Natives, who also comprised a majority of the residents of a locality at the time of the 1970 Census.

Native village (NV)—Any tribe, band, clan, group, community, village, or village association of Alaska Natives listed in Sections 11 and 16 of the ANCSA (See 43 U.S.C. 1610 and 1615 (2000)) or which the Secretary of the Interior determines was composed of twenty-five or more Alaska Natives and who also comprised a majority of the residents of a locality at the time of the 1970 Census.

Nonvisible feature—A map feature that is not visible such as a city, borough, or ANRC boundary through space, a property line, or line-of-sight extension of a road.

Pub. L.—Public Law

Public Land Survey System (PLSS)—A rectangular system of surveys used to subdivide and describe land in the United States. The PLSS typically divides land into six-mile-square townships. These townships are subdivided into 36 one-mile-square sections. Sections can be further subdivided into quarter sections, quarter-quarter sections, or irregular government lots. The PLSS consists of a series of separate surveys. Most PLSS surveys begin at an initial point, and townships are surveyed north, south, east, and west from that point. The north-south line that runs through the initial point is a true meridian and is called the Principal Meridian. There are five Principal Meridians in Alaska—Copper River, Fairbanks, Kateel, Seward, and Umiat—that should be used when describing a particular township or section. For more information on the PLSS see *http://nationalatlas.gov/articles/boundaries/a_plss.html.*

Regional Corporation—See Alaska Native Regional Corporation (ANRC)

Restricted fee land—A land area for which an individual American Indian or a tribe holds fee simple title subject to limitations or restrictions against alienation or encumbrances as set forth in the title and/or by operation of law. Restricted fee lands may be located on or off a federally recognized reservation. Native allotments in Alaska are one type of restricted fee land. The Census Bureau does not identify restricted fee lands as a specific geographic category.

Section—A PLSS region approximately one mile square that is a division of a PLSS township.

Statistical Area—See statistical Geographic Entity

Statistical geographic entity—A geographic entity specifically defined for the collection and/or tabulation of statistical data from the Census Bureau. Statistical entities are not established by law and their designation by the Census Bureau neither conveys nor confers legal ownership, entitlement, jurisdiction, or governmental authority. Tribal statistical geographic entities, also called statistical areas, include ANVSAs and TDSAs, among others.

Township—A PLSS region approximately six miles square that contains thirty-six approximately one mile square PLSS sections.

Tribal designated statistical area (TDSA)—A statistical geographic entity identified and delineated for the Census Bureau by a federally recognized American Indian tribe that does not currently have a reservation and/or off-reservation trust land. A TDSA is intended to be comparable to the AIRs within the same state or region, especially those for tribes that are of similar size. A TDSA encompasses a compact and contiguous area that contains a concentration of individuals who identify with the delineating federally recognized American Indian tribe and within which there is structured and organized tribal activity. Although two TDSAs were delineated within Alaska for Census 2000, TDSAs will not be delineated within Alaska for the 2010 Census. All ANVs eligible to delineate TDSAs within Alaska for Census 2000 are eligible to delineate an ANVSA within Alaska for the 2010 Census.

Tribal Statistical Areas Program (TSAP)—The Census Bureau's program for the 2010 Census, through which updates to American Indian and Alaska Native statistical geographic entities will be obtained.

Visible feature—A map feature that can be seen on the ground such as a road, railroad track, major above-ground transmission line or pipeline, river, stream, shoreline, fence, sharply defined mountain ridge, or cliff.

Nonstandard visible feature—A subset of visible features that may not be clearly defined on the ground (such as a ridge), may be seasonal (such as an intermittent stream), or may be relatively impermanent (such as a fence).

Executive Order 12866

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

Paperwork Reduction Act

This program notice does not represent a collection of information subject to the requirements of the Paperwork Reduction Act, 44 U.S.C. Chapter 35 (2000).

Dated: March 11, 2008.

Steve H. Murdock,

Director, Bureau of the Census.

TABLE 2.—ELIGIBLE ANVS

ANV name	ANRC	ANCSA type [7]	BIA recognized name [8]	Longitude	Latitude
1. Afogn/ak	Koniag	NV	n/ative Village of Afogn/ak	−152.7652	58.0221
2. Akhiok	Koniag	NV	n/ative Village of Akhiok	−154.1703	56.9456
3. Akiachak	Calista	NV	Akiachak n/ative Community	−161.4276	60.9026
4. Akiak	Calista	NV	Akiak n/ative Community	−161.2222	60.9119
5. Akutan	Aleut	NV	n/ative Village of Akutan	−165.7809	54.1384
6. Alakanuk	Calista	NV	Village of Alakanuk	−164.6612	62.6797
7. Alatn/a	Doyon	NV	Alatn/a Village	−152.7563	66.5636
8. Alekn/agik	Bristol Bay	NV	n/ative Village of Alekn/agik	−158.6189	59.2789
9. Alexander Creek	Cook Inlet	NG	n/a	−150.5999	61.4218
10. Algaaciq	Calista	NV	Algaaciq n/ative Village	−163.1769	62.0534
11. Allakaket	Doyon	NV	Allakaket Village	−152.6506	66.5597
12. Ambler	n/an/a	NV	n/ative Village of Ambler	−157.8671	67.0874
13. An/aktuvuk Pass	Arctic Slope	NV	Village of Anaktuvuk Pass	−151.7286	68.1480
14. Andreafsky	Calista	NV	Yupiit of Andreafski	−163.1934	62.0476
15. Angoon	Sealaska	NV	Angoon Community Association	−134.5824	57.4975
16. Aniak	Calista	NV	Village of Aniak	−159.5487	61.5750
17. Anvik	Doyon	NV	Anvik Village	−160.1965	62.6515

TABLE 2.—ELIGIBLE ANVS—Continued

ANV name	ANRC	ANCSA type [7]	BIA recognized name [8]	Longitude	Latitude
18. Arctic Village	Doyon	NV	Native Village of Venetie Tribal Government (Arctic Village)	−145.5283	68.1243
19. Asa'carsarmiut	Calista	NV	Asa'carsarmiut Tribe	−163.7279	62.0906
20. Atka	Aleut	NV	Native Village of Atka	−174.2095	52.2106
21. Atmautluak	Calista	NV	Village of Atmautluak	−162.2795	60.8591
22. Atqasuk	Arctic Slope	NV	Atqasuk Village	−157.4135	70.4736
23. Ayakulik	Koniag	NV	n/a	−154.5072	57.1949
24. Barrow	Arctic Slope	NV	Native Village of Barrow Inupiat Traditional Government	−156.7811	71.2909
25. Beaver	Doyon	NV	Beaver Village	−147.4026	66.3628
26. Belkofski	Aleut	NV	Native Village of Belkofski	−162.0423	55.0865
27. Bill Moore's	Calista	NV	Village of Bill Moore's Slough	−163.7767	62.9449
28. Birch Creek	Doyon	NV	Birch Creek Tribe	−145.8190	66.2590
29. Brevig Mission	Bering Straits	NV	Native Village of Brevig Mission	−166.4885	65.3350
30. Buckland	NANA	NV	Native Village of Buckland	−161.1246	65.9767
31. Cantwell	Ahtna	NV	Native Village of Cantwell	−148.9105	63.3921
32. Canyon Village	Doyon	NG	n/a	−142.0878	67.1548
33. Caswell	Cook Inlet	NG	n/a	−149.9479	62.0047
34. Chalkyitsik	Doyon	NV	Chalkyitsik Village	−143.7286	66.6534
35. Cheesh-Na	Ahtna	NV	Cheesh-Na Tribe	−144.6542	62.5718
36. Chefornak	Calista	NV	Village of Chefornak	−164.2723	60.1538
37. Chenega	Chugach	NV	Native Village of Chanega	−148.0124	60.0664
38. Chevak	Calista	NV	Chevak Native Village	−165.5807	61.5285
39. Chickaloon	Cook Inlet	NV	Chickaloon Native Village	−148.4916	61.8002
40. Chignik Bay	Bristol Bay	NV	Chignik Bay Tribal Council	−158.4129	56.3037
41. Chignik Lagoon	Bristol Bay	NV	Native Village of Chignik Lagoon	−158.5302	56.3084
42. Chignik Lake	Bristol Bay	NV	Chignik Lake Village	−158.7522	56.2496
43. Chilkat	Sealaska	NV	Chilkat Indian Village	−135.8964	59.3997
44. Chilkoot	Sealaska	*n/a*	Chilkoot Indian Association	−135.4460	59.2240
45. Chinik	Bering Straits	NV	Chinik Eskimo Community	−163.0287	64.5443
46. Chitina	Ahtna	NV	Native Village of Chitina	−144.4412	61.5240
47. Chuathbaluk	Calista	NV	Native Village of Chuathbaluk	−159.2481	61.5774
48. Chulloonawick	Calista	NV	Chulloonawick Native Village	−164.1628	62.9504
49. Circle	Doyon	NV	Circle Native Community	−144.0723	65.8261
50. Clark's Point	Bristol Bay	NV	Village of Clarks Point	−158.5471	58.8330
51. Council	Bering Straits	NV	Native Village of Council	−163.6764	64.8950
52. Craig	Sealaska	NV	Craig Community Association	−133.1253	55.4870
53. Crooked Creek	Calista	NV	Village of Crooked Creek	−158.1124	61.8720
54. Curyung [9]	Bristol Bay	NV	Curyung Tribal Council	−158.4670	59.0487
55. Deering	NANA	NV	Native Village of Deering	−162.7283	66.0780
56. Dot Lake	Doyon	NV	Village of Dot Lake	−144.0354	63.6503
57. Douglas	Sealaska	UC	Douglas Indian Association	−134.3992	58.2781
58. Eagle	Doyon	NV	Native Village of Eagle	−141.1113	64.7808
59. Eek	Calista	NV	Native Village of Eek	−162.0247	60.2170
60. Egegik	Bristol Bay	NV	Egegik Village	−157.3536	58.2173
61. Eklutna	Cook Inlet	NV	Eklutna Native Village	−149.3613	61.4606
62. Ekuk [9]	Bristol Bay	NV	Native Village of Ekuk	−158.5534	58.8035
63. Ekwok	Bristol Bay	NV	Ekwok Village	−157.4866	59.3519
64. Elim	Bering Straits	NV	Native Village of Elim	−162.2576	64.6165
65. Emmonak	Calista	NV	Emmonak Village	−164.5454	62.7787
66. Evansville	Doyon	NV	Evansville Village	−151.5100	66.9272
67. Eyak	Chugach	NV	Native Village of Eyak	−145.6351	60.5263
68. False Pass	Aleut	NV	Native Village of False Pass	−163.4121	54.8520
69. Fort Yukon	Doyon	NV	Native Village of Fort Yukon	−145.2497	66.5627
70. Gakona	Ahtna	NV	Native Village of Gakona	−145.3119	62.3004
71. Galena	Doyon	NV	Galena Village	−156.8852	64.7427
72. Gambell	Bering Straits	NV	Native Village of Gambell	−171.7022	63.7621
73. Georgetown	Calista	NV	Native Village of Georgetown	−157.6727	61.8979
74. Gold Creek	Cook Inlet	NG	n/a	−149.6939	62.7567
75. Goodnews Bay	Calista	NV	Native Village of Goodnews Bay	−161.5864	59.1234
76. Grayling	Doyon	NV	Organized Village of Grayling	−160.0689	62.9061
77. Gulkana	Ahtna	NV	Gulkana Village	−145.3656	62.2634
78. Hamilton	Calista	NV	Native Village of Hamilton	−163.8598	62.8896
79. Healy Lake	Doyon	NV	Healy Lake Village	−144.6998	63.9872
80. Holy Cross	Doyon	NV	Holy Cross Village	−159.7738	62.1985
81. Hoonah	Sealaska	NV	Hoonah Indian Association	−135.4346	58.1100
82. Hooper Bay	Calista	NV	Native Village of Hooper Bay	−166.0978	61.5294
83. Hughes	Doyon	NV	Hughes Village	−154.2557	66.0455
84. Huslia	Doyon	NV	Huslia Village	−156.3892	65.7026
85. Hydaburg	Sealaska	NV	Hydaburg Cooperative Association	−132.8201	55.2067
86. Igiugig	Bristol Bay	NV	Igiugig Village	−155.8927	59.3266
87. Iliamna	Bristol Bay	NV	Village of Iliamna	−154.9111	59.7568
88. Inalik	Bering Straits	NV	Native Village of Diomede	−168.9370	65.7547

TABLE 2.—ELIGIBLE ANVS—Continued

ANV name	ANRC	ANCSA type [7]	BIA recognized name [8]	Longitude	Latitude
89. Iqurmuit	Calista	NV	Iqurmuit Traditional Council	−161.3287	61.7854
90. Ivanof Bay	Bristol Bay	NV	Ivanoff Bay Village	−159.4836	55.9033
91. Kaguyak	Koniag	NV	Kaguyak Village	−153.7955	56.8689
92. Kake	Sealaska	NV	Organized Village of Kake	−133.9451	56.9775
93. Kaktovik	Arctic Slope	NV	Kaktovik Village	−143.6113	70.1324
94. Kalskag	Calista	NV	Village of Kalskag	−160.3215	61.5400
95. Kaltag	Doyon	NV	Village of Kaltag	−158.7302	64.3259
96. Kanatak	Koniag [10]	*n/a*	Native Village of Kanatak	−156.0432	57.5728
97. Karluk	Koniag	NV	Native Village of Karluk	−154.4393	57.5572
98. Kasaan	Sealaska	NV	Organized Village of Kasaan	−132.4017	55.5419
99. Kasigluk	Calista	NV	Kasigluk Traditional Elders Council	−162.5139	60.8873
100. Kenai	Cook Inlet	UC	Kenaitze Indian Tribe	−151.2614	60.5521
101. Ketchikan	Sealaska	*n/a*	Ketchikan Indian Corporation	−131.6445	55.3421
102. Kiana	NANA	NV	Native Village of Kiana	−160.4309	66.9717
103. King Cove	Aleut	NV	Agdaagux Tribe of King Cove	−162.3029	55.0629
104. King Salmon	Bristol Bay	*n/a*	King Salmon Tribe	−156.7312	58.7090
105. Kipnuk	Calista	NV	Native Village of Kipnuk	−164.0376	59.9343
106. Kivalina	NANA	NV	Native Village of Kivalina	−164.5386	67.7295
107. Klawock	Sealaska	NV	Klawock Cooperative Association	−133.0948	55.5526
108. Kluti Kaah	Ahtna	NV	Native Village of Kluti Kaah	−145.3297	61.9770
109. Knik	Cook Inlet	NV	Knik Tribe	−149.6822	61.4947
110. Knugank	Bristol Bay	NG	n/a	−158.7991	58.4225
111. Kobuk	NANA	NV	Native Village of Kobuk	−156.8888	66.9252
112. Kodiak	Koniag	UC	Sun'aq Tribe of Kodiak	−152.3885	57.8009
113. Kokhanok	Bristol Bay	NV	Kokhanok Village	−154.7682	59.4374
114. Kongiganak	Calista	NV	Native Village of Kongiganak	−162.8951	59.9533
115. Kotlik	Calista	NV	Village of Kotlik	−163.5500	63.0325
116. Kotzebue	NANA	NV	Native Village of Kotzebue	−162.5874	66.8988
117. Koyuk	Bering Straits	NV	Native Village of Koyuk	−161.1628	64.9312
118. Koyukuk	Doyon	NV	Koyukuk Native Village	−157.7031	64.8818
119. Kwethluk	Calista	NV	Organized Village of Kwethluk	−161.4381	60.8101
120. Kwigillingok	Calista	NV	Native Village of Kwigillingok	−163.1647	59.8694
121. Kwinhagak	Calista	NV	Native Village of Kwinhagak	−161.9055	59.7525
122. Lake Minchumina.	Doyon	NG	n/a	−152.3122	63.8830
123. Larsen Bay	Koniag	NV	Native Village of Larsen Bay	−153.9874	57.5351
124. Lesnoi	Koniag	NV	Lesnoi Village	−152.3351	57.7779
125. Levelock	Bristol Bay	NV	Levelock Village	−156.8613	59.1117
126. Lime Village	Calista	NV	Lime Village	−155.4378	61.3540
127. Lower Kalskag	Calista	NV	Village of Lower Kalskag	−160.3642	61.5125
128. Manley Hot Springs.	Doyon	NV	Manley Hot Springs Village	−150.6107	65.0088
129. Manokotak	Bristol Bay	NV	Manokotak Village	−158.9981	58.9724
130. Marshall	Calista	NV	Native Village of Marshall	−162.0878	61.8794
131. Mary's Igloo	Bering Straits	NV	Native Village of Mary's Igloo	−165.0678	65.1489
132. McGrath	Doyon	NV	McGrath Native Village	−155.5759	62.9488
133. Mekoryuk	Calista	NV	Native Village of Mekoryuk	−166.1943	60.3892
134. Mentasta	Ahtna	NV	Mentasta Traditional Council	−143.7700	62.9330
135. Minto	Doyon	NV	Native Village of Minto	−149.3497	65.1504
136. Montana Creek	Cook Inlet	NG	n/a	−150.0650	62.0686
137. Nagamut	Calista	NG	n/a	−157.6744	61.0194
138. Naknek	Bristol Bay	NV	Naknek Native Village	−156.9869	58.7330
139. Nanwalek	Chugach	NV	Native Village of Nanwalek	−151.9119	59.3521
140. Napaimute	Calista	NV	Native Village of Napaimute	−158.6739	61.5414
141. Napakiak	Calista	NV	Native Village of Napakiak	−161.9790	60.6906
142. Napaskiak	Calista	NV	Native Village of Napaskiak	−161.7634	60.7060
143. Nelson Lagoon	Aleut	NV	Native Village of Nelson Lagoon	−161.2070	56.0006
144. Nenana	Doyon	NV	Nenana Native Association	−149.0875	64.5610
145. New Koliganek	Bristol Bay	NV	New Koliganek Village Council	−157.2844	59.7286
146. New Stuyahok	Bristol Bay	NV	New Stuyahok Village	−157.3208	59.4518
147. Newhalen	Bristol Bay	NV	Newhalen Village	−154.8924	59.7238
148. Newtok	Calista	NV	Newtok Village	−164.6307	60.9377
149. Nightmute	Calista	NV	Native Village of Nightmute	−164.7216	60.4788
150. Nikolai	Doyon	NV	Nikolai Village	−154.3814	63.0128
151. Nikolski	Aleut	NV	Native Village of Nikolski	−168.8615	52.9401
152. Ninilchik	Cook Inlet	NV	Ninilchik Village	−151.6936	60.0300
153. Noatak	NANA	NV	Native Village of Noatak	−162.9676	67.5716
154. Nome	Bering Straits	NV	Nome Eskimo Community	−165.3940	64.4999
155. Nondalton	Bristol Bay	NV	Nondalton Village	−154.8564	59.9634
156. Noorvik	NANA	NV	Noorvik Native Community	−161.0440	66.8345
157. Northway	Doyon	NV	Northway Village	−141.9517	62.9822

TABLE 2.—ELIGIBLE ANVS—Continued

ANV name	ANRC	ANCSA type [7]	BIA recognized name [8]	Longitude	Latitude
158. Nuiqsut	Arctic Slope	NV	Native Village of Nuiqsut	−151.0000	70.2166
159. Nulato	Doyon	NV	Nulato Village	−158.1066	64.7246
160. Nunakauyarmiut.	Calista	NV	Nunakauyarmiut Tribe	−165.1037	60.5338
161. Nunam Iqua	Calista	NV	Native Village of Nunam Iqua	−164.8525	62.5299
162. Nunapitchuk	Calista	NV	Native Village of Nunapitchuk	−162.4522	60.8968
163. Ohogamiut	Calista	NV	Village of Ohogamiut	−161.8648	61.5704
164. Old Harbor	Koniag	NV	Village of Old Harbor	−153.3031	57.2104
165. Orutsararmuit	Calista	NV	Orutsararmuit Native Village	−161.7730	60.7968
166. Oscarville	Calista	NV	Oscarville Traditional Village	−161.7758	60.7236
167. Ouzinkie	Koniag	NV	Native Village of Ouzinkie	−152.5002	57.9237
168. Paimiut	Calista	NV	Native Village of Paimiut	−165.8201	61.7030
169. Pauloff Harbor	Aleut	NV	Pauloff Harbor Village	−162.7071	54.4577
170. Pedro Bay	Bristol Bay	NV	Pedro Bay Village	−154.1484	59.7768
171. Perryville	Bristol Bay	NV	Native Village of Perryville	−159.1633	55.9140
172. Petersburg	Sealaska	n/a	Petersburg Indian Association	−132.9512	56.8113
173. Pilot Point	Bristol Bay	NV	Native Village of Pilot Point	−157.5753	57.5545
174. Pilot Station	Calista	NV	Pilot Station Traditional Village	−162.8825	61.9375
175. Pitkas Point	Calista	NV	Native Village of Pitka's Point	−163.2826	62.0345
176. Platinum	Calista	NV	Platinum Traditional Village	−161.8237	59.0095
177. Point Hope	Arctic Slope	NV	Native Village of Point Hope	−166.7693	68.3486
178. Point Lay	Arctic Slope	NV	Native Village of Point Lay	−163.0082	69.7427
179. Point Possession.	Cook Inlet	NG	n/a	−150.4110	61.0308
180. Port Alsworth	Cook Inlet [11]	NG	n/a	−154.3223	60.2016
181. Port Graham	Chugach	NV	Native Village of Port Graham	−151.8353	59.3481
182. Port Heiden	Bristol Bay	NV	Native Village of Port Heiden	−158.6250	56.9326
183. Port Lions	Koniag	NV	Native Village of Port Lions	−152.8894	57.8659
184. Portage Creek [9].	Bristol Bay	NV	Portage Creek Village	−157.7174	58.9073
185. Rampart	Doyon	NV	Rampart Village	−150.1453	65.5094
186. Red Devil	Calista	NV	Village of Red Devil	−157.3387	61.7834
187. Ruby	Doyon	NV	Native Village of Ruby	−155.4729	64.7371
188. Saint George	Aleut	NV	Pribilof Islands Aleut Communities of St. Paul and St. George Islands (Saint George Island).	−169.5519	56.6044
189. Saint Michael	Bering Straits	NV	Native Village of Saint Michael	−162.0384	63.4784
190. Saint Paul	Aleut	NV	Pribilof Islands Aleut Communities of St. Paul and St. George Islands (Saint Paul Island).	−170.2727	57.1274
191. Salamatof	Cook Inlet	NV	Village of Salamatoff	−151.3194	60.6154
192. Sand Point	Aleut	NV	Qagun Tayagungin Tribe of Sand Point Village	−160.4905	55.3458
193. Savoonga	Bering Straits	NV	Native Village of Savoonga	−170.4640	63.6959
194. Saxman	Sealaska	NV	Organized Village of Saxman	−131.6003	55.3221
195. Scammon Bay	Calista	NV	Native Village of Scammon Bay	−165.5818	61.8417
196. Selawik	NANA	NV	Native Village of Selawik	−160.0162	66.5984
197. Seldovia	Cook Inlet	NV	Seldovia Village Tribe	−151.7123	59.4390
198. Shageluk	Doyon	NV	Shageluk Native Village	−159.5227	62.6556
199. Shaktoolik	Bering Straits	NV	Native Village of Shaktoolik	−161.1845	64.3495
200. Shishmaref	Bering Straits	NV	Native Village of Shishmaref	−166.0666	66.2564
201. Shungnak	NANA	NV	Native Village of Shungnak	−157.1426	66.8873
202. Sitka	Sealaska	UC	Sitka Tribe of Alaska	−135.3426	57.0543
203. Skagway	Sealaska	n/a	Skagway Village	−135.3119	59.4583
204. Sleetmute	Calista	NV	Village of Sleetmute	−157.1689	61.6962
205. Solomon	Bering Straits	NV	Village of Solomon	−164.4488	64.5597
206. South Naknek	Bristol Bay	NV	South Naknek Village	−157.0026	58.7123
207. Stebbins	Bering Straits	NV	Stebbins Community Association	−162.2820	63.5208
208. Stevens Village	Doyon	NV	Native Village of Stevens	−149.1039	66.0055
209. Stony River	Calista	NV	Village of Stony River	−156.5898	61.7891
210. Takotna	Doyon	NV	Takotna Village	−156.0870	62.9723
211. Tanacross	Doyon	NV	Native Village of Tanacross	−143.3565	63.3762
212. Tanana	Doyon	NV	Native Village of Tanana	−152.0763	65.1716
213. Tatitlek	Chugach	NV	Native Village of Tatitlek	−146.6779	60.8664
214. Tazlina	Ahtna	NV	Native Village of Tazlina	−145.4284	62.0589
215. Telida	Doyon	NV	Telida Village	−153.2785	63.3840
216. Teller	Bering Straits	NV	Native Village of Teller	−166.3628	65.2613
217. Tetlin	Doyon	NV	Native Village of Tetlin	−142.5239	63.1351
218. Togiak	Bristol Bay	NV	Traditional Village of Togiak	−160.3764	59.0619
219. Tuluksak	Calista	NV	Tuluksak Native Community	−160.9630	61.1020
220. Tuntutuliak	Calista	NV	Native Village of Tuntutuliak	−162.6696	60.3424
221. Tununak	Calista	NV	Native Village of Tununak	−165.2588	60.5827
222. Twin Hills	Bristol Bay	NV	Twin Hills Village	−160.2836	59.0774
223. Tyonek	Cook Inlet	NV	Native Village of Tyonek	−151.1494	61.0716

TABLE 2.—ELIGIBLE ANVS—Continued

ANV name	ANRC	ANCSA type [7]	BIA recognized name [8]	Longitude	Latitude
224. Uganik	Koniag	NV	n/a	−153.4046	57.7565
225. Ugashik	Bristol Bay	NV	Ugashik Village	−157.3887	57.5027
226. Ukivok	Bering Straits	NV	King Island Native Community	−168.0718	64.9643
227. Umkumiute	Calista	NV	Umkumiute Native Village	−165.1989	60.4997
228. Unalakleet	Bering Straits	NV	Native Village of Unalakleet	−160.7914	63.8777
229. Unalaska	Aleut	NV	Qawalangin Tribe of Unalaska	−166.5337	53.8746
230. Unga	Aleut	NV	Native Village of Unga	−160.5050	55.1841
231. Uyak	Koniag	NV	n/a	−154.0078	57.6336
232. Venetie	Doyon	NV	Native Village of Venetie Tribal Government (Village of Venetie).	−146.4149	67.0178
233. Wainwright	Arctic Slope	NV	Village of Wainwright	−160.0202	70.6448
234. Wales	Bering Straits	NV	Native Village of Wales	−168.0960	65.6082
235. White Mountain	Bering Straits	NV	Native Village of White Mountain	−163.4042	64.6805
236. Wrangell	Sealaska	n/a	Wrangell Cooperative Association	−132.3791	56.4752
237. Yakutat	Sealaska	NV	Yakutat Tlingit Tribe	−139.7435	59.5543

[7] In this column, ''NV'' means a ''Native village'', ''NG'' means a ''Native group'', ''UC'' means an ''Urban Corporation'', and ''n/a'' means that the ANV is not recognized in accordance with the ANCSA.

[8] The BIA recognized name for each ANV is taken from the **Federal Register** notice published Thursday, March 22, 2007 (72 FR 13648–13651). ''n/a'' in this column means that the ANV is not recognized by the BIA and is not listed in the BIA's **Federal Register** notice.

[9] The ANVs Curyung, Ekuk, and Portage Creek are all represented by the same ANVC, Choggiung, Limited. Choggiung, Limited also represents the ANCSA 14(c) sites of Igushik and Lewis Point that should be considered when these three ANVs are delineating their ANVSAs.

[10] The Kanatak ANV is currently located within the boundary of the Koniag ANRC in the Census Bureau's records, but they receive services from the Bristol Bay Native Association. If the ANRC boundaries and the ANV's point location are correct in the Census Bureau's records, the ANV will be eligible to delineate an ANVSA within the boundary of the Koniag ANRC for Census 2010.

[11] The Port Alsworth ANV is currently located within the boundary of the Cook Inlet ANRC in the Census Bureau's records, but they receive services from the Bristol Bay Native Association. If the ANRC boundaries and the ANV's point location are correct in the Census Bureau's records, the ANV will be eligible to delineate an ANVSA within the boundary of the Cook Inlet ANRC for Census 2010.

[FR Doc. E8–5282 Filed 3–14–08; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Proposed Information Collection; Comment Request; Revolving Loan Fund Reporting and Compliance Requirements

AGENCY: Economic Development Administration.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before May 16, 2008.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dhynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Kenneth M. Kukovich, EDA PRA Liaison, Office of Management Services, Economic Development Administration, Department of Commerce, HCHB Room 7227, 1401 Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–4965; fax: (202) 501–0766; e-mail: *kkukovich@eda.doc.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The mission of the Economic Development Administration (EDA) is to lead the federal economic development agenda by promoting innovation and competitiveness, preparing American regions for growth and success in the worldwide economy. One of EDA's seven economic development programs is the Revolving Loan Fund (RLF) Program.

Under the RLF Program, EDA's regional offices award competitive grants to units of state and local government, institutions of higher education, public or private non-profit institutions, EDA-approved economic development district organizations, and Indian Tribes to establish RLFs. Following a grant award, an RLF grantee disburses money from the RLF to make loans at interest rates that are at or below the current market rate to small businesses or to businesses that cannot otherwise borrow capital. On occasion, RLFs also make loans to finance public infrastructure. As the loans are repaid, the grantee uses a portion of interest earned to pay administrative expenses and adds the remaining principal and interest repayments to the RLF's capital base to make new loans. An RLF award that is well managed is actively used to make loans to eligible businesses and entities, continues to revolve funds, and *does not have a termination date.*

One of the unique features of the program is that, by law, EDA must exercise fiduciary responsibility over its RLF portfolio in perpetuity—a significant challenge since many RLF grants date back to 1979. To date, EDA has managed its RLF portfolio by requiring grantees to file the *Semiannual Report for EDA-Funded RLF Grants* (ED–209S) every six months. EDA has exercised its discretion to allow some grantees to file on an annual basis, and these grantees submit the *Annual Report for EDA-Funded RLF Grants* (ED–209A) once a year.

However, a recent Department of Commerce (DOC) Office of Inspector General (OIG) report titled *Aggressive EDA Leadership and Oversight Needed to Correct Persistent Problems in RLF Program* (Audit Report No. OA–18200–7–0001/March 2007; for the full report, see *http://www.oig.doc.gov/oig/reports/2007/EDA–OA–18200–03–2007.pdf*) found that EDA failed to exercise adequate oversight of the program. Specifically, the OIG found that EDA:

- Did not have an adequate tracking and oversight system.

• Failed to ensure grantees' compliance with critical financial and audit reporting requirements.

• Failed to ensure efficient capital utilization by grantees. Under EDA's regulations, if an RLF grantee fails to satisfy its capital utilization requirement as set out in its RLF plan for two consecutive reporting periods, EDA can require the grantee to sequester ''excess funds'' in a separate interest-bearing account and remit the interest earned on these funds to the U.S. Treasury. (Under 13 CFR 307.16, ''capital utilization rate'' is the amount of RLF capital as currently loaned out or committed to be loaned out as a percentage of the RLF's capital base and ''excess funds'' is the difference between the actual percentage of RLF capital loaned and the applicable capital utilization percentage.)

• EDA's failure to require sequestration of excess funds on a consistent basis has resulted in lower capital utilization rates and lower remittances to the U.S. Treasury than would be commensurate with adequate oversight of the program.

• Did not use single audits as a tool for managing the RLF program. Under OMB Circular A–133, single audits are required of most RLF grantees.

The OIG recommended that EDA develop an Action Plan to rectify these deficiencies and a ''standard grantee reporting and monitoring system that provides the critical information EDA needs to manage the RLF program and protect its assets.'' The OIG also recommended that EDA ''ensure that all RLF grant recipients undergo required single audits and file reports with the Federal Audit Clearinghouse.''

EDA agreed to implement the recommendations. As part of its implementation, EDA committed to reviewing the RLF reporting forms to: (a) Ensure all information needed to manage the RLF program and protect EDA assets is collected, (b) ensure that the form is suitably integrated into an automated RLF reporting, tracking, monitoring, and management system, and (c) to the extent possible, minimize the paperwork burden on RLF grantees.

In addition, EDA will update its regulations to reflect these changes to the RLF program and to ensure effective management of federal funds.

Through this review, EDA determined the following:

• The use of both annual and semi-annual reports is sub-optimal. In terms of providing valuable information to EDA for program monitoring purposes, the ED–209A is not as useful as the ED–209S. Also, the lack of identical fields on the two reporting forms makes it difficult, if not impossible, to report on the status of the portfolio as a whole. Having different RLF grantees fill out either the ED–209A or the ED–209S effectively separates RLF grantees into two groups, with two different sets of reporting requirements and reporting dates, which contributes to the large number of missing or late reports highlighted by the OIG. For these reasons EDA has determined that all RLF grantees will report semi-annually using Form ED–209S.

• The fact that neither of the current reporting forms collects grantee EIN numbers makes it difficult, if not impossible, for EDA to determine whether a grantee has filed its single audit report with the Federal Audit Clearinghouse. Searching by EIN number is the most reliable way to locate single audit reports in the Clearinghouse database.

• EDA needs to begin collecting e-mail addresses to facilitate communication with grantees.

• Many of the fields of the current RLF reporting forms are duplicative, and therefore contribute to reporting inconsistencies and errors. Some fields should not change from reporting period to reporting period (e.g., amount of EDA investment assistance provided), but are still requested each and every time. Many others are calculated fields, for example the ''RLF income'' field (line B.8 of the current ED–209S) is calculated as interest earned plus earnings from accounts plus fees earned (lines B.5, B.6, and B.7). The use of a hardcopy form with a large number of fields that must be calculated by the grantee has led to a significant amount of mathematical errors.

EDA addressed the issues highlighted above by creating a web-based grantee reporting system that eliminates all duplicative and calculable fields. This system is designed to allow grantees, if they so choose, to upload data directly from their accounting software into the Web-based system, thus eliminating time-consuming data entry. Alternatively, grantees have the option of manually entering data into the Web-based system. All grantees will be provided with a unique user id and password, and the system will meet all NIST information technology security controls. All grantees will be required to report on a semi-annual basis and to provide e-mail contact information, as well as EIN and DUNS numbers. This system is expected to ''go live'' at the beginning of fiscal year 2009.

II. Method of Collection

The report will be submitted electronically.

III. Data

OMB Control Number: 0610–0095.

Form Number: ED–209 (replaces ED–209S and ED–209A).

Type of Review: Regular submission.

Affected Public: Not for-profit institutions; state, local or tribal government.

Estimated Number of Respondents: 1,168.

Estimated Time per Response: 3 hours.

Estimated Total Annual Burden Hours: 3,504.

Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

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

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 11, 2008.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E8–5216 Filed 3–14–08; 8:45 am]

BILLING CODE 3510–24–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–822]

Stainless Steel Sheet and Strip in Coils from Mexico: Amended Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: March 17, 2008

FOR FURTHER INFORMATION CONTACT: Maryanne Burke or Robert James, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of

Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–5604 and (202) 482–0649, respectively.

SUMMARY: On February 11, 2008, the Department of Commerce (the Department) published in the **Federal Register** the final results of the administrative review of the antidumping duty order on stainless steel sheet and strip in coils from Mexico covering the period July 1, 2005 to June 30, 2006. *See Stainless Steel Sheet and Strip in Coils from Mexico; Final Results of Antidumping Duty Administrative Review*, 73 FR 7710 (February 11, 2008) (*Final Results*). We are amending the *Final Results* to correct a ministerial error in the calculation of the assessment rate applicable to entries of the respondent in this proceeding, ThyssenKrupp Mexinox S.A. de C.V. and Mexinox USA, Inc. (collectively, Mexinox), pursuant to section 751(h) of the Tariff Act of 1930, as amended (the Tariff Act) and 19 CFR 351.224(e).

SUPPLEMENTARY INFORMATION: On February 11, 2008, the Department received from Mexinox a timely allegation of a ministerial error pursuant to 19 CFR 351.224(c)(1). Mexinox alleges that the Department miscalculated the assessment rate in the final results. Mexinox states the Department did not include the reported customs value related to certain material which entered the United States for consumption but was returned to Mexico after further–processing in the United States. Mexinox states the Department explained its intention to include the customs value of this material in the denominator of the assessment rate in its memorandum ''Analysis of Data Submitted by ThyssenKrupp Mexinox S.A. de C.V. for the Preliminary Results of the Antidumping Duty Administrative Review of Stainless Steel Sheet and Strip in Coils from Mexico (A–201–822).'' Mexinox further notes it paid antidumping duty cash deposits on this material without a sale having been made to an unaffiliated U.S. customer. However, Mexinox contends the Department did not, in fact, incorporate the customs value at issue in calculating the assessment rate. Petitioners did not comment on the alleged ministerial error.

Amended Final Results of Review

A ministerial error as defined in section 751(h) of the Tariff Act, ''includes errors in addition, subtraction, or other arithmetic function, clerical errors resulting from inaccurate copying, duplication, or the like, and any other type of unintentional error which the administering authority considers ministerial.'' *See also* 19 CFR 351.224(f). After analyzing Mexinox's allegation, we have determined, in accordance with section 751(h) of the Tariff Act and 19 CFR 351.224(e), that the Department made a ministerial error in the final results by inadvertently excluding the customs value at issue from our assessment rate calculation. Therefore, we are amending the final results of administrative review of stainless steel sheet and strip in coils from Mexico for the period July 1, 2005 to June 30, 2006 to include the customs value at issue. The weighted–average percentage margin for Mexinox remains unchanged at 2.31 percent. Therefore, there is no need to issue new cash deposit instructions for these amended final results of this administrative review. We intend to issue appropriate assessment instructions to U.S. Customs and Border Protection 41 days after publication of these amended final results.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act and 19 CFR 351.224(e).

Dated: March 10, 2008.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E8–5299 Filed 3–14–08; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–886]

Polyethylene Retail Carrier Bags from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Partial Rescission of Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the ''Department'') is conducting an administrative review of the antidumping duty order on polyethylene retail carrier bags (''PRCB'') from the People's Republic of China (''PRC'') covering the period August 1, 2005, through July 30, 2006. On September 10, 2007, we published our preliminary results. *See Polyethylene Retail Carrier Bags from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission of Review*, 72 FR 51588 (''*Preliminary Results*''). We invited interested parties to comment on these preliminary results. Based on our analysis of the comments received, we have made changes to our margin calculations. Therefore, the final results differ from the preliminary results.

EFFECTIVE DATE: March 17, 2008.

FOR FURTHER INFORMATION CONTACT: Zev Primor or Maisha Cryor, AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–4114 or (202) 482–5831, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 10, 2007, the Department published the Preliminary Results. The mandatory respondents in this case are Dongguan Nozawa Plastics Products Co., Ltd., and United Power Packaging, Ltd. (collectively, ''Nozawa''), and Rally Plastics Co., Ltd. (''Rally''). Additionally, this review covers a PRC exporter and its wholly-owned producer that are requesting a separate rate, Chun Hing Plastic Packaging Mfy. Ltd., and Chun Yip Plastic Bag Factory (collectively, ''Chun Hing''). On September 4, 2007, the Department issued a supplemental questionnaire to Rally requesting that it address deficiencies in its factors of production (''FOP'') allocation methodology. Rally submitted a response to this questionnaire on October 1, 2007. Nozawa, Rally, and the petitioners [1] submitted case briefs on November 1, 2007, and rebuttal briefs on November 7, 2007. In addition, Rally submitted a request for a hearing on October 10, 2007, but withdrew the request on November 13, 2007.

Period of Review

The period of review (''POR'') for this administrative review is August 1, 2005, through July 31, 2006.

Scope of the Order

The merchandise subject to this antidumping duty order is PRCBs, which may be referred to as t-shirt sacks, merchandise bags, grocery bags, or checkout bags. The subject merchandise is defined as non-sealable sacks and bags with handles (including drawstrings), without zippers or integral extruded closures, with or without gussets, with or without printing, of polyethylene film having a thickness no

[1] The petitioners are Hilex Poly Co., LLC, and the Superbag Corporation.

greater than 0.035 inch (0.889 mm) and no less than 0.00035 inch (0.00889 mm), and with no length or width shorter than 6 inches (15.24 cm) or longer than 40 inches (101.6 cm). The depth of the bag may be shorter than 6 inches but not longer than 40 inches (101.6 cm).

PRCBs are typically provided without any consumer packaging and free of charge by retail establishments, *e.g.*, grocery, drug, convenience, department, specialty retail, discount stores, and restaurants, to their customers to package and carry their purchased products. The scope of the investigation excludes (1) polyethylene bags that are not printed with logos or store names and that are closeable with drawstrings made of polyethylene film and (2) polyethylene bags that are packed in consumer packaging with printing that refers to specific end-uses other than packaging and carrying merchandise from retail establishments, *e.g.*, garbage bags, lawn bags, trash-can liners.

Imports of the subject merchandise are currently classifiable under statistical category 3923.21.0085 of the Harmonized Tariff Schedule of the United States (''HTSUS'').[2] This subheading may also cover products that are outside the scope of this investigation. Furthermore, although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of this order is dispositive.

Partial Rescission of Review

In accordance with 19 CFR 351.213(d)(3), the Department preliminarily rescinded this administrative review with respect to Crown Polyethylene Products (Int'l) Ltd. (''Crown''); Heng Rong Plastic Products Co., Ltd. (''Heng Rong''); and Samson Plastic Manufactory Co., Ltd. (''Samson''). *See Preliminary Results*, 72 FR at 51589–90. No additional comments were received regarding the preliminary rescission of these companies. Therefore, in accordance with 19 CFR 351.213(d)(3), we have rescinded the administrative review with respect to Crown, Heng Rong, and Samson.

Duty Absorption

As noted above, we have rescinded the review for Crown Heng Rong and Samson, thus making the petitioner's request for calculating duty absorption with respect to these companies moot. In addition, Rally did not sell subject merchandise in the United States through an affiliated importer. Thus, according to section 751(a)(4) of the Tariff Act of 1930, as amended (the ''Act''), we did not investigate whether Rally absorbed duties. In this case, only Nozawa sold subject merchandise in the United States through an affiliated importer.

Prior to the issuance of the *Preliminary Results*, the Department asked Nozawa to provide evidence to demonstrate that its unaffiliated U.S. purchasers will pay any antidumping duties ultimately assessed on entries of subject merchandise. Nozawa did not respond to the Department's request. *See* Memorandum from Mark Manning, Program Manager, AD/CVD Operations, Office 4, to the File, regarding ''Nozawa's Response to Request for Duty Absorption Information,'' dated August 16, 2007. Accordingly, absent such information on the record, the Department found in the *Preliminary Results* that it cannot conclude that the unaffiliated purchasers in the United States will pay the assessed duties. We received no comments from interested parties on our duty absorption finding. Therefore, because Nozawa did not rebut the duty-absorption presumption with evidence that its unaffiliated U.S. purchasers will pay the full duty ultimately assessed on the subject merchandise, we continue to find that antidumping duties have been absorbed by Nozawa on all U.S. sales made through its affiliated importers. *See Notice of Final Results and Final Rescission in Part of Antidumping Duty Administrative Review: Certain Stainless Steel Butt-Weld Pipe Fittings From Taiwan*, 70 FR 73727 (December 13, 2005).

Separate Rates

In proceedings involving non-market economy (''NME'') countries, the Department begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is the Department's policy to assign all exporters of merchandise subject to review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

In the *Preliminary Results*, we found that Chun Hing, Nozawa, and Rally demonstrated their eligibility for separate-rate status. We received no comments from interested parties regarding the separate rate status of these companies. Therefore, in these final results of review, we continue to find that the evidence placed on the record of this review by the above-referenced companies demonstrates an absence of government control, both in law and in fact, with respect to their exports of the merchandise under review. Thus, we have determined that Chun Hing, Nozawa, and Rally are eligible to receive separate rates.

Surrogate Country

In the *Preliminary Results*, we treated the PRC as a NME country and, therefore, we calculated normal value in accordance with section 773(c) of the Act. Also, we stated that we selected India as the appropriate surrogate country to use in this review for the following reasons: (1) it is a significant producer of merchandise comparable to subject merchandise; and (2) it is at a level of economic development comparable to the PRC, pursuant to section 773(c)(4) of the Act. *See Preliminary Results*, 72 FR at 51591. No interested party commented on our designation of the PRC as an NME country, nor the selection of India as the surrogate country. Therefore, for the final results of review, we have continued to treat the PRC as an NME country and have used the same surrogate country, India, for these final results.

Analysis of Comments Received

All issues raised in the post-preliminary comments by parties in this review are addressed in the memorandum from Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, to David M. Spooner, Assistant Secretary for Import Administration, ''Issues and Decision Memorandum for the Final Results on Polyethylene Retail Carrier Bags from the People's Republic of China,'' dated March 10, 2008 (''Issues and Decision Memorandum''), which is hereby adopted by this notice. A list of the issues that parties raised and to which we responded in the Issues and Decision Memorandum is attached to this notice as an appendix. The Issues and Decision Memorandum is a public document and is on file in the Central Records Unit (''CRU'') in room 1117 in the main Commerce Department building, and is also accessible on the Web at http://ia.ita.doc.gov/frn. The paper copy and electronic version of the memorandum are identical in content.

Changes Since the Preliminary Results

Based on our analysis of comments received, we have made the following changes in the margin calculations for

[2] ''Until July 1, 2005, these products were classifiable under HTSUS 3923.21.0090 (Sacks and bags of polymers of ethylene, other). *See* Harmonized Tariff Schedule of the United States (2005) - Supplement 1 Annotated for Statistical Reporting Purposes Change Record - 17th Edition - Supplement 1, available at http://hotdocs.usitc.gov/docs/tata/hts/bychapter/0510/0510chgs.pdf.

PCRBs: (1) in surrogate financial ratios we included ''rates and taxes'' in the SG&A calculation, (2) material costs were adjusted for changes in raw material inventories, (3) the appropriate profit amount was used and (4) we revised the calculation of the total value of direct materials to include the value of upper polyvinylchloride (''PVC'') inputs.

Final Results of the Review

The Department has determined that the following preliminary dumping margins exist for the period August 1, 2005, through July 31, 2006:

POLYETHYLENE RETAIL CARRIER BAGS FROM THE PRC

Manufacturer/Exporter	Weighted-Average Margin (Percent)
Chun Hing Plastic Packaging Mfy. Ltd. and Chun Yip Plastic Bag Factory	17.30
Dongguan Nozawa Plastics Products Co., Ltd. and United Power Packaging, Ltd.	2.58
Rally Plastics Co., Ltd.	32.02

Assessment Rates

The Department intends to issue assessment instructions to U.S. Customs and Border Protection (''CBP'') 15 days after the date of publication of these final results of review. In accordance with 19 CFR 351.212(b)(1), we have calculated importer or customer-specific assessment rates for merchandise subject to this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of the administrative review for shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results, as provided by section 751(a)(2)(C) of the Act: (1) for subject merchandise exported by Chun Hing, Nozawa, and Rally, the cash-deposit rate will be that established in the final results of review (except, if the rate is zero or *de minimis*, no cash deposit will be required); (2) for previously reviewed or investigated companies not listed above that have separate rates, the cash-deposit rate will continue to be the company-specific rate published for the most recent period; (3) for all other PRC exporters of subject merchandise, which have not been found to be entitled to a separate rate, the cash-deposit rate will be PRC-wide rate of 77.57 percent; (4) for all non-PRC exporters of subject merchandise that have not received their own rate, the cash-deposit rate will be the rate applicable to the PRC exporter that supplied that exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders (''APOs'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested.

Failure to comply with the regulations and terms of an APO is a violation that is subject to sanction.

This administrative review and this notice are in accordance with sections 751(a)(1) and 777(i) of the Act, 19 CFR 351.213, and 19 CFR 351.221(b)(4).

Dated: March 10, 2008.

David M. Spooner,

Assistant Secretary for Import Administration.

APPENDIX

List of Comments and Issues in the Issues and Decision Memorandum

Comments with Respect to Surrogate Financial Ratios

Comment 1: Offset of Selling, General, and Administrative (''SG&A'') by Interest Income

Comment 2: ''Rates and Taxes'' in the SG&A Calculation

Comment 3: Adjustment to Material Costs by the Amount of Changes in Raw Material and Work-In-Progress Inventories

Comment 4: Correction to the Profit Amount

Comments with Respect to Nozawa

Comment 5: Cash Deposit and Liquidation Instructions

Comments with Respect to Rally

Comment 6: Appropriate Surrogate Value for Ink

Comment 7: Valuation of Recycled Scrap and Scrap By-Product

Comment 8: Revised Allocation Methodology

[FR Doc. E8–5300 Filed 3–14–08; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[C–580–851]

Dynamic Random Access Memory Semiconductors from the Republic of Korea: Final Results of Countervailing Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On September 10, 2007, the Department of Commerce published in the **Federal Register** its preliminary results of administrative review of the countervailing duty order on dynamic random access memory semiconductors from the Republic of Korea for the period January 1, 2005, through December 31, 2005.

Following the preliminary results, we conducted verification and provided interested parties with an opportunity to comment on the preliminary results and our verification findings. Based on information received since the preliminary results and our analysis of the comments received, the Department has revised the net subsidy rate for Hynix. The final net subsidy rate for Hynix is listed below in the section entitled ''Final Results of Review.''

EFFECTIVE DATE: March 17, 2008.

FOR FURTHER INFORMATION CONTACT: David Neubacher or Shane Subler, AD/CVD Operations, Office 1, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–5823 or (202) 482–0189, respectively.

SUPPLEMENTARY INFORMATION:

Background

The following events have occurred since the publication of the preliminary results of this review. *See Dynamic Random Access Memory Semiconductors from the Republic of Korea: Preliminary Results of Countervailing Duty Administrative*

Review, 72 FR 51609 (September 10, 2007) (''*Preliminary Results*'').

From November 9 to November 14, 2007, we conducted verification of the questionnaire responses submitted by the Government of Korea (''GOK'') and Hynix Semiconductor Inc. (''Hynix''), the only company covered in this review. On December 28, 2007, we received a hearing request from the GOK and Hynix. On January 18, 2008, we received a hearing request from the petitioner, Micron Technology, Inc. (''Micron''). On January 30, 2008, Micron also requested a closed hearing to discuss one of the issues it raised in its case brief. On January 30, 2008, we received a case brief from Micron and a joint case brief from Hynix and the GOK. We received rebuttal briefs from Hynix and the GOK, Micron, and Qimonda North America, a domestic interested party, on February 6, 2008. A hearing was held at the Department on February 12, 2008. The hearing comprised both a public session and a closed session.

On October 2, 2007, we extended the time limit for the final results of this administrative review by 60 days (to March 10, 2008), pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended (''the Act''). *See Dynamic Random Access Memory Semiconductors from the Republic of Korea: Extension of Time Limit for Final Results of Countervailing Duty Administrative Review*, 72 FR 56052 (October 2, 2007).

Scope of the Order

The products covered by this order are dynamic random access memory semiconductors (''DRAMS'') from the Republic of Korea (''ROK''), whether assembled or unassembled. Assembled DRAMS include all package types. Unassembled DRAMS include processed wafers, uncut die, and cut die. Processed wafers fabricated in the ROK, but assembled into finished semiconductors outside the ROK are also included in the scope. Processed wafers fabricated outside the ROK and assembled into finished semiconductors in the ROK are not included in the scope.

The scope of this order additionally includes memory modules containing DRAMS from the ROK. A memory module is a collection of DRAMS, the sole function of which is memory. Memory modules include single in–line processing modules, single in–line memory modules, dual in–line memory modules, small outline dual in–line memory modules, Rambus in–line memory modules, and memory cards or other collections of DRAMS, whether unmounted or mounted on a circuit board. Modules that contain other parts that are needed to support the function of memory are covered. Only those modules that contain additional items which alter the function of the module to something other than memory, such as video graphics adapter boards and cards, are not included in the scope. This order also covers future DRAMS module types.

The scope of this order additionally includes, but is not limited to, video random access memory and synchronous graphics random access memory, as well as various types of DRAMS, including fast page–mode, extended data–out, burst extended data–out, synchronous dynamic RAM, Rambus DRAM, and Double Data Rate DRAM. The scope also includes any future density, packaging, or assembling of DRAMS. Also included in the scope of this order are removable memory modules placed on motherboards, with or without a central processing unit, unless the importer of the motherboards certifies with CBP that neither it, nor a party related to it or under contract to it, will remove the modules from the motherboards after importation. The scope of this order does not include DRAMS or memory modules that are re–imported for repair or replacement.

The DRAMS subject to this order are currently classifiable under subheadings 8542.21.8005, 8542.21.8020 through 8542.21.8030, and 8542.32.0001 through 8542.32.0023 of the Harmonized Tariff Schedule of the United States (''HTSUS''). The memory modules containing DRAMS from the ROK, described above, are currently classifiable under subheadings 8473.30.1040, 8473.30.1080, 8473.30.1140, and 8473.30.1180 of the HTSUS. Removable memory modules placed on motherboards are classifiable under subheadings 8443.99.2500, 8443.99.2550, 8471.50.0085, 8471.50.0150, 8517.30.5000, 8517.50.1000, 8517.50.5000, 8517.50.9000, 8517.61.0000, 8517.62.0010, 8517.62.0050, 8517.69.0000, 8517.70.0000, 8517.90.3400, 8517.90.3600, 8517.90.3800, 8517.90.4400, 8542.21.8005, 8542.21.8020, 8542.21.8021, 8542.21.8022, 8542.21.8023, 8542.21.8024, 8542.21.8025, 8542.21.8026, 8542.21.8027, 8542.21.8028, 8542.21.8029, 8542.21.8030, 8542.31.0000, 8542.33.0000, 8542.39.0000, 8543.89.9300, and 8543.89.9600 of the HTSUS. However, the product description, and not the HTSUS classification, is dispositive of whether merchandise imported into the United States falls within the scope.

Scope Rulings

On December 29, 2004, the Department received a request from Cisco Systems, Inc. (''Cisco''), to determine whether removable memory modules placed on motherboards that are imported for repair or refurbishment are within the scope of the *CVD Order*. *See Notice of Countervailing Duty Order: Dynamic Random Access Memory Semiconductors from the Republic of Korea*, 68 FR 47546 (August 11, 2003) (''*CVD Order*''). The Department initiated a scope inquiry pursuant to 19 CFR 351.225(e) on February 4, 2005. On January 12, 2006, the Department issued a final scope ruling, finding that removable memory modules placed on motherboards that are imported for repair or refurbishment are not within the scope of the *CVD Order* provided that the importer certifies that it will destroy any memory modules that are removed for repair or refurbishment. *See* Memorandum from Stephen J. Claeys to David M. Spooner, regarding Final Scope Ruling, Countervailing Duty Order on DRAMs from the Republic of Korea (January 12, 2006).

Period of Review

The period for which we are measuring subsidies, *i.e.*, the period of review (''POR''), is January 1, 2005, through December 31, 2005.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the March 10, 2008, *Issues and Decision Memorandum for the Final Results in the Third Administrative Review of the Countervailing Duty Order on Dynamic Random Access Memory Semiconductors from the Republic of Korea* (''*Decision Memorandum*'') from Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, to David M. Spooner, Assistant Secretary for Import Administration, which is hereby adopted by this notice. Attached to this notice as an appendix is a list of the issues which parties have raised and to which we have responded in the *Decision Memorandum*. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum, which is on file in the Department's Central Records Unit, Room 1117 of the main Department building. In addition, a complete version of the public *Decision Memorandum* can be accessed directly

on the Internet at *http://www.ia.ita.doc.gov/frn*. The paper copy and electronic version of the *Decision Memorandum* are identical in content.

Final Results of Review

In accordance with 19 CFR 351.221(b)(5), we calculated an individual subsidy rate for the producer/exporter, Hynix. For the period January 1, 2005, through December 31, 2005, we find that the *ad valorem* net subsidy rate for Hynix is 23.78 percent.

Assessment Rates

Fifteen days after the date of publication of these final results of this review, the Department will instruct CBP to liquidate shipments of DRAMS by Hynix entered or withdrawn from warehouse, for consumption from January 1, 2005, through December 31, 2005, at 23.78 percent *ad valorem* of the F.O.B. invoice price.

Cash Deposits

The Department also intends to instruct CBP to collect cash deposits of estimated countervailing duties at 23.78 percent *ad valorem* of the entered value on all shipments of the subject merchandise from Hynix, entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

We will instruct CBP to continue to collect cash deposits for non–reviewed companies at the most recent company–specific rate applicable to the company. The Department has previously excluded Samsung Electronics Co., Ltd. from this order. *See Notice of Amended Final Affirmative Countervailing Duty Determination: Dynamic Random Access Memory Semiconductors from the Republic of Korea*, 68 FR 44290 (July 28, 2003). Thus, the ''all others'' rate shall apply to all non–reviewed companies until a review of a company assigned this rate is requested.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This administrative review and notice are issued and published in accordance with section 751(a)(1) of the Act.

Dated: March 10, 2008.

David M. Spooner,

Assistant Secretary for Import Administration.

Appendix I

Comments in the Issues and Decision Memorandum

Comment 1: Timing of the Benefit on a Previously Countervailed Debt–to-Equity Swap (''DES'')
Comment 2: Allegation that Hynix is Circumventing the Order
Comment 3: Application of Adverse Facts Available (''AFA'') for Undiscosed Grant Presented at Verification
Comment 4: Whether Deposit Rate Should Be Adjusted to Provide a Reasonable Estimate of Future CVD Liability

Comment 5: Whether There Are Errors that Lead to Double and Triple Counting of Benefits of Principalized Interest Loans

Comment 6: Whether the Import Duty Reduction Program is Specific to Hynix

[FR Doc. E8–5302 Filed 3–14–08; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–816]

Certain Corrosion–Resistant Carbon Steel Flat Products from the Republic of Korea: Notice of Final Results of the Thirteenth Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On September 10, 2007, the Department of Commerce (the Department) published the preliminary results of the antidumping duty administrative review for certain corrosion–resistant carbon steel flat products (CORE) from the Republic of Korea (Korea). *See Certain Corrosion–Resistant Carbon Steel Flat Products from the Republic of Korea: Notice of Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review*, 72 FR 51584 (September 10, 2007) (*Preliminary Results*). This review covers three[1] manufacturers/exporters of the subject merchandise: Dongbu Steel Co., Ltd. (Dongbu); Hyundai HYSCO (HYSCO); and Union Steel Manufacturing Co., Ltd. (Union) (collectively, respondents). The period of review (POR) is August 1, 2005, through July 31, 2006.

As a result of our analysis of the comments received, these final results differ from the *Preliminary Results*. For our final results, we have found that during the POR, HYSCO, Dongbu and Union sold subject merchandise at less than normal value (NV).

EFFECTIVE DATE: March 17, 2008.

FOR FURTHER INFORMATION CONTACT: Christopher Hargett (HYSCO), Cindy Robinson (Dongbu), Victoria Cho (the POSCO Group), and Jolanta Lawska (Union), AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–4161, (202) 482–3797, (202) 482–5075, and (202) 482–8362, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 10, 2007, the Department published the *Preliminary Results*. On October 26, 2007, the Department published the notice of extension of final results of the antidumping administrative review of CORE from Korea, extending the date for these final results to March 10, 2008. *See Corrosion–Resistant Carbon Steel Flat Products From Korea: Extension of Time Limits for the Final Results of Antidumping Duty Administrative Review*, 72 FR 60799 (October 26, 2007).

Comments from Interested Parties

We invited parties to comment on our *Preliminary Results*. On January 22, 2008, ArcelorMittal Steel Inc. (Mittal), United States Steel Corporation (US Steel), and Nucor Corporation (Nucor) filed case briefs concerning all of the respondents and each of the respondents filed a case brief. On January 28, 2008, Mittal, US Steel, and Nucor each filed a rebuttal brief concerning all of the respondents. On January 28, 2008, each of the respondents filed a rebuttal brief.

Scope of the Order

This order covers cold–rolled (cold–reduced) carbon steel flat–rolled carbon steel products, of rectangular shape, either clad, plated, or coated with corrosion–resistant metals such as zinc, aluminum, or zinc-, aluminum-, nickel- or iron–based alloys, whether or not corrugated or painted, varnished or

[1] Pohang Iron & Steel Company, Ltd. (POSCO) and Pohang Coated Steel Co., Ltd. (POCOS) (collectively, the POSCO Group) were originally included as a respondent in the instant review; however, the Department rescinded this review with respect to the POSCO Group. *See Certain Corrosion-Resistant Carbon Steel Flat Products from the Republic of Korea: Partial Rescission of Antidumping Duty Administrative*, 72 FR 58286 (October 15, 2007) (*POSCO Rescission*).

coated with plastics or other nonmetallic substances in addition to the metallic coating, in coils (whether or not in successively superimposed layers) and of a width of 0.5 inch or greater, or in straight lengths which, if of a thickness less than 4.75 millimeters, are of a width of 0.5 inch or greater and which measures at least 10 times the thickness or if of a thickness of 4.75 millimeters or more are of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers 7210.30.0030, 7210.30.0060, 7210.41.0000, 7210.49.0030, 7210.49.0090, 7210.61.0000, 7210.69.0000, 7210.70.6030, 7210.70.6060, 7210.70.6090, 7210.90.1000, 7210.90.6000, 7210.90.9000, 7212.20.0000, 7212.30.1030, 7212.30.1090, 7212.30.3000, 7212.30.5000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7212.60.0000, 7215.90.1000, 7215.90.3000, 7215.90.5000, 7217.20.1500, 7217.30.1530, 7217.30.1560, 7217.90.1000, 7217.90.5030, 7217.90.5060, 7217.90.5090. Included in this order are corrosion–resistant flat–rolled products of non–rectangular cross–section where such cross–section is achieved subsequent to the rolling process (*i.e.*, products which have been ''worked after rolling'') – for example, products which have been beveled or rounded at the edges. Excluded from this order are flat–rolled steel products either plated or coated with tin, lead, chromium, chromium oxides, both tin and lead (terne plate), or both chromium and chromium oxides (tin–free steel), whether or not painted, varnished or coated with plastics or other nonmetallic substances in addition to the metallic coating. Also excluded from this order are clad products in straight lengths of 0.1875 inch or more in composite thickness and of a width which exceeds 150 millimeters and measures at least twice the thickness. Also excluded from this order are certain clad stainless flat–rolled products, which are three–layered corrosion–resistant carbon steel flat–rolled products less than 4.75 millimeters in composite thickness that consist of a carbon steel flat–rolled product clad on both sides with stainless steel in a 20%-60%-20% ratio.

These HTSUS item numbers are provided for convenience and customs purposes. The written descriptions remain dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the accompanying Issues and Decision Memorandum, which is hereby adopted by this notice. A list of the issues which parties have raised, and to which we have responded in the Issues and Decision Memorandum, is attached to this notice as an Appendix. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at <http://ia.ita.doc.gov/frn>. The paper copy and electronic version of the Issues and Decision Memorandum are identical in content.

Final Results of Review:

We determine that the following weighted–average margins exist:

Producer/Manufacturer	Weighted–Average Margin
Dongbu	4.96%
Union	4.35%
HYSCO	0.53%

Assessment

The Department will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries, pursuant to 19 CFR 351.212(b). The Department calculated importer–specific duty assessment rates on the basis of the ratio of the total antidumping duties calculated for the examined sales to the total entered value of the examined sales for that importer. Where the assessment rate is above *de minimis*, we will instruct CBP to assess duties on all entries of subject merchandise by that importer. The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of these final results of review. The Department clarified its ''automatic assessment''' regulation on May 6, 2003 (68 FR 23954). This clarification applies to POR entries of subject merchandise produced by companies examined in this review (*i.e.*, companies for which a dumping margin was calculated) where the companies did not know that their merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all–others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of CORE from Korea entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results, as provided by section 751(a) of the Tariff Act of 1930, as amended (the Act): (1) for companies covered by this review, the cash deposit rate will be the rate listed above; (2) for previously reviewed or investigated companies other than those covered by this review, the cash deposit rate will be the company–specific rate established for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less–than-fair–value investigation, but the producer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the subject merchandise; and (4) if neither the exporter nor the producer is a firm covered in this review, a prior review, or the investigation, the cash deposit rate will be 17.70 percent, the all–others rate established in the less–than-fair–value investigation. These deposit requirements shall remain in effect until further notice.

Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent increase in antidumping duties by the amount of antidumping and/or countervailing duties reimbursed.

Administrative Protective Order

This notice also is the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing these results and notice in accordance with

sections 751(a)(1) and 777(i)(1) of the Act.

Dated: March 10, 2008.

David M. Spooner,

Assistant Secretary for Import Administration.

Appendix I

List of Comments in the Accompanying Issues and Decision Memorandum

A. General Issues

Comment 1: Treatment of Sales with Negative Dumping Margins (Zeroing)

Comment 2: Model–Match Methodology and Laminated Products

B. Company–Specific Issues

Dongbu Steel Co., Ltd.

Comment 3: CEP Offset

Comment 4: Home Market Rebates

Comment 5: Scrap Offset

Union Steel Manufacturing Co., Ltd.

Comment 6: CEP Offset

Comment 7: Indirect Selling Expense

Comment 8: U.S. Warranty Expenses

Comment 9: Treatment of Certain Home Market Sales as Non–Prime Merchandise

Comment 10: Treatment of E–Business Sales in the Home Market as Overruns

Hyundai HYSCO

Comment 11: Non–Prime Merchandise in the Calculation of Normal Value

Comment 12: CEP Selling Expenses Incurred in Korea

Comment 13: POR Window Period

Comment 14: Short–Term Interest Rate

Comment 15: HHU CEP Selling Expenses

Comment 16: Sales to Affiliates in the CEP Profit Calculation

Comment 17: Inclusion of Scrap Revenue in the Cost of Goods Sold

[FR Doc. E8–5298 Filed 3–14–08; 8:45 am]

BILLING CODE 3510–DR–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–834]

Purified Carboxymethylcellulose from Mexico: Extension of Time Limits for Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: March 17, 2008.

FOR FURTHER INFORMATION CONTACT: Mark Flessner or Robert James, AD/CVD Enforcement Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington DC 20230; telephone: (202) 482–6312 and (202) 482–0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 24, 2007, the Department published a notice of initiation of an antidumping duty administrative review for, *inter alia*, purified carboxymethylcellulose from Mexico for the July 1, 2006, through June 30, 2007, period of review (POR). *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 72 FR 48613 (August 24, 2007). The preliminary results for this administrative review are currently due no later than April 1, 2008.

Extension of Time Limits for Preliminary Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department to complete the preliminary results of an administrative review within 245 days after the last day of the anniversary month of an order for which a review is requested. However, if it is not practicable to complete the review within these time periods, section 751(a)(3)(A) of the Act allows the Department to extend the 245 day time period for the preliminary results to 365 days.

The Department has determined it is not practicable to complete this review within the statutory time limit because of significant issues that require additional time to evaluate. These include extremely complicated issues involving Amtex's use of multiple currencies in both markets and certain movement expenses. Accordingly, the Department is extending the time limits for completion of the preliminary results of this administrative review until no later than July 30, 2008, which is 365 days from the last day of the anniversary month of these orders. We intend to issue the final results of this review no later than 120 days after publication of the preliminary results.

This notice is issued and published in accordance with sections 751(a)(3)(A) and 777(i)(1) of the Act.

Dated: March 11, 2008.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E8–5297 Filed 3–14–08; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 080307398–8399–01]

RIN 0648–ZB87

NOAA Bay Watershed Education and Training (B–WET) Program

AGENCY: Office of Education (OED), Office of the Under Secretary (USEC), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of funding availability.

SUMMARY: NOAA Bay Watershed Education and Training (B-WET) is an environmental education program that promotes locally relevant, experiential learning in the K–12 environment. Funded projects provide meaningful watershed educational experiences for students, related professional development for teachers, and helps to support regional education and environmental priorities in the Pacific Northwest, the northern Gulf of Mexico and New England. These new geographic areas are intended to build upon on the successes of the existing B-WET Programs in the Chesapeake Bay, California, and Hawaii.

DATES: Proposals must be received by 5 p.m. on April 16, 2008.

ADDRESSES: Electronic application packages are strongly encouraged and are available at: *http://www.grants.gov/*. Paper application packages are available on the NOAA Grants Management Web site at: *http://www.ago.noaa.gov/grants/appkit.shtml*. If the applicant has difficulty accessing Grants.gov or downloading the required forms from the NOAA website, they should contact: For the Pacific Northwest contact, Seaberry Nachbar, NOAA National Marine Sanctuary, 299 Foam Street, Monterey, CA 93940, or by phone at 831–647–4201, or via internet at *seaberry.nachbar@noaa.gov*; For the northern Gulf of Mexico contact,

Stephanie Bennett Pacific Services Center, 737 Bishop Street, Suite 1550, Honolulu, HI 96817, or by phone at 808–522–7481, or via Internet at: *stephanie.bennett@noaa.gov*; For New England, Shannon Sprague, NOAA Chesapeake Bay Office, 410 Severn Avenue, Suite 107A, Annapolis, MD 21403, or by phone at 410–267–5664, or via internet at *shannon.sprague@noaa.gov*.

FOR FURTHER INFORMATION CONTACT: For the Pacific Northwest, please contact Seaberry Nachbar, NOAA National Marine Sanctuary, 299 Foam Street, Monterey, CA 93940, or by phone at 831–647–4201, or via internet at *seaberry.nachbar@noaa.gov*; For the northern Gulf of Mexico, Stephanie Bennett Pacific Services Center, 737 Bishop Street, Suite 1550, Honolulu, HI 96817, or by phone at 808–522–7481, or via internet at *stephanie.bennett@noaa.gov*; For New England, Shannon Sprague, NOAA Chesapeake Bay Office, 410 Severn Avenue, Suite 107A, Annapolis, MD 21403, or by phone at 410–267–5664, or via internet at *shannon.sprague@noaa.gov*.

SUPPLEMENTARY INFORMATION: The NOAA Bay Watershed Education and Training (B–WET) Program is an environmental education program that supports experiential learning through local competitive grant awards in specific geographic regions. Currently B-WET Programs are implemented in the Chesapeake Bay, California, and the Hawaiian Islands. In FY08, it is anticipated that funds will be available to expand B–WET programs in up to three additional regions. Proposals are currently being solicited from the Pacific Northwest region, the northern Gulf of Mexico region, and New England region. The regions used above and throughout each section are defined as follows: a. Pacific Northwest—the states of Oregon and Washington; b. Northern Gulf of Mexico—the states of Florida, Alabama, Mississippi, Louisiana, and Texas; c. New England—the states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island and Connecticut. NOAA recognizes that knowledge and commitment built from firsthand experience, especially in the context of ones community and culture, is essential for achieving environmental stewardship. Carefully selected experiences driven by rigorous academic learning standards, engendering discovery and wonder, and nurturing a sense of community will further connect students with their watershed, help reinforce an ethic of responsible citizenship, and promote academic achievement. Experiential learning techniques, such as those supported by the NOAA B-WET Program, have been shown to increase interest in science, technology, engineering, and math (STEM), thus contributing to NOAA's obligations under the America COMPETES Act (33 U.S.C. 893a(a)).

Electronic Access: The full text of the full funding opportunity announcement for this program can be accessed via the Grants.gov Web site at *http://www.grants.gov*. The announcement may also be available by contacting the program officials identified under **FOR FURTHER INFORMATION CONTACT**. Applicants must comply with all requirements contained in the full funding opportunity announcement.

Statutory Authority: Under 33 U.S.C. 893a(a), the Administrator of the National Oceanic and Atmospheric Administration is authorized to conduct, develop, support, promote, and coordinate formal and informal educational activities at all levels to enhance public awareness and understanding of ocean, coastal, Great Lakes, and atmospheric science and stewardship by the general public and other coastal stakeholders, including underrepresented groups in ocean and atmospheric science and policy careers. In conducting those activities, the Administrator shall build upon the educational programs and activities of the agency.

CFDA: 11.469, Congressionally Identified Awards and Projects

Funding Availability: Approximately $2,000,000 is available in FY2008 and approximately $2,000,000 is anticipated for FY 2009 for new awards. The distribution of available funds among the three regions will depend on the number of high-quality proposals received from each region. If an insufficient number of high-quality proposals are received from a particular region (or regions), funds will be distributed among the remaining region(s) from which there are sufficient fundable projects. NOAA anticipates making approximately 5 to 15 new awards during FY 2008 and 5 to 15 new awards during FY 2009. NOAA will only consider projects with duration of 1 to 3 years. The total Federal amount that may be requested from NOAA shall not exceed $100,000 per year and $300,000 for all years of the proposed project. The minimum Federal amount that must be requested from NOAA is $50,000. Applications requesting Federal support from NOAA of less than $50,000 total or more than $100,000 per year and $300,000 total for the duration of the project will not be considered for funding. There is no guarantee that sufficient funds will be available to make awards for all qualified projects. The exact amount of funds that may be awarded will be determined in pre-award negotiations between the applicant and NOAA representatives. Publication of this notice does not oblige NOAA to award any specific project or to obligate any available funds. If applicants incur any costs prior to an award being made, they do so at their own risk of not being reimbursed by the government. Notwithstanding verbal or written assurance that may have been received, there is no obligation on the part of NOAA to cover pre-award costs unless approved by the Grants Officer as part of the terms when the award is made.

Eligibility: Eligible applicants are K-through-12 public and independent schools and school systems, institutions of higher education, community-based and nonprofit organizations, state or local government agencies, interstate agencies, and Indian tribal governments. The Department of Commerce/National Oceanic and Atmospheric Administration (DOC/NOAA) is strongly committed to broadening the participation of historically black colleges and universities, Hispanic serving institutions, tribal colleges and universities, and institutions that service undeserved areas. While applicants do not need to be from the targeted geographical regions specified in the program objectives, they must be working with target audiences in these areas.

Cost Sharing Requirements: No cost sharing is required under this program, however, the NOAA B–WET Program strongly encourages applicants include a 25 percent or higher match. Funds from other Federal awards may not be considered matching funds. The nature of the contribution (cash vs. in-kind) and the amount of matching funds will be taken into consideration during the review process. Priority selection is given to proposals that propose cash rather than in-kind.

Evaluation and Selection Procedures: The general evaluation criteria and selection factors that apply to full applications to this funding opportunity are summarized below. The evaluation criteria for full applications will have different weights and details. Further information about the evaluation criteria and selection factors can be found in the full funding opportunity announcement.

Evaluation Criteria for Projects: 1. Importance and/or relevance and applicability of proposal to the program goals (30 points). This criterion ascertains whether there is intrinsic value in the proposed work and/or relevance to NOAA, federal, regional,

state, or local activities. For the NOAA B–WET Program, the following questions are posed to each reviewer: Does the project make a direct connection to the greater marine or estuarine environment? Does the proposal make an intentional connection to the watershed system and how actions within that system can affect the marine and estuarine environment? What is the likelihood that the proposed environmental activities would improve the general understanding of the environment? Does the experience focus around questions, problems, or issues pertaining to specific region? Is the project design project-oriented, hands-on, investigative, and part of a sustained activity? Does the project include pre- and post-activities? Does the project address multiple disciplines?

2. Technical merit (35 points). This criterion assesses whether the approach is technically sound and/or innovative, if the methods are appropriate, and whether there are clear project goals and objectives. For the NOAA B–WET Program the following questions are proposed to each reviewer: Does the proposal clearly outline how the project is an integral part of the instructional program? *For Exemplary programs only:* Does the project combine Teacher Professional Development with long-term classroom-integrated Meaningful Watershed Educational Experiences for their Students? *For student programs only:* Is the project aligned with academic learning standards in science and other disciplines? *For teacher professional development programs only:* Does the teacher receive the needed support to fully participate in the program (i.e., continuing education credit, substitute teachers, stipends, etc.)? Is this support reasonable and necessary? Does the applicant utilize NOAA programs, lesson plans, or a curriculum focused on marine and estuarine issues? Does the applicant use NOAA personnel to enhance their project? Does the applicant demonstrate how their project is aligned and supports the goals and strategies of the NOAA Education Plan? Does the applicant show a knowledge and understanding of the NOAA Education Plan (*http://www.oesd.noaa.gov/NOAA_Ed_Plan.pdf*)? Are the objectives in the proposal clearly defined and focused? Does the applicant demonstrate that the objectives are realistic and can be reached within the proposed project period? Are the project outcomes measurable and have significant and lasting benefits for teachers and students? Does the evaluation component of the project focus on measuring changes in participants (changes can be in knowledge, attitudes, skills or conservation actions)? Do the changes measured in participants (outcomes) match the project goals and objectives, which include engaging participants in meaningful watershed educational experiences?

3. Overall qualifications of applicants (10 points). This criterion ascertains whether the applicant possesses the necessary education, experience, training, facilities, and administrative resources to accomplish the project. For the NOAA B–WET Program the following questions are posed to each reviewer: Does the applicant show the capability and experience in successfully completing similar projects? Does the proposal include resumes of the Principal Investigators and other staff members? Does the applicant demonstrate knowledge of the target audience? Does the applicant demonstrate knowledge of the Content Standards for their state? Does the applicant document past collaborations with schools or school systems? Does the applicant show the capability and experience in successfully completing similar projects? Are the partners involved in the project qualified?

4. Project costs (20 points). This criterion evaluates the budget to determine if it is realistic and commensurate with the project needs and time frame. For the NOAA B–WET Program the following questions are posed to each reviewer: Does the applicant demonstrate the ability to leverage other resources? Is the nature of the cost share cash or in-kind? Is the budget request reasonable and does the applicant justify the proposed budget request? Is a significant percentage of the budget directly related to bringing students and teachers in contact with the environment? Are requested funds for salaries and fringe benefits only for those personnel who are directly involved in implementing the proposed project and/or are directly related to specific products or outcomes of the proposed project? Does the applicant demonstrate sustainability beyond the project period? Does the applicant demonstrate that the project will continue after NOAA funding has expired?

5. Outreach and education (5 points). This criterion assesses whether the project provides a focused and effective education and outreach strategy regarding NOAA's mission to protect the Nation's natural resources. For the NOAA B–WET Program the following questions are posed to each reviewer: Does the project involve external sharing and communication? Does the target audience share their findings, experiences, or results to their peers or their community?

Review and Selection Process: Upon receipt of a proposal by NOAA, an initial administrative review will be conducted to determine compliance with requirements and completeness of the proposal. All proposals that meet the minimum eligibility requirements will be evaluated and scored by a panel of independent reviewers. Three separate review panels may be held one for each geographical region described in I.B.4 of the Full Funding Opportunity. Reviewers serving on each panel may be Federal or non-Federal experts, each having expertise in areas relevant to the priority under consideration. The reviewers will score each proposal assigned to them using the evaluation criteria and relative weights provided above. The individual reviewers' ratings will be averaged for each application to establish rank order for that priority. No consensus advice will be given by the review panels. Scores from separate panels will not be combined to establish an overall rank order among all geographical regions. The Program Officer will neither vote nor score applications as part of the review panels nor participate in discussion of the merits of any application. The Program Officer will make his/her recommendations for funding based on rank order of each panel and the selection factors listed below to the Selecting Official for final funding decisions.

Selection Factors for Projects: The B–WET Program Managers will review the ranking of the proposals and recommendations of the review panels. The average numerical ranking from the review panel will be the primary consideration in deciding which of the proposals will be recommended for funding to the Selecting Official. The Selecting Official shall award in rank order unless the proposal is justified to be selected out of rank order based upon one or more of the following factors: 1. Availability of funding; 2. Balance/distribution of funds; a. Geographically b. By type of institutions c. By type of partners d. By research areas e. By project types 3. Whether this project duplicates other projects funded or considered for funding by NOAA or other federal agencies; 4. Program priorities and policy factors as set out in section I.B.1–5 and section III.B. of the Full Funding Opportunity; 5. Applicants prior award performance; 6. Partnerships and/or participation of targeted groups; 7. Adequacy of

information necessary for NOAA staff to make a NEPA determination and draft necessary documentation before recommendation for funding are made to the Grants Officer. Selected applicants may be asked to modify objectives, project plans or budgets, and provide supplemental information required by the agency prior to the award. When a decision has been made (whether an award or declination), verbatim anonymous copies of reviews and summaries of review panel deliberations, if any, will be made available to the applicant. In anticipation of additional funding, applications declined funding in FY2008 may be retained for up to 1 year for consideration for funding in FY2009.

Intergovernmental Review: Applications under this program are not subject to Executive Order 12372, Intergovernmental Review of Federal Programs.

Limitation of Liability: In no event will NOAA 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 NOAA to award any specific project or to obligate any available funds.

National Environmental Policy Act (NEPA): NOAA must analyze the potential environmental impacts, as required by the National Environmental Policy Act (NEPA), for applicant projects or proposals which are seeking NOAA federal funding opportunities. Detailed information on NOAA compliance with NEPA can be found at the following NOAA NEPA Web site: *http://www.nepa.noaa.gov/*, including our NOAA Administrative Order 216–6 for NEPA, *http://www.nepa.noaa.gov/NAO216_6_TOC.pdf*, and the Council on Environmental Quality implementation regulations, *http://ceq.eh.doe.gov/nepa/regs/ceq/toc_ceq.htm*. Consequently, as part of an applicant's package, and under their description of their program activities, applicants are required to provide detailed information on the activities to be conducted, locations, sites, species and habitat to be affected, possible construction activities, and any environmental concerns that may exist (e.g., the use and disposal of hazardous or toxic chemicals, introduction of non-indigenous species, impacts to endangered and threatened species, aquaculture projects, and impacts to coral reef systems). In addition to providing specific information that will serve as the basis for any required impact analyses, applicants may also be requested to assist NOAA in drafting of an environmental assessment, if NOAA determines an assessment is required. Applicants will also be required to cooperate with NOAA in identifying feasible measures to reduce or avoid any identified adverse environmental impacts of their proposal. The failure to do so shall be grounds for not selecting an application. In some cases if additional information is required after an application is selected, funds can be withheld by the Grants Officer under a special award condition requiring the recipient to submit additional environmental compliance information sufficient to enable NOAA to make an assessment on any impacts that a project may have on the environment.

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 contained in the **Federal Register** notice of February 11, 2008 (73 FR 7696), are applicable to this solicitation.

Paperwork Reduction Act: This document contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA). The use of Standard Forms 424, 424A, 424B, and SF–LLL and CD–346 has been approved by the Office of Management and Budget (OMB) under the respective control numbers 0348–0043, 0348–0044, 0348–0040, 0348–0046, and 0605–0001. Notwithstanding any other provision of law, no person is required to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number.

Executive Order 12866: This notice has been 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.

Administrative Procedure Act/Regulatory Flexibility Act: Prior notice and an opportunity for public comment are not required by the Administrative Procedure Act or any other law for rules concerning public property, loans, grants, benefits, and contracts (5 U.S.C. 553(a)(2)). Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements for the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis has not been prepared.

Helen Hurcombe,

Director, Acquisition and Grants Office.

[FR Doc. E8–5278 Filed 3–14–08; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Federal Consistency Appeal by Foothill/Eastern Transportation Corridor Agency

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (Commerce).

ACTION: Notice of appeal.

SUMMARY: This announcement provides notice that Foothill/Eastern Transportation Corridor Agency (TCA) has filed an administrative appeal with the Department of Commerce asking that the Secretary override the California Coastal Commission's (CCC) objection to TCA's construction of an extension to California State Route 241 in northern San Diego and southern Orange Counties, California.

ADDRESSES: Materials from the appeal record will be available at the NOAA Office of General Counsel for Ocean Services, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910 and on the following Web site: *http://www.ogc.doc.gov/czma.htm.*

FOR FURTHER INFORMATION CONTACT: Thomas Street, Attorney-Advisor, NOAA Office of the General Counsel, 301–713–2967, *gcos.inquiries@noaa.gov* or Stephanie Campbell, Attorney-Advisor, NOAA Office of the General Counsel, 301–713–2967, *gcos.inquiries@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Notice of Appeal

On February 15, 2008, TCA filed notice of an appeal with the Secretary of Commerce (Secretary), pursuant to the Coastal Zone Management Act of 1972 (CZMA), 16 U.S.C. 1451 *et seq.*, and implementing regulations found at 15 CFR Part 930, Subpart H. TCA appealed an objection to its construction of an extension to California State Route 241 in northern San Diego and southern Orange Counties, California.

Under the CZMA, the Secretary may override CCC's objection on grounds that the project is consistent with the objectives or purposes of the CZMA or otherwise necessary in the interest of national security. To make the

determination that the proposed activity is ''consistent with the objectives or purposes'' of the CZMA, the Secretary must find that: (1) The proposed activity furthers the national interest as articulated in sections 302 or 303 of the CZMA, in a significant or substantial manner; (2) the adverse effects of the proposed activity do not outweigh its contribution to the national interest, when those effects are considered separately or cumulatively; and (3) no reasonable alternative is available that would permit the activity to be conducted in a manner consistent with enforceable policies of the CCC's coastal management program. 15 CFR 930.121.

II. Opportunity for Federal Agency and Public Comment and Public Hearing

Pursuant to regulation, the public and interested Federal agencies may submit any comments on this appeal from April 28, 2008—May 28, 2008. All comments should be directed in writing to the NOAA Office of General Counsel for Ocean Services, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910 or via e-mail to *gcos.comments@noaa.gov.*

Federal regulations also allow for a public hearing for this appeal, occurring at the Secretary's own initiative or upon request. A request for a public hearing must be filed with the Secretary within 30 days of the date of this notice's publication in the **Federal Register**. Such requests should be directed in writing to the Secretary at the following address: Thomas Street, staff attorney, NOAA Office of General Counsel for Ocean Services, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910.

III. Appeal Documents

NOAA intends to provide the public with access to all publicly available materials and related documents comprising the appeal record during business hours, at the NOAA Office of General Counsel for Ocean Services. For additional information about this appeal, please contact Thomas Street, Attorney-Advisor, NOAA Office of the General Counsel, 301–713–2967, *gcos.inquiries@noaa.gov* or Stephanie Campbell, Attorney-Advisor, NOAA Office of the General Counsel, 301–713–2967, *gcos.inquiries@noaa.gov.*

Dated: March 11, 2008.

Joel La Bissonniere,

Assistant General Counsel for Ocean Services.

[Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Assistance.]

[FR Doc. E8–5247 Filed 3–14–08; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG26

Fisheries of the Exclusive Economic Zone off Alaska; Application for an Exempted Fishing Permit

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

ACTION: Notice; receipt of an application for an exempted fishing permit.

SUMMARY: This notice announces receipt of an application for an exempted fishing permit (EFP) from the Alaska Groundfish Databank. If granted, this permit would allow the applicant to continue the development and testing of an electronic monitoring system designed to quantify the amount of halibut caught and discarded at sea. This activity is intended to promote the objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) by potentially allowing for an alternative cost effective estimation of halibut bycatch in the rockfish fishery. Comments will be accepted at the April 1–7, 2008, North Pacific Fishery Management Council (Council) meeting in Anchorage, AK.

DATES: Interested persons may comment on the EFP application and on the environmental assessment during the Council's April 1–7, 2008, meeting in Anchorage, AK.

ADDRESSES: The Council meeting will be held at the Hilton Hotel, 500 West Third Ave., Anchorage, AK.

Copies of the EFP application and the basis for a categorical exclusion under the National Environmental Policy Act are available by writing to the Alaska Region, NMFS, P. O. Box 21668, Juneau, AK 99802, Attn: Ellen Sebastian. The application also is available from the Alaska Region, NMFS website at *http://www.fakr.noaa.gov*.

FOR FURTHER INFORMATION CONTACT: Jennfier Watson, 907–586–7537 or *jennifer.watson@noaa.gov*.

SUPPLEMENTARY INFORMATION: NMFS manages the domestic groundfish fisheries in the Gulf of Alaska (GOA) under the FMP. The Council prepared the FMP under the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing the groundfish fisheries of the BSAI appear at 50 CFR parts 600 and 679. The FMP and the implementing regulations at §§ 600.745(b) and 679.6 authorize issuance of EFPs to allow fishing that would otherwise be prohibited. Procedures for issuing EFPs are contained in the implementing regulations. NMFS received an application for an EFP from the Alaska Groundfish Databank on March 3, 2008. The purposes of the EFP project are to continue testing a video-based electronic monitoring (EM) system that is designed to quantify the amount of halibut discarded at sea; to investigate mechanisms for implementing regulations for such a system; and to investigate how EM data can be integrated into the NMFS catch accounting system.

Background

NMFS issued a final rule to implement the Central GOA rockfish pilot program on November 20, 2006 (71 FR 67210). This program established a quota based fishery organized around fishing cooperatives for vessels and processors with historic participation in the Central GOA rockfish fisheries. Participating cooperatives are given quotas of various rockfish and non-rockfish species as well as sufficient halibut prohibited species quota (PSC) to conduct those fisheries. With the exception of halibut PSC, all quota harvested by catcher vessels must be landed at a participating processor where quota accounting takes place. Halibut PSC must be discarded at-sea and halibut catch is estimated by at-sea observers. In order to credibly account for halibut discard, and to ensure that the discard of other quota species does not occur, NMFS required that observer coverage be increased from 30 to 100% when the program was implemented. Industry is concerned that costs associated with full observer coverage are high relative to the increased revenue of the program. Further, NMFS believes that wherever possible quota catch should be accounted for based on a full census of catch. This is not possible for halibut PSC under the current system. To address these concerns Alaska Groundfish Databank developed, in conjunction with NMFS staff, an alternative approach to manage shoreside rockfish fisheries that could include the use of EM to replace a portion of the required observer coverage.

The EM system is designed to ensure that nothing other than halibut is discarded at sea, and to quantify the amount of halibut discarded. Cameras designed to give an overview of the entire deck are installed to ensure that discard only occurs in a single specified location. Other cameras, focused on the specified location, photograph each halibut as it is discarded. All data from

the cameras, as well as location information from an onboard GPS system, is recorded to disk for review at the end of each trip. Following completion of each trip the data are analyzed to ensure that unauthorized discard did not take place and to estimate the length of each halibut discarded. In 2007, NMFS issued an EFP to conduct research into the viability of this system on a single vessel. While a final report on this project has not been completed, a preliminary review of the data would indicate that the system is effective at accomplishing these goals. This EFP would continue that research on a larger number of vessels fishing under non-experimental conditions and would focus on issues associated with implementation rather than on a technical or scientific assessment of the EM system itself.

To continue testing the EM system, exemptions would be necessary from regulations for observer coverage. Among the goals of this project are to determine the extent to which crew behavior changes when an observer is present and to attempt to mimic a regulatory environment in which a portion of the observer coverage is replaced by an EM system. In order to investigate these issues in a cost effective manner that ensures participation in the EFP fishery, it will be necessary to reduce observer coverage levels for vessels participating in the project to the pre-rockfish pilot program levels of 30%. Because participating vessels will be monitored electronically, such a reduction is not expected to change actual fishing behavior, trip duration, or the amount of fish harvested.

The activities proposed to be conducted under the EFP are not expected to have a significant impact on the human environment as detailed in the categorical exclusion issued for this action (see **ADDRESSES**).

In accordance with § 679.6, NMFS has determined that the proposal warrants further consideration and has forwarded the application to the Council to initiate consultation. The Council will consider the EFP application during its April 1–7, 2008, meeting, which will be held at the Hilton Hotel in Anchorage, Alaska. The applicant has been invited to appear in support of the application.

Public Comments

Interested persons may comment on the application at the April 2008 Council meeting during public testimony. Information regarding the meeting is available at the Council's website at *http://www.fakr.noaa.gov/npfmc/council.htm*. Copies of the application and categorical exclusion are available for review from NMFS (see **ADDRESSES**).

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

Dated: March 12, 2008.

Emily H. Menashes,

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

[FR Doc. E8–5304 Filed 3–14–08; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration (NOAA)

Revised Draft Framework for Developing the National System of Marine Protected Areas and Response to Comments

AGENCY: NOAA, Department of Commerce (DOC).

ACTION: Notice of availability and solicitation of public comments on the Revised Draft Framework for Developing the National System of Marine Protected Areas.

SUMMARY: NOAA and the Department of the Interior (DOI) jointly propose the Revised Draft Framework for Developing the National System of Marine Protected Areas (Revised Draft Framework), as required by Executive Order 13158 on Marine Protected Areas (MPAs). This Revised Draft Framework provides overarching guidance for collaborative efforts among federal, state, tribal and local governments and stakeholders to develop an effective National System of MPAs (National System) from existing sites, build coordination and collaborative efforts, and identify ecosystem-based gaps in the protection of significant natural and cultural resources for possible future action by the nation's MPA authorities. The document further provides the guiding principles, key definitions, goals, and objectives for the National System, based on the breadth of input received from MPA stakeholders and governmental partners around the nation over the past several years. The intent of this document is to summarize and respond to comments received on the initial draft document during the September 2006 through February 2007 public comment period, and solicit additional public input on the proposed Revised Draft Framework in order to develop a final document that meets the nation's interests in the National System. The Revised Draft Framework incorporates significant modifications based on due consideration of all comments and recommendations received on the initial draft document. At the end of the comment period on this Revised Draft Framework, NOAA will publish the final Framework, again with consideration of input received.

DATES: Comments must be received before 11:59 p.m. EDT, April 16, 2008.

ADDRESSES: All comments regarding the Revised Draft Framework should be submitted to Joseph Uravitch, National MPA Center, N/ORM, NOAA, 1305 East-West Highway, Silver Spring, Maryland 20910. Comments sent via e-mail should be sent to *mpa.comments@noaa.gov*, and all comments sent by fax should be sent to 301–713–3110. E-mail and fax comments should state ''Revised Draft Framework Comments'' in the subject line.

FOR FURTHER INFORMATION CONTACT: Please direct all questions and requests for additional information concerning the Revised Draft Framework, as well as for paper copies of the document to: Lauren Wenzel, NOAA, at 301–713–3100, or via e-mail at *mpa.comments@noaa.gov*. E-mail requests should state either ''Question'' or ''Paper Copy Request'' in the subject line. An electronic copy of the Revised Draft Framework is available for download at *http://www.mpa.gov/*.

SUPPLEMENTARY INFORMATION: The National Oceanic and Atmospheric Administration's (NOAA) National Marine Protected Areas Center (MPA Center), in cooperation with the Department of the Interior (DOI), has developed this *Revised Draft Framework for Developing the National System of MPAs* (Revised Draft Framework) to meet requirements under Executive Order 13158 on Marine Protected Areas. The purpose of this notice is to solicit additional input and comments on the Revised Draft Framework from governments and stakeholders in order to ensure that the final document represents the diversity of the nation's interests in the marine environment and MPAs. The Revised Draft Framework incorporates significant modifications based on due consideration of comments and recommendations received on the initial draft document during the September 2006 through February 2007 public comment period.

Increasing impacts on the world's oceans from development, overfishing, a changing climate, and natural events are straining the health of coastal, Great Lakes, and marine ecosystems. Impacts to these intricately balanced environments include declining fish populations, degradation of coral reefs and other vital habitats, threats to rare or endangered species, and loss of

artifacts and areas that represent the United States' (U.S.) diverse cultural heritage. The effects of these losses are significant and jeopardize the social and economic fabric of the nation.

In the U.S. and around the world, marine protected areas (MPA) are increasingly recognized as an important and promising management tool for mitigating or buffering these impacts. When used effectively and as a part of a broader ecosystem-based approach to management, MPAs can help to restore and maintain healthy Great Lakes and marine environments by contributing to the overall protection of critical marine habitats and resources. In this way, effective MPAs also can offer social and economic opportunities for current and future generations, such as tourism, biotechnology, fishing, education, and scientific research.

There are nearly 2,000 existing MPAs in the U.S. that have been established by federal, state, territorial, and local governments to protect and conserve the nation's rich natural and cultural marine heritage and sustainable production resources. These MPAs have been designated to achieve a myriad of conservation objectives, ranging from conservation of biodiversity hotspots, to preservation of sunken historic vessels, to protection of spawning aggregations important to commercial and recreational fisheries. Similarly, the level of protection provided by these MPAs ranges from no-take marine reserves to allowing multiple uses, including fishing.

Recognizing the significant role that U.S. MPAs play in conserving marine heritage and sustainable use, and the lack of a national framework for comprehensive MPA planning, coordination and support, Presidential Executive Order 13158 (Order) calls for the development a National System of Marine Protected Areas (national system). The Order clearly calls for a *national* and not a *federal* system, and requires collaboration with federal agencies, as well as coastal states and territories, tribes, Federal Fishery Management Councils, and other entities, as appropriate, including the MPA Federal Advisory Committee. It further specifies that the national system be scientifically based, comprehensive, and represent the nation's diverse marine ecosystems and natural and cultural resources.

In order to provide a roadmap for building the national system, the Order calls for the development of a framework for a national system of MPAs and establishes the MPA Center within NOAA to lead its development and implementation. This Revised Draft Framework is the second draft. The first draft Framework has been revised with due consideration of over 11,000 comments and recommendations received during its September 2006 to March 2007 public comment period.

The intent of this document is to summarize and respond to comments received on the initial draft document during the September 2006 through February 2007 public comment period, and solicit additional public input on the proposed Revised Draft Framework in order to develop a final document that meets the nation's interests in the National System. When submitting comments on the Revised Draft Framework, please remember that comments submitted by e-mail are preferred; however, those submitted by mail and fax will also be accepted.

Classification

Regulatory Planning and Review

This action is not a regulatory action subject to E.O. 12866 (58 FR 51735, October 4, 1993).

Energy Effects

NOAA and DOI have determined that this action will have no effect on energy supply, distribution, or use and is therefore not a ''significant energy action'' as defined by Executive Order 13211 (66 FR 28355, May 18, 2001). No Statement of Energy Effects is required and therefore none has been prepared.

Government to Government Relationship With Tribes

E.O. 13175—Consultation and Coordination with Indian Tribal Governments—outlines the responsibilities of the Federal Government regarding its policies with tribal implications, i.e., regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects 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 (65 FR 67249, November 9, 2000). Pursuant to E.O. 13175, we will consult with tribal governments as the National System is developed.

Administrative Procedure Act

Pursuant to authority at 5 U.S.C. 533(b)(A), prior notice and an opportunity for public comment are not required to be given, as this document concerns agency procedure or practice. Nevertheless, NOAA and DOI want the benefit of the public's comment and are hereby giving prior notice and opportunity for public comment.

Dated: March 6, 2008.

John H. Dunnigan,

Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration.

[FR Doc. E8–5311 Filed 3–14–08; 8:45 am]

BILLING CODE 3510–08–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

DEPARTMENT OF THE INTERIOR

U.S. Fish and Wildlife Service

RIN 0648–XF79

Marine Mammals and Endangered Species; National Marine Fisheries Service File No. 932–1905; U.S. Fish and Wildlife Service File No. PRT–009526

AGENCIES: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce; U.S. Fish and Wildlife Service, Interior.

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that the NMFS Marine Mammal Health and Stranding Response Program (MMHSRP), Silver Spring, MD (Dr. Teri Rowles, Principal Investigator) has applied in due form for a permit to conduct enhancement and research activities on marine mammals.

DATES: Written, telefaxed, or e-mail comments must be received on or before April 16, 2008.

ADDRESSES: The application and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713–2289; fax (301)713–0376; and

U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 212, Arlington, VA 22203 (1–800–358–2104).

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301)713–0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Comments may also be submitted by e-mail. The mailbox address for providing e-mail comments is *NMFS.Pr1Comments@noaa.gov*. Include in the subject line of the e-mail comment the following document identifier: File No. 932–1905/PRT–009526.

FOR FURTHER INFORMATION CONTACT: Amy Sloan or Carrie Hubard, Office of Protected Resources, NMFS, (301)713–2289.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR parts 18 and 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 17 and 222–226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

The applicant requests authorization to (1) carry out activities pursuant to section 109(h), 112(c), and Title IV of the MMPA that involve threatened and endangered marine mammal species under NMFS jurisdiction; (2) harass marine mammals incidental to all MMHSRP activities in the U.S.; (3) conduct research activities on marine mammals in the U.S.; and (4) collect, receive, transfer, import, export, analyze, and curate marine mammal specimens.

All threatened and endangered marine mammal species under NMFS jurisdiction are considered target species for stranding/emergency response activities. All species under NMFS jurisdiction are target species for research activities. Specimens from all species of marine mammals under NMFS or USFWS jurisdiction may be received, transferred, imported, exported, analyzed, and archived.

Type and manner of take includes Level A harassment during emergency response and research activities including capture; sedation/anesthesia; biological sampling (e.g., blood, blubber, muscle, respiratory gases, swabs); and removing entangling gear/material. Level B harassment may occur from close approach, hazing away from hazardous or harmful situations, photo-identification, and aerial and vessel surveys.

The number of threatened and endangered animals that may be rescued and/or sampled is dependent on the number of incidents that occur and the ability to respond. The number of marine mammals that may be involved in research annually is as follows: approximately 400 pinnipeds (all species); 200 small cetaceans (all species); and 100 large whales (all species). An unlimited number of marine mammal specimens may be received, collected, imported, or exported annually.

Non-target animals that may be incidentally harassed during any MMHSRP activity in the U.S. include any marine mammal under NMFS and USFWS jurisdictions. Geographic locations of the takes could include any area in the U.S. and U.S. waters. Specimen samples may be imported/exported world-wide. The applicant has requested a 5–year permit.

The NMFS MMHSRP has prepared a draft Environmental Impact Statement (DEIS) in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321.*et seq.*). The DEIS includes analysis of activities proposed in this permit application. The DEIS is available on the following web site: *http://www.nmfs.noaa.gov/pr/health/eis.htm*.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: March 7, 2008.

P. Michael Payne,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

Dated: March 7, 2008.

Timothy J. VanNorman,

Chief, Branch of Permits, Division of Management Authority, U.S. Fish and Wildlife Service.

[FR Doc. E8–5307 Filed 3–14–08; 8:45 am]

BILLING CODES 3510–22–S, 4310–55–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN: 0648–XG35

North Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The North Pacific Fishery Management Council (Council) and its advisory committees will hold public meetings, April 1–7, 2008, in Anchorage, AK.

DATES: The meetings will be held on April 1, 2008 through April 7, 2008. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held at the Hilton Hotel, 500 W 3rd Avenue, Anchorage, AK 99501.

Council address: North Pacific Fishery Management Council, 605 W. 4th Avenue, Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: David Witherell, Council staff, telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION: The Council will begin its plenary session at 8 a.m. on Tuesday, April 1 continuing through Tuesday April 7, 2008. The Council's Advisory Panel (AP) will begin at 8 a.m., Monday, March 31 and continue through Friday April 4. The Scientific and Statistical Committee (SSC) will begin at 8 a.m. on Monday, March 31 and continue through Wednesday March 2, 2008. The Enforcement Committee will meet Tuesday, April 2, from 1 p.m. to 5 p.m. in the Iliamna Room. The Ecosystem Committee will meet Wednesday, April 2, from 5:30 p.m. to 8 p.m. in the Dillingham/Katmai Room. The Council will meet Tuesday, April 8, with Alaska Board of Fisheries, and may discuss any of the items listed in this notice, or other issues involving state/federal authorities for parallel fisheries or Board proposals with federal waters relevance. All meetings are open to the public, except executive sessions.

Council Plenary Session: The agenda for the Council's plenary session will include the following issues. The Council may take appropriate action on any of the issues identified.

1. Reports
   Executive Director's Report
   NMFS Management Report (NMFS Enforcement/NOAA General Counsel)
   Alaska Department of Fish & Game Report
   U.S. Coast Guard Report
   U.S. Fish & Wildlife Service Report
   Protected Species Report (including Aleutian Island Pollock EFP report)
2. Steller Sea lion (SSL) Issues: Review final SSL Recovery Plan; SSL Mitigation Committee report on proposals and preliminary recommendations on measures.

3. BSAI Crab Issues: Report from Crab Committee; Refine problem statement and elements/options for analysis of 90/10 modifications; BSAI Crab Arbitrator Immunity discussion paper; Final action on BSAI Crab Arbitration Regulations; Final action on BSAI ''C'' Share active participation; Final action on St. George protection measures.
4. Gulf of Alaska Groundfish Issues: Initial review of GOA sideboards for BSAI Crab vessels.
5. License Limitation Program (LLP) Trawl Recency: Final action to eliminate latent trawl licenses/area endorsements.
6. Observer Program: Receive Observer Advisory Committee report; Final action on Observer Program regulation package.

7. Halibut Charter Management: Initial review of Charter Halibut 2C/3A Catch Sharing Plan analysis; Report on the Charter Halibut Logbook Program.
8. Bycatch Issues: Preliminary review of BSAI Salmon Bycatch Environmental Impact Statement; receive scoping report; refine problem statement/alternatives; Discussion paper on GOA Crab and Salmon Bycatch.
9. Groundfish Management: Review EFP application for Trawl Salmon Excluder; Review EFP application for CGOA Rockfish Electronic Monitoring (Phase II); Initial review of Vessel Monitoring System Exemption for dinglebar gear; Final action on GOA 'Other Species' ABC/OFL specifications; Initial review of 4E Seabird Avoidance measures (T).
10. AFA Issue: Receive action on Amendment 62/62 (single geographic location) and affirm or repeal. (T)
11. Scallop Management: Review Stock Assessment Fishery Evaluation report.
12. Ecosystem Based Management: Report from Ecosystem Committee; preliminary review of Arctic FMP. (Council only)
13. Staff Tasking: Review Committees and tasking.
14. Other Business

The SSC agenda will include the following issues:

1. Steller Sea lions
2. GOA Sideboards
3. Halibut Charter
4. Salmon Bycatch
5. Groundfish Management
6. Scallop SAFE
7. Ecosystem Management
8. Crab Model Review

The Advisory Panel will address most of the same agenda issues as the Council, except for ı1 reports. The Agenda is subject to change, and the latest version will be posted at *http://www.fakr.noaa.gov/npfmc/*.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Gail Bendixen at (907) 271–2809 at least 7 working days prior to the meeting date.

Dated: March 11, 2008.

Tracey L. Thompson,

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

[FR Doc. E8–5207 Filed 3–14–08; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Patent Examiner Employment Application (Formerly Patent Examiner Employment Application—Job Application Rating System (JARS))

ACTION: Proposed collection; comment request.

SUMMARY: The United States Patent and Trademark Office (USPTO), 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 the revision of a continuing information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before May 16, 2008.

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

- *E-mail: Susan.Fawcett@uspto.gov.* Include ''0651–0042 comment'' in the subject line of the message.
- *Fax:* 571–273–0112; marked to the attention of Susan K. Fawcett.

Mail: Susan K. Fawcett, Records Officer, Office of the Chief Information Officer, Customer Information Services Group, Public Information Services Division, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

- *Federal Rulemaking Portal*:3 *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the attention of Howard Staik, Chief of the Workforce Employment Division, Office of Human Resources, U.S. Patent and Trademark Office (USPTO), P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–2846; or by e-mail to *Howard.Staik@uspto.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The USA Staffing system provided by the Office of Personnel Management (OPM) is an automated on-line system that allows the USPTO to rapidly review applications for employment of entry-level patent examiners. The Office of Human Resources (OHR), armed with a recommendation from a Supervisory Patent Examiner (SPE), can use the system to rapidly make an offer of employment and take the necessary administrative action to support the hiring process. In FY 2007, USA Staffing enabled the Patent Corps to hire more than 1,216 entry-level patent examiners.

Since the inception of USA Staffing in January 2007, the hiring process has become more effective and compliant with the examining requirements established by OPM. In the current employment environment, information technology professionals and engineering graduates are in great demand. The USPTO is in direct competition with private industry for the same caliber of candidates with the requisite knowledge and skills to perform patent examination work. Consequently, it is imperative that every available technology be employed if the USPTO is to remain competitive, meet hiring goals, and fulfill the agency's Congressional commitment to reduce the pendency rate for the examination of patent applications. The information supplied by an applicant seeking a patent examiner position with the USPTO assists the Human Resources Specialists and hiring managers in determining whether an applicant possesses the basic qualification requirements for the patent examiner position.

USA Staffing provides the USPTO with a user-friendly on-line employment application process for applicants and enables the USPTO to process hiring actions in an efficient and timely manner. The on-line application creates an electronic real-time candidate inventory that allows the USPTO to review applications from potential applicants almost instantaneously. Given the immediate hiring need of the Patent Examining Corps, time consumed in the mail distribution system or paper review of applications delays the decision-making process by several weeks. The USA Staffing system results in increased speed and accuracy in the employment process, in addition to streamlining labor and reducing costs.

The use of the USA Staffing on-line application fully complies with 5 U.S.C. 2301, which requires adequate public notice to assure open competition by

guaranteeing that necessary employment information will be accessible and available to the public on inquiry. It is also fully compliant with Section 508 (29 U.S.C. 794(d)), which requires agencies to provide disabled employees and members of the public access to information that is comparable to the access available to others.

II. Method of Collection

With the use of USA Staffing, the application information is collected electronically from the applicant. Applicants contact the OPM USA Jobs Web site where they will find the on-line job announcement that links them to the application. The application is completed on-line and then transmitted to the USPTO via the Internet. For those applicants who do not have access to a personal computer, applications may be faxed to the OPM computer facility for processing.

III. Data

OMB Number: 0651–0042.
Form Number(s): N/A.
Type of Review: Revision of a currently approved collection.
Affected Public: Individuals or households.
Estimated Number of Respondents: 7,000 responses per year.

Estimated Time per Response: The USPTO estimates that it will take the public approximately 30 minutes (0.5 hours) to complete the employment application, depending upon the situation.

Estimated Total Annual Respondent Burden Hours: 3,500 hours per year.

Estimated Total Annual Respondent Cost Burden: $134,540. Using the median hourly rate for scientists and engineers of $38.44 as listed by the Bureau of Labor Statistics, the USPTO estimates $134,540 per year in cost burden associated with respondents. This is a fully-loaded hourly rate.

Item	Estimated time for response	Estimated annual responses	Estimated annual burden hours
Patent Examiner Employment Application	30 minutes	7,000	3,500
Total		7,000	3,500

Estimated Total Annual (Non-hour) Respondent Cost Burden: $0. There are no capital start-up, maintenance, or record keeping costs, as well as no filing fees associated with this information collection. However there are annual (non-hour) costs in the form of postage costs.

Not every applicant can supply all of the required information electronically. The applicant does have the option to submit a 'Paper Qualifications Questionnaire' and any supporting documents, such as resumes to the USPTO either by fax, mail or in person. The transcripts and other supporting materials are submitted to the USPTO the same way. These additional documents may be submitted to the USPTO by first-class mail through the United States Postal Service. The USPTO estimates that the average first-class postage is 97 cents. Therefore the USPTO estimates that it will receive 7,000 responses per year, for a total cost of $6,790 (7,000 × $0.97) in postage fees.

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 or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Dated: March 10, 2008.

Susan K. Fawcett,

Records Officer, USPTO, Office of the Chief Information Officer, Customer Information Services Group, Public Information Services Division.

[FR Doc. E8–5277 Filed 3–14–08; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Renewal of Department of Defense Federal Advisory Committees

AGENCY: DoD.

ACTION: Renewal of Federal Advisory Committee.

SUMMARY: Under the provisions of the Federal Advisory Committee Act of 1972, (5 U.S.C. Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.65, the Department of Defense gives notice that it is renewing the charter for the Army Education Advisory Committee (hereafter referred to as the Committee).

The Committee is a discretionary federal advisory committee established by the Secretary of Defense to provide the Department of Defense, the Secretary of the Army and the Chief of Staff of the U.S. Army independent advice and recommendations in matters pertaining to the educational, doctrinal, and research policies and activities of the U.S. Army's educational programs, including activities of the U.S. Army's joint professional military education programs. The Committee, in accomplishing its mission: (a) Provides advice to their supported schools; (b) assist in the maintenance of the highest academic standards; and (c) ensure that Army educational policies and techniques are current and equal to those used in the finest institutions of higher education.

The Committee shall be composed of not more than 15 members, who are distinguished members of the field of defense, management, leadership, and academia. Committee members appointed by the Secretary of Defense, who are not federal officers or employees, shall serve as Special Government Employees under the authority of 5 U.S.C. 3109. Committee members shall be appointed on an annual basis by the Secretary of Defense. The Assistant Secretary of the Army for Manpower and Reserve Affairs or designated representative shall serve as the Chairperson, and shall serve at the discretion of the Secretary of Army or designated representative. In addition, the Secretary of Defense and the Secretary of Army or designated representative may invite other distinguished Government officers to serve as non-voting observers of the Committee, and appoint consultants

with special expertise to assist the Committee on an ad hoc basis. Committee members shall with the exception of travel and per diem for official travel, serve without compensation.

The Committee shall be authorized to establish subcommittees, as necessary and consistent with its mission, and these subcommittees or working groups shall operate under the provisions of the Federal Advisory Committee Act of 1972, the Government in the Sunshine Act of 1976, and other appropriate federal regulations.

Such subcommittees or workgroups shall not work independently of the chartered Committee, and shall report all their recommendations and advice to the Committee for full deliberation and discussion. Subcommittees or workgroups have no authority to make decisions on behalf of the chartered Committee nor can they report directly to the Department of Defense or any federal officers or employees who are not Committee members.

SUPPLEMENTARY INFORMATION: The Committee shall meet at the call of the Committee's Designated Federal Officer, in consultation with the Committee's 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 Army Education Advisory Committee membership about the Committee's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the Army Education Advisory Committee.

All written statements shall be submitted to the Designated Federal Officer for the Army Education Advisory Committee, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Army Education Advisory Committee'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 Army Education Advisory Committee. 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: Jim Freeman, Deputy Committee Management Officer for the Department of Defense, 703–601–2554, extension 128.

Dated: March 11, 2008.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. E8–5312 Filed 3–14–08; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[DoD–2008–OS–0024]

Privacy Act of 1974; Systems of Records

AGENCY: DoD; Defense Finance and Accounting Service.

ACTION: Notice to add a new system of records.

SUMMARY: The Defense Finance and Accounting Service (DFAS) is proposing to add a system of records notice to its inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This Action will be effective without further notice on April 16, 2008 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the FOIA/PA Program Manager, Corporate Communications and Legislative Liaison, Defense Finance and Accounting Service, 6760 E. Irvington Place, Denver, CO 80279–8000.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Krabbenhoft at (303) 676–6045.

SUPPLEMENTARY INFORMATION: The Defense Finance and Accounting Service notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on March 5, 2008, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated December 12, 2000, 65 FR 239.

Dated: March 10, 2008.

L.M. Bynum,

Alternate Federal Register Liaison Officer, Department of Defense.

T–1430

SYSTEM NAME:

Mentoring Program.

SYSTEM LOCATION:

Triple Creek Associates, Inc., 7730 E. Belleview Ave., Suite 200A, Greenwood Village, CO 80111–6617.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of Finance and Accounting System (DFAS) civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, Social Security Number (SSN), e-mail address, work phone, location, organization, job series, and grade, years of experience at DFAS, total years of work experience.

AUTHORITY FOR THE MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 5 U.S.C. 1402, and Department of Defense Instruction (DoDI) 1430.02, Civilian Career Management.

PURPOSE(S):

The Defense Finance and Accounting Service (DFAS) is proposing to establish a system of records to provide DFAS civilian employees with an automated mentoring system which will match mentees with potential mentors based on mentee need and mentor capabilities and experience. The system will facilitate the tracking and management of the DFAS mentoring relationships.

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows: To DFAS contractors who serve as the agent for the Agency for the purpose of managing the DFAS web-based mentoring program. It may also be disclosed for any of the DoD ''Blanket Routine Uses'' as published at the beginning of the DFAS compilation of systems of record notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in an electronic database.

RETRIEVABILITY:

By individual's name.

SAFEGUARDS:

The system is a Web-based system and it is maintained by a DoD contractor on a contractor owned computer server. The data is protected by dedicated firewalls and web servers that are physically separated from other contractor database servers. The database resides behind a firewall, is not publicly accessible, and a distinct database instance is used for this system. The contractor employs constant proactive monitoring, including port monitoring to identify unauthorized attempts to upload or change information or otherwise cause damage to the system. The server is located in a secured facility with limited access. In accordance with the contract, the contractor is not to remove any of the data from the contracting site, and the contractor must follow the DoD safeguarding policies, and regulations as defined in the contract. The contractor is to ensure confidentiality of all data, and it will be shared with only those individuals who have a need-to-know.

RETENTION AND DISPOSAL:

Destroy when 5 years old or when superseded or obsolete, whichever is sooner.

SYSTEM MANAGER(S) AND ADDRESS:

DFAS Mentoring and Coaching Program Manager, Learning and Development Division, 8899 E. 56th Street, Indianapolis, IN 46249–0160.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this record system should address written inquiries to the Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications and Legislative Liaison, 6760 E. Irvington Place, Denver, CO 80279–8000.

Individuals should furnish full name, Social Security Number (SSN), current address, and telephone number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this record system should address written inquiries to the Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications and Legislative Liaison, 6760 E. Irvington Place, Denver, CO 80279–8000.

Individuals should furnish full name, Social Security Number (SSN), current address, and telephone number.

CONTESTING RECORD PROCEDURES:

The DFAS rules for accessing records, for contesting contents and appealing initial agency determinations are published in DFAS Regulation 5400.11–R; CFR part 324; or may be obtained from Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications and Legislative Liaison, 6760 E. Irvington Place, Denver, CO 80279–8000.

RECORD SOURCE CATEGORIES:

From the Defense Civilian Personnel Data System (DCPDS) and the individual concerned.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E8–5308 Filed 3–14–08; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

[DoD–2008–OS–0028]

Privacy Act of 1974; Systems of Records

AGENCY: Defense Finance and Accounting Service, DOD.

ACTION: Notice to Add a New System of Records.

SUMMARY: The Defense Finance and Accounting Service (DFAS) is proposing to add a system of records notice to its inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This action will be effective without further notice on April 16, 2008 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the FOIA/PA Program Manager, Corporate Communications and Legislative Liaison, Defense Finance and Accounting Service, 6760 E. Irvington Place, Denver, CO 80279–8000.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Krabbenhoft at (303) 676–6045.

SUPPLEMENTARY INFORMATION: The Defense Finance and Accounting Service notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on March 5, 2008, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records about Individuals,' dated December 12, 2000, 65 FR 239.

Dated: March 10, 2008.

L.M. Bynum,

OSD Federal Register Liaison Officer, Department of Defense.

T–7300

SYSTEM NAME:

Defense Disbursing Analysis Reporting System (DDARS).

SYSTEM LOCATION:

Defense Finance and Accounting Service—Indianapolis, 8899 East 56th Street, Indianapolis, OH 46249–0160.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of Defense civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Number (SSN), accounting transactions, and travel pay transactions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations, 31 U.S.C. 3512, Department of Defense Financial Management Regulation (DoDFMR) 7000.14–R Vols. 6A and 6B, and E.O. 9397 (SSN).

PURPOSE(S):

The Defense Finance and Accounting Service (DFAS) is proposing to establish an Internet based system designed to allow users a single point of entry to view, reconcile, research and report disbursement and accounting data from a centralized repository. The system will track, control and report disbursement and accounting transactions to various DFAS sites. The system, by automated system interface, file feed, and manual input, will validate appropriation data and route the transactions to the designated accounting operations team to be processed into one of several accounting systems.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DOD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'DoD Blanket Routine Uses' published at the beginning of the DFAS compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in electronic storage media.

RETRIEVABILITY:

By individual's name and Social Security Number (SSN).

SAFEGUARDS:

Records are maintained in a controlled facility. Physical entry is restricted by the use of locks, guards, and is accessible only to authorized personnel. Access to records is limited to person(s) responsible for servicing the record in performance of their official duties and who are properly screened and cleared for a need-to-know. Access to computerized data is restricted by passwords, which are changed according to agency security policy.

RETENTION AND DISPOSAL:

Records are cutoff at the end of the fiscal year and destroyed 6 years and 3 months after cutoff. Records are destroyed by degaussing, shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Finance and Accounting Service—Columbus, System Management Directorate, 3990 East Broad Street, Building 21, Columbus, OH 43213–1152.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about them are contained in this record system should address written inquiries to the Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications and Legislative Liaison, 6760 E. Irvington Place, Denver, CO 80279–8000.

Individuals should furnish full name, Social Security Number (SSN), current address, and telephone number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about them contained in this system should address written inquiries to Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications and Legislative Liaison, 6760 E. Irvington Place, Denver, CO 80279–8000.

Individuals should furnish full name, Social Security Number (SSN), current address, and telephone number.

CONTESTING RECORD PROCEDURES:

The DFAS rules for accessing records, for contesting contents and appealing initial agency determinations are published in DFAS Regulation 5400.11–R; 32 CFR part 324; or may be obtained from Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications and Legislative Liaison, 6760 E. Irvington Place, Denver, CO 80279–8000.

RECORD SOURCE CATEGORIES:

From the individual concerned and DoD Components.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E8–5306 Filed 3–14–08; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

United States Marine Corps; Privacy Act of 1974; System of Records

AGENCY: United States Marine Corps, DoD.

ACTION: Notice to Delete a System of Records Notices.

SUMMARY: The U.S. Marine Corps is deleting a system of records notices from its inventory of records systems subject to the Privacy Act of 1974, as amended (5 U.S.C. 552a).

DATES: Effective March 17, 2008.

ADDRESSES: Send comments to Headquarters, U.S. Marine Corps, FOIA/PA Section (CMC–ARSE), 2 Navy Annex, Room 1005, Washington, DC 20380–1775.

FOR FURTHER INFORMATION CONTACT: Ms. Tracy D. Ross at (703) 614–4008.

SUPPLEMENTARY INFORMATION: The U.S. Marine Corps' records systems notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The U.S. Marine Corps proposes to delete a system of records notices from its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The changes to the system of records are not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of new or altered systems reports.

Dated: March 10, 2008.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Deletions
MMC00005

SYSTEM NAME:

Insurance Files.

REASON:

The system does not collect any personal information, only business information.

[FR Doc. E8–5328 Filed 3–14–08; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

[USN–2008–0014]

U.S. Marine Corps; Privacy Act of 1974; System of Records

AGENCY: U.S. Marine Corps, DOD.

ACTION: Notice to Add a System of Records.

SUMMARY: The U.S. Marine Corps is proposing to add a new system of records notice to its existing inventory of records systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on April 16, 2008 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to Headquarters, U.S. Marine Corps, FOIA/PA Section (ARSF), 2 Navy Annex, Room 3134, Washington, DC 20380–1775.

FOR FURTHER INFORMATION CONTACT: Ms. Tracy Ross at (703) 614–4008.

SUPPLEMENTARY INFORMATION: The U.S. Marine Corps system of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r), of the Privacy Act of 1974, as amended, was submitted on March 5, 2008, to the House Committee on Oversight and Government Reform, the Senate

Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: March 11, 2008.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

M01070–6

SYSTEM NAME:

Marine Corps Official Military Personnel Files.

SYSTEM LOCATION:

Primary Location: For the Official Military Personnel File (OMPF) records of active regular and reserve members, those members who are on the Temporary Disability Retired List, and those members who retired, separated, died while in service, or with a remaining military service obligation after December 31, 1997, or later: Headquarters, U.S. Marine Corps (Code MMSB), 2008 Elliot Road, Quantico, VA 22134–5030.

For OMPF records of members who retired, separated, or died while in service, prior to 1998: National Personnel Records Center, Military Personnel Records, 9700 Page Avenue, St. Louis, MO 63132–5100.

Secondary Locations: For OQRs/SRBs records of Marine Corps Inactive Ready Reserve (IRR) members: Commanding General, Marine Corps Mobilization Command, 15303 Andrews Road, Kansas City, MO 64147–1207.

For OQRs/SRBs records of Marine Corps officers or enlisted members: The duty Commanding Officer who has responsibility for the administration of the records.

Official mailing addresses are published in the Standard Navy Distribution List that is available at *http://doni.daps.dla.mil/sndl.aspx*.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and Corps Inactive Ready Reserve (IRR) members who are enlisted, appointed, or commissioned status; members of the U.S. Marine Corps who were enlisted, appointed, or commissioned status and were separated by discharge, death, or other termination of military status.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Number (SSN), enlistment contract, Department of Veterans Affairs benefit forms, physical evaluation board proceedings, military occupational specialty data, statement of service, qualification record, group life insurance election, emergency data, application for appointment, qualification/evaluation report, oath of office, medical examination, security clearance questionnaire, application/memo for retired pay, application for correction of military records, field/application for active duty, transfer or discharge report/Certificate of Release or Discharge from Active Duty, active duty report, voluntary reduction, line of duty and misconduct determinations, discharge or separation reviews, police record checks, consent/declaration of parent/guardian, Army Reserve Officers Training Corps supplemental agreement, award recommendations, academic reports, line of duty casualty report, U.S. field medical card, retirement points, deferment, pre-induction processing and commissioning data, transcripts of military records, summary sheets review of conscientious objector, options election, oath of enlistment, enlistment extensions, survivor benefit plans, efficiency reports, records of proceeding, 10 U.S.C. section 815 appellate actions, determinations of moral eligibility, waiver of disqualifications, temporary disability record, change of name, statements for enlistment, acknowledgments of service requirements, retired benefits, application for review by physical evaluation and disability boards, appointments, designations, evaluations, birth certificates, citizenship statements and status, educational constructive credit transcripts, flight status board reviews, assignment agreements, limitations/waivers/election and travel reports, efficiency appeals, promotion/reduction/recommendations, approvals/declinations announcements/notifications, reconsiderations/worksheets elections/letters or memoranda of notification to deferred officers and promotion passover notifications, absence without leave and desertion records, FBI reports, Social Security Administration correspondence, miscellaneous correspondence, documents, military orders relating to military service including information pertaining to dependents, interservice action and in service details, determinations, reliefs, component, awards, pay entitlement, and other military service data, commendatory and derogatory material, performance evaluations for E5s and above, photographs, and other documents considered significant to document a Marine's military history.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5041, Headquarters, Marine Corps; 42 U.S.C. 10606 as implemented by DoD Instruction 1030.1, Victim and Witness Assistance Procedures; and E.O. 9397 (SSN).

PURPOSE(S):

To assist officials and employees of the U.S. Marine Corps in the management, supervision, and administration of Marine Corps personnel (officer and enlisted), and the operations of related personnel affairs and functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To officials and employees of the National Research Council in Cooperative Studies of the National History of Disease, of Prognosis and of Epidemiology. Each study in which the records of members and former members of the Marine Corps service are used must be approved by the Deputy Commandant for Manpower and Reserve Affairs.

To the U.S. Citizenship and Immigration Services for use in alien admission and naturalization inquiries.

To officials and employees of the Coast Guard in the performance of their official duties relating to screening members who have expressed a positive interest in an interservice transfer, enlistment, appointment, or acceptance.

To Secret Service agents in connection with matters under the jurisdiction of that agency upon presentation of credentials.

To the Office of Personnel Management for verification of military service for benefits, leave, or reduction-in-force purposes, and to establish Civil Service employee tenure and leave accrual rate.

To the Director of Selective Service System in the performance of official duties related to registration with the Selective Service System.

To the Social Security Administration to obtain or verify Social Security Numbers or to substantiate applicant's credit for social security compensation.

To officials and employees of the American Red Cross and Navy Relief Society in the performance of their

duties. Access will be limited to those portions of the member's record required to effectively assist the member.

To officials and employees of the Sergeants at Arms of the U.S. House of Representatives and the U.S. Senate in the performance of official duties related to the verification of Marine Corps service. Access will be limited to those portions of the member's record required to verify service time, active, and reserve.

To officials and employees of the Department of Veterans Affairs, Department of Health and Human Services, and Selective Service Administration in the performance of their official duties related to eligibility, notification, and assistance in obtaining benefits by members and former members of the Marine Corps.

To officials and employees of the Department of Veterans Affairs in the performance of their official duties relating to approved research projects.

To officials and employees of other Departments and Agencies of the Executive Branch of government, upon request, in performance of their official duties related to the management, supervision, and administration of members and former members of the Marine Corps.

To Federal agencies, their contractors and grantees, and to private organizations, such as the National Academy of Sciences, for the purposes of conducting personnel and/or health-related research in the interest of the Federal government and the public. When not considered mandatory, the names and other identifying data will be eliminated from records used for such research studies.

To officials and employees of Navy-Marine Corps Relief Society and the American Red Cross in the performance of their duties relating to the assistance of the members and their dependents and relatives, or related to assistance previously furnished such individuals, without regard to whether the individual assisted or his/her sponsor continues to be a member of the Marine Corps. Access will be limited to those portions of the member's record required to effectively assist the member.

To duly appointed Family Ombudsmen and Key Volunteers in the performance of their duties related to the assistance of the members and their families.

To victims and witnesses of a crime for purposes of providing information consistent with the Victim and Witness Assistance Program and the Sexual Assault Prevention and Response Program regarding the investigation and disposition of an offense. Access will be limited to information concerning the processing and final disposition, results of any criminal or adverse proceeding (e.g., court-martial, non-judicial punishment, administrative separation), with the exception of victims and witnesses identified as protected persons on a Military Protective Order, who may receive a copy of the Military Protective Order.

Information as to current military addresses and assignments may be provided to military banking facilities who provide banking services overseas and who are reimbursed by the Government for certain checking and loan losses. For personnel separated, discharged, or retired from the Armed Forces information as to last known residential or home of record address may be provided to the military banking facility upon certification by a banking facility officer that the facility has a returned or dishonored check negotiated by the individual or the individual has defaulted on a loan and that if restitution is not made by the individual the United States Government will be liable for the losses the facility may incur.

To other governmental entities or private organizations under government contract to perform random analytical research into specific aspects of military personnel management and administrative procedures.

The DoD 'Blanket Routine Uses' set forth at the beginning of the Marine Corps compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and electronic storage media.

RETRIEVABILITY:

Individual's name, Social Security Number (SSN), and/or service number.

SAFEGUARDS:

Records are maintained in secure, limited access, or monitored areas. Physical entry by unauthorized persons is restricted through the use of locks, guards, passwords, or other administrative procedures. Access to personal information is limited to those individuals who require the records to perform their official assigned duties.

RETENTION AND DISPOSAL:

Official Military Personnel File records are permanent.

Records of Marines who separated, retired, or whose military service obligation expired prior to 1 January 1998 are maintained at the National Personnel Records Center, 9700 Page Avenue, St Louis, MO 63132–5100.

The records of Marines with remaining military service obligation or contractual obligations after 31 December 1997 are maintained at Headquarters, U.S. Marine Corps, U.S. Marine Corps (Code MMSB), 2008 Elliot Road, Quantico, VA 22134–5030.

Permanent records are transferred to the National Archives and Records Administration (NARA) 62 years after the completion of the service member's obligated service.

For Official Military Personnel File records of Marine Corps members in the regular or reserve components as of 1 January 1998 or those members who separated, retired, or died while in service, in the year 1998 or later are maintained at the National Personnel Records Center, Military Personnel Records Branch, 9700 Page Avenue, St. Louis, MO 63132–5100.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, Washington, DC 20380–1775.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the following officials:

Inquiries regarding permanent Official Military Personnel File records of all active duty and reserve members, former members discharged, deceased, or retired after 31 December 1997 should be addressed to the Commandant of the Marine Corps (Code MMSB), Headquarters, U.S. Marine Corps, 2008 Elliot Road, Quantico, VA 22134–5030.

Inquiries regarding field Service Record Books/Officer Qualification Records of reserve members serving in the Individual Ready Reserve should be addressed to the Commanding General, Marine Corps Mobilization Command, 15303 Andrews Road, Kansas City, MO 64147–1207.

Inquiries regarding Official Military Personnel File records of former members discharged, deceased, or retired before 1 January 1998 should be addressed to the Director, National Personnel Records Center, Military Personnel Records, 9700 Page Avenue, St. Louis, MO 63132–5100.

Veterans and relatives of deceased veterans may obtain information on how to obtain copies of records from the NPRC Web site at *http://www.archives.gov/st-louis/military-personnel/index.html*.

Inquiries regarding field Service Record Books/Officer Qualification Records of current members should be addressed to the Commanding Officer of the Marine Corps unit to which they are attached.

Official mailing addresses are published in the Standard Navy Distribution List that is available at *http://doni.daps.dla.mil/sndl.aspx*.

Requests should contain the member's full name, Social Security Number (SSN) (and/or enlisted or officer service number), rank/rate, approximate dates of service, address, and signature of the requester. Transfer or Discharge (DD Form 214), discharge certificate, driver's license, or other data sufficient to ensure that the member is the subject of the record.

Current members (active and reserve) and former members may visit any of the above activities for review of records. Proof of identification will be required and may consist of an individual's active, reserve, or retired identification card, Armed Forces Report of.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written requests to the following officials:

Inquiries regarding permanent Official Military Personnel File records of all active duty and reserve members, former members discharged, deceased, or retired after 31 December 1997 should be addressed to the Commandant of the Marine Corps (Code MMSB), Headquarters, U.S. Marine Corps, 2008 Elliot Road, Quantico, VA 22134–5030.

Inquiries regarding field Service Record Books/Officer Qualification Records of reserve members serving in the Individual Ready Reserve should be addressed to the Commanding General, Marine Corps Mobilization Command, 15303 Andrews Road, Kansas City, MO 64147–1207.

Inquiries regarding Official Military Personnel File records of former members discharged, deceased, or retired before 1 January 1998 should be addressed to the Director, National Personnel Records Center, Military Personnel Records, 9700 Page Avenue, St. Louis, MO 63132–5100.

Veterans and relatives of deceased veterans may obtain information on how to obtain copies of records from the National Personnel Records Center Web site at *http://www.archives.gov/st-louis/military-personnel/index.html*.

Inquiries regarding field Service Record Books/Officer Qualification Records of current members should be addressed to the Commanding Officer of the Marine Corps unit to which they are attached.

Official mailing addresses are published in the Standard Navy Distribution List that is available at *http://doni.daps.dla.mil/sndl.aspx*.

Requests should contain the member's full name, Social Security Number (SSN) (and/or enlisted or officer service number), rank/rate, approximate dates of service, address, and signature of the requester.

Current members (active and reserve) and former members may visit any of the above activities for review of records. Proof of identification will be required and may consist of an individual's active, reserve, or retired identification card, Armed Forces Report of Transfer or Discharge (DD Form 214), discharge certificate, driver's license, or other data sufficient to ensure that the member is the subject of the record.

CONTESTING RECORD PROCEDURES:

The USMC rules for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; Marine Corps Order P5211.2; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Staff agencies and subdivisions of Headquarters, U.S. Marine Corps; Marine Corps commands and organizations; other agencies of federal, state, and local government; medical reports; correspondence from financial and other commercial enterprises; correspondence and records of educational institutions; correspondence of private citizens addressed directly to the Marine Corps or via the U.S. Congress and other agencies; investigations to determine suitability for enlistment, security clearances, and special assignments; investigations related to disciplinary proceedings; and the individual of the record.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E8–5349 Filed 3–14–08; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Prepare an Environmental Impact Statement and Overseas Environmental Impact Statement for Navy Training Activities in the Gulf of Alaska

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA) as implemented by the Council on Environmental Quality regulations (40 CFR Parts 1500–1508), and Executive Order 12114 (Environmental Effects Abroad of Major Federal Actions), the Department of the Navy (Navy) announces its intent to prepare an Environmental Impact Statement (EIS)/Overseas Environmental Impact Statement (OEIS) to evaluate the potential environmental effects of conducting Navy training in and around the Gulf of Alaska (GOA), including participation in large-scale Joint exercises, to support Fleet training exercise requirements. The Navy will invite the U.S. Fish and Wildlife Service and National Marine Fisheries Service to be cooperating agencies in preparation of this EIS/OEIS.

DATES AND ADDRESSES: Three public scoping meetings will be held to receive oral and/or written comments on environmental concerns that should be addressed in the EIS/OEIS. Each of the three scoping meetings will consist of an informal, open house session with information stations staffed by Navy representatives. The public scoping meetings will be held at the following dates, times, and locations:

1. Tuesday, April 1, 2008, 6 p.m. to 9 p.m., at Kodiak Best Western, 236 W. Rezanof Drive, Kodiak, AK 99615,
2. Wednesday, April 2, 2008, 6 p.m. to 9 p.m., at Kincaid Outdoor Center, North Assembly Room, 9401 W. Raspberry Road, Anchorage, AK 99502,
3. Thursday, April 3, 2008, 6 p.m. to 9 p.m., at Mt. Eccles Elementary School, 200 Adams Street, Cordova, AK 99574.

Details of the meeting locations and times will be announced in local newspapers. Additional information concerning meeting times will be available on the EIS/OEIS Web page located at: *http://www.GulfofAlaskaNavyEIS.com*.

FOR FURTHER INFORMATION CONTACT: Mrs. Amy Burt, Naval Facilities Engineering Command, Northwest, 1101 Tautog Circle Suite 203, Silverdale, Washington 98315–1101, Attn: GOA Navy Training Activities EIS/OEIS Project Manager,

Code EV1.AB, telephone number: 360–396–0924.

SUPPLEMENTARY INFORMATION: The proposed EIS/OEIS analyzes potential environmental effects of Navy training activities that will take place in and around the Gulf of Alaska and those aircraft events that originate in the maritime exercise area (MEA) and extend over established inland Alaska military operating areas. Navy training activities primarily take place in, or originate from, the MEA. The MEA provides approximately 42,000 nm^2 (144,056 km^2) of air and surface/subsurface ocean operating area and overlying airspace.

The MEA is a polygon that is oriented from northwest to southeast, approximately 300 nm in length by 150 nm in width, situated south of Prince William Sound and east of Kodiak Island, Alaska. The EIS/OEIS study area includes Gulf of Alaska ocean area within approximately 200 km from the MEA and the waters within this boundary up to the coastline. Military operations also occur over established land-based Military Operating Areas maintained by the Air Force in Alaska.

These Alaska training areas are used to conduct Navy training, including participating in large-scale Joint training exercises such as the annual Northern Edge exercise, involving military hardware, personnel, tactics, munitions, explosives, and electronic combat. Alaska is an ideal location to support naval and joint operational readiness by providing the maritime component to a ''geographically realistic'' range for U.S. Pacific Command (PACOM) and U.S. Northern Command (NORTHCOM) scenario-based training.

The purpose of the Proposed Action is to: (1) Support PACOM and NORTHCOM training requirements; (2) achieve and maintain Fleet readiness using these Alaska training areas to support and conduct current, emerging, and future training activities; (3) accommodate new training requirements associated with the introduction of new weapons and systems to the Fleet; and (4) support civilian authorities in homeland defense training exercises.

The need for the Proposed Action is to: (1) Maintain current levels of military readiness; (2) accommodate future increases in training activities to support Fleet exercise requirements in the Alaska training areas; (3) support the acquisition and implementation into the Fleet of advanced military technology; and (4) maintain the long-term viability of the Alaska training areas as a Navy training area while protecting human health and the environment, and enhancing the quality and the capabilities of the training area, including safety.

The No Action Alternative is the continuation of current training levels, with one carrier strike group per exercise, to exclude the use of mid-frequency active sonar (MFAS). Alternative 1 consists of an increase in the number of training activities from baseline levels, to include the use of MFAS, plus training associated with the introduction of new weapon systems, vessels, and aircraft into the Fleet. Alternative 2 consists of all elements of Alternative 1, plus the addition of a second summertime carrier strike group exercise each year, to include the use of MFAS.

Environmental issues that will be addressed in the EIS/OEIS include but are not limited to the following: Air quality; airspace; biological resources, including threatened and endangered species; cultural resources; geology and soils; hazardous materials and waste; health and safety; noise; socioeconomics; transportation and water resources.

The Navy is initiating the scoping process to identify community concerns and local issues that will be addressed in the EIS/OEIS. Federal, state, and local agencies, Alaska Native Federally-Recognized Tribes, the public, and interested persons are encouraged to provide oral and/or written comments to the Navy to identify specific environmental issues or topics of environmental concern that the commenter believes the Navy should consider. All comments, written or provided orally at the scoping meetings, will receive the same consideration during EIS/OEIS preparation.

Written comments on the scope of the EIS/OEIS should be postmarked no later than April 30, 2008. Comments may be mailed to: Mrs. Amy Burt, Naval Facilities Engineering Command, Northwest, 1101 Tautog Circle, Suite 203, Silverdale, Washington 98315–1101, Attn: GOA Navy Training Activities EIS/OEIS Project Manager, Code EV1.AB. Comments can also be submitted via the EIS/OEIS Web page located at *http://www.GulfofAlaskaNavyEIS.com*.

Dated: March 11, 2008.

T.M. Cruz,

Lieutenant, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. E8–5316 Filed 3–14–08; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: U.S. Department of Energy.

ACTION: Notice and Request for Comments.

SUMMARY: The Department of Energy (DOE), pursuant to the Paperwork Reduction Act of 1995, intends to extend for three years, an information collection package with the Office of Management and Budget (OMB) concerning *Collection of Human Resource information from major DOE contractors for contract management, administration, and cost control.* Comments are invited on:

(a) Whether the extended collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

(b) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments regarding this proposed information collection must be received on or before May 16, 2008. If you anticipate difficulty in submitting comments within that period, contact the person listed below as soon as possible.

ADDRESSES: Written comments may be sent to: Robert M. Myers, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–1615, 202–287–1584, or by fax at 202–287–1656 or by e-mail at *robert.myers@hq.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Robert Myers at the address listed above.

SUPPLEMENTARY INFORMATION: This package contains:

(1) *OMB No.* 1910–0600;

(2) *Package Title:* Industrial Relations;

(3) *Type of Review:* Renewal;

(4) *Purpose:* This information is required for management oversight for the Department of Energy's Facilities Management Contractors and to ensure that the programmatic and

administrative management requirements of the contract are managed efficiently and effectively;

(5) *Respondents:* 349;

(6) *Estimated Number of Burden Hours:* 8,173.

Statutory Authority: The basic authority for collection of this data is the statute establishing the Department of Energy (''Department of Energy Organization Act,'' Public Law 95–91, of August 4, 1977). It vests the Secretary of Energy with the executive direction and management function, authority, and responsibilities for the Department, including contract management. The provisions of 42 U.S.C. 7254 state that ''The Secretary is authorized to prescribe such procedural and administrative rules and regulations as he may deem necessary or appropriate to administer and manage the functions now or hereafter vested in him.''

Issued in Washington, DC on March 8, 2008.

Edward R. Simpson,

Director, Office of Procurement and Assistance Management.

[FR Doc. E8–5267 Filed 3–14–08; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice and Request for Comments.

SUMMARY: The Department of Energy (DOE), pursuant to the Paperwork Reduction (Act of 1995), intends to extend for three years, an information collection request with the Office of Management and Budget (OMB). Comments are invited on: (a) Whether the extended collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments regarding this proposed information collection must be received on or before May 16, 2008. If you anticipate difficulty in submitting comments within that period, contact the person listed below as soon as possible.

ADDRESSES: Written comments may be sent to Elnora Long, U.S. Department of Energy, EE–2K/Forestal Building; 1000 Independence Ave., SW., Washington, DC 20585 or by fax 202–586–1233 or by e-mail at *elnora.long@ee.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Elnora Long at the address listed above.

SUPPLEMENTARY INFORMATION: This information collection request contains: (1) *OMB No.* 1910–5126 (2) *Information Collection Request Title:* State Energy Program; (3) *Type of Review:* Renewal; (4) *Purpose:* The State Energy Program purpose is to promote the conservation of energy; to reduce the rate of growth of energy demand and to reduce dependence on imported oil through the development and implementation of a comprehensive State Energy Program and the provision of Federal financial and technical assistance to States in support of such program. (5) *Respondents:* 56 States and Territories; (6) *Estimated Number of Burden Hours:* Burden is estimated at nine hours per state/territory totaling 504 hours.

Statutory Authority: This collection of information is in accordance with 10 CFR part 420.

Issued in Washington, DC on March 5, 2008.

Ronald Shaw,

Acting Program Manager, Office of Weatherization and Intergovernmental Program, Energy Efficiency and Renewable Energy.

[FR Doc. E8–5268 Filed 3–14–08; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice and request for comments.

SUMMARY: The Department of Energy (DOE), pursuant to the Paperwork Reduction Act (of 1995), intends to extend for three years, an information collection request with the Office of Management and Budget (OMB). The Department of Energy (DOE) Weatherization Assistance Program (WAP) is a formula grant funding program. DOE has developed four forms designed to reduce the length of time to input information and provide a consistent format for all States to submit as part of their State Application and Plan process. This activity will benefit the program and States because all forms are in electronic format that will populate a database for program information. The program information captured will be used to provide the most current program information for the budget, congressional and public inquires of the program. Comments are invited on: (a) Whether the extended collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments regarding this proposed information collection must be received on or before May 16, 2008. If you anticipate difficulty in submitting comments within that period, contact the person listed below as soon as possible.

ADDRESSES: Written comments may be sent to: Elnora Long, U.S. Department of Energy, EE–2–K/Forestal Building; 1000 Independence Ave., SW., Washington, DC 20585 or by fax at 202–586–1233 or by e-mail at *elnora.long@ee.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Elnora Long at the address listed above.

SUPPLEMENTARY INFORMATION: This information collection request contains: (1) *OMB No.* 1910–5127 (2) *Information Collection Request Title:* Weatherization Assistance Program; (3) *Type of Review:* Renewal; (4) *Purpose:* The Weatherization Assistance Program provides grants to States, the District of Columbia and Native American Tribes; *Type of Respondents:* States, District of Columbia, and Native American Tribes; (5) *Respondents:* 52; (6) *Estimated Number of Burden Hours:* 3 hours per Respondent.

Statutory Authority: 10 CFR part 440.

Issued in Washington, DC on March 5, 2008.

Ronald Shaw,

Acting Program Manager, Office of Weatherization and Intergovernmental Program, Energy Efficiency and Renewable Energy.

[FR Doc. E8–5270 Filed 3–14–08; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EL07–86–003, EL07–88–003, EL07–92–003, EL07–100–002]

Ameren Services Company and Northern Indiana Public Service Company, Complainant v. Midwest Independent System Operator, Inc., Respondent; Great Lakes Utilities, et al., Complainant v. Midwest Independent System Operator, Inc., Respondent; Wabash Valley Power Assoc., Inc., Complainant v. Midwest Independent System Operator, Inc., Respondent; E.ON. U.S. LLC, Complainant v. Midwest Independent System Operator, Inc., Respondent; Notice of Filing

March 10, 2008.

Take notice that on March 3, 2008, Midwest Independent System Operator, Inc. (Midwest ISO) filed revisions to its Open Access Transmission, Energy and Operating Reserve Markets Tariff reflecting an alternative mechanism for allocating Revenue Sufficiency Guarantee charges and costs (consistent with Midwest ISO's February 1, 2008 informational filing).

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

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

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

Comment Date: 5 p.m. Eastern Time on March 24, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–5233 Filed 3–14–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL08–11–002]

TransCanada Power Marketing Ltd. v. ISO New England Inc.; Notice of Filing

March 10, 2008.

Take notice that on March 3, 2008, in compliance with the Commission's January 4, 2008 Order, *TransCanada Power Marketing Ltd.* v. *ISO New England Inc.*, 122 FERC ¶ 61,010 (2008), ISO New England Inc. filed tariff sheets containing revisions to Section III.13.1.6 of the Transmission, Markets and Services Tariff, FERC Electric No. 3.

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

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

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

Comment Date: 5 p.m. Eastern Time on March 24, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–5234 Filed 3–14–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP08–36–000]

Chestnut Ridge Storage L.P.; Notice of Public Scoping Meeting and Site Visit for the Proposed Junction Natural Gas Storage Project

March 10, 2008.

The staff of the Federal Energy Regulatory Commission (Commission) will conduct a public scoping meeting and site visit for the Junction Natural Gas Storage Project involving construction and operation of natural gas storage and pipeline header facilities by Chestnut Ridge Storage L.P. in Fayette County, Pennsylvania and Preston and Monongalia Counties, West Virginia. Further description of the project was provided in our *Notice of Intent to Prepare an Environmental Assessment for the Junction Natural Gas Storage Project*, issued on January 28, 2008.

Additional information about the project, including maps, is available from the Commission's Office of External Affairs, at 1–866–208–FERC or on the FERC Internet Web site (*http://www.ferc.gov*) using the ''eLibrary'' link. Click on the eLibrary link, then on ''General Search'' and enter the docket number—CP08–36. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, contact (202) 502–8659.

We invite you to attend a public scoping meeting on Thursday evening, March 27, 2008, to provide environmental comments on the proposed project. Your input will help us determine the issues that need to be evaluated in the environmental assessment. The public scoping meeting will be held at: Volunteer Fire Department Social Hall, 31 Pittsburgh Street, Fairchance, PA 15436, Phone: 724–564–9103, Time: 7 p.m.–9 p.m.

The Commission staff also will conduct a site visit of the location of the proposed facilities on Friday, March 28, 2008. Anyone interested in participating in the site visit may attend, and they must provide their own transportation. The staff will start the site visit on March 28 at approximately 9 a.m. The Commission staff, company representatives, and interested participants will meet in the parking lot at the following location: Saints Cyril & Methodius Church, 50 N Morgantown Street, Fairchance, PA 15436, time: 9 a.m. (EST).

Kimberly D. Bose,

Secretary.

[FR Doc. E8–5232 Filed 3–14–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RC07–4–002, RC07–6–002, I RC07–7–002]

Direct Energy Services, LLC; Sempra Energy Solutions, LLC; Strategic Energy, LLC; Notice of Filing

March 11, 2008.

Take notice that on March 4, 2008, The North American Electric Reliability Corporation filed a compliance filing in response to the Commission's December 20, 2007 Order, *Direct Energy Services, LLC, et al.*, 121 FERC ¶ 61,274 (2007).

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

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

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

Comment Date: 5 p.m. Eastern Time on March 25, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–5253 Filed 3–14–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL08–45–000]

New York Independent System Operator, Inc.; Notice of Filing

March 11, 2008.

Take notice that on March 10, 2008, The New York Independent System Operator, Inc (NYISO) filed a request for limited tariff waiver of Section 5.13.1 of the Market Administration and Control Area Services Tariff and grant any other relief as necessary to enable the NYISO to post results of the April Monthly Auction on March 14, 2008 and close the certification period for April on March 20, 2008.

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

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

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

Comment Date: 5 p.m. Eastern Time on March 18, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–5254 Filed 3–14–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR08–17–000]

Bay Gas Storage Company, Ltd.; Notice of Petition for Rate Approval

March 10, 2008.

Take notice that on February 29, 2008, Bay Gas Storage Company, Ltd. (Bay Gas) submitted for filing its proposal to charge a lost-an-unaccounted-for (LAUF) reimbursement percentage of 0.96 percent.

Any person desiring to participate in this rate proceeding must file a motion to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate.

Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

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

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

Comment Date: 5 p.m. Eastern Time on March 24, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–5231 Filed 3–14–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL08–44–000]

PJM Interconnection, L.L.C., Complainant, v. Accord Energy LLC, BJ Energy LLC, Franklin Power LLC, GLE Trading LLC, Ocean Power LLC, Pillar Fund LLC, Power Edge LLC, Tower Research Capital LLC, Tower Research Capital Investments LLC, Respondents; Notice of Complaint

March 10, 2008.

Take notice that on March 7, 2008, PJM Interconnection, LLC (PJM) filed a formal complaint against Accord Energy LLC, BJ Energy LLC, Franklin Power LLC, GLE Trading LLC, Ocean Power LLC, Pillar Fund LLC, Power Edge LLC, Tower Research Capital LLC, and Tower Research Capital Investments LLC (collectively, Respondents), pursuant to sections 206, 222, and 306 of the Federal Power Act, 16 U.S.C. 824e, 824v, and 825e and 18 CFR 385.206, alleging that the Respondents engaged in conduct and committed actions to manipulate the PJM market in violation of the Commission's prohibitions against market manipulation, and that Respondents should be required to disgorge unjust revenues and provide refunds, and be investigated for civil penalties.

PJM certifies that copies of the complaint were served on the contacts for Respondents.

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

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

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

Comment Date: 5 p.m. Eastern Time on March 27, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–5235 Filed 3–14–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Columbia Gas Transmission Corporation; Notice of Request for Permission To Withdraw Tariff Filing

March 11, 2008.

Take notice that on March 3, 2008, Columbia Gas Transmission Corporation (Columbia) requests permission from the FERC to withdraw in its entirety Columbia's proposed tariff sheet filing in the approved referenced docket made on November 7, 2007. Columbia contends that good cause exists justifying such a withdrawal and that withdrawing the proceeding will ensure that Columbia, Commission Staff, and the parties will no longer expend valuable resources litigating the tariff proposals contained in Columbia's November 7, 2007 Rate Schedule SIT filing.

Any person desiring to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on the parties to the proceeding.

The Commission encourages electronic submission of protests 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 filing in the above proceeding is accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail

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

Comment Date: 5 p.m. Eastern Time on Monday, March 17, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–5252 Filed 3–14–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD08–1–004]

Review of Cost Submittals by Other Federal Agencies for Administering Part I of the Federal Power Act; Notice of Technical Conference

March 10, 2008.

In its Order On Rehearing Consolidating Administrative Annual Charges Bill Appeals and Modifying Annual Charges Billing Procedures (109 FERC ¶ 61,040), the Commission set forth an annual deadline for Other Federal Agencies (OFAs) to submit their costs related to Administering Part I of the Federal Power Act. The Commission required the OFAs to submit their costs by December 31st of each fiscal year using the OFA Cost Submission Form. The order also announced that a technical conference would be held for the purpose of reviewing the submitted cost forms and detailed supporting documentation.

The Commission will hold a technical conference for reviewing the submitted OFA costs. The purpose of the conference will be for OFAs and licensees to discuss costs reported in the forms and any other supporting documentation or analyses.

The Conference will be held on March 27, 2008, in Conference Room 3M–4A/B at the Commission's headquarters at 888 First Street, NE., Washington, DC. The conference will begin at 2 p.m. (EST).

The technical conference will also be transcribed. Those interested in obtaining a copy of the transcript immediately for a fee should contact the Ace-Federal Reporters, Inc., at 202–347–3700, or 1–800–336–6646. Two weeks after the post-forum meeting, the transcript will be available for free on the Commission's e-library system. Anyone without access to the Commission's Web site or who has questions about the technical conference should contact Troy Cole at (202) 502–6161 or via e-mail at *annualcharges@ferc.gov.*

FERC conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an e-mail to *accessibility@ferc.gov* or call toll free (866) 208–3372 (voice), (202) 208–8659 (TTY), or send a FAX to 202–208–2106 with the required accommodations.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–5236 Filed 3–14–08; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OA–2007–0607; FRL–8542–8]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Performance Measurement Reporting for Training and Education/Outreach; EPA ICR No. 2255.01

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request for a new collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before April 16, 2008.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA-HQ-OA–2007–0607, to (1) EPA online using *http://www.regulations.gov* (our preferred method), by email to *oei.docket@epa.gov*, or by mail to: Office of Environmental Information (OEI) Docket, Environmental Protection Agency, Mail Code: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Brian Hanlon, Office of Grants and Debarment, Mail Code: 3903R, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 202–564–2865; fax number: 202–565–2468; email address: *hanlon.brian@epa.gov*; or Peggy Anthony, Office of Grants and Debarment, Mail Code: 3903R, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 202–564–5364; fax number: 202–565–2470, email address: *anthony.peggy@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On July 20, 2007, (72 FR 39805), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments during the comment period. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OA–2007–0607, which is available for online viewing at *http://www.regulations.gov*, or in person viewing at the Office of Environmental Information Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202–566–1744, and the telephone number for the Office of Environmental Information Docket is 202–566–1752.

Use EPA's electronic docket and comment system at *http://www.regulations.gov,* to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, Confidential Business Information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *http://www.regulations.gov*.

Title: Performance Measurement Reporting for Training and Education/Outreach.

ICR Number: EPA ICR No. 2255.01.

ICR Status: This ICR is for a new information collection activity. An Agency may not conduct or sponsor, and a person is not required to respond

to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: EPA has developed some generic reporting tools to supplement the existing performance reports submitted by assistance agreement recipients under 40 CFR Parts 30 and 31. The new reporting tools are designed to collect performance measurement information on two types of activities performed by assistance agreement recipients: training and education/outreach. Specifically, EPA has created generic questions and reporting formats that will be made available to the EPA programs and assistance agreement recipients. The tools are designed to measure the extent to which the assistance agreement recipients achieve the short-term and intermediate outcomes stated in their work plans for trainings and education/outreach. The questions and formats are flexible enough for use by any of the EPA programs.

An assistance agreement recipient would review the reporting formats and generic questions, select the format and questions that are appropriate for its needs, and assemble them into a questionnaire. The recipient would then submit its proposed questionnaire and supporting materials to EPA, which would forward them to OMB after a review for completeness and compliance. After receiving OMB approval through an expedited clearance process, the assistance agreement recipient would distribute the questionnaire and collect, tally, and report the responses to EPA. Use of the forms would not be required, but used at the discretion of the responsible program and assistance agreement recipients.

EPA has created a generic ICR that addresses the reporting tools. Upon OMB approval of the ICR, EPA program offices and their assistance agreement recipients would be able to prepare questionnaires using the tools and submit the questionnaires and supporting materials for expedited OMB approval.

Burden Statement: The annual public reporting burden for this collection of information is estimated to be six hours per assistance agreement. This includes time for preparing the questionnaire and related materials for OMB approval, and collecting, summarizing, and reporting the results to EPA. The annual public reporting burden is estimated to range from five to 10 minutes for an individual to complete a questionnaire. There is no public recordkeeping burden for this information collection. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Entities potentially affected by this action include assistance agreement recipients that perform training and/or education and outreach.

Estimated average annual number of assistance agreements affected: Between 480 and 720.

Estimated annual frequency of response: Quarterly or less often.

Estimated annual average number of responses for each assistance agreement: 4.

Estimated total annual respondent burden hours: 12,024 hours.

Estimated total annual respondent costs: $341,413. This includes an estimated labor cost of $341,413 and $0 for capital investment or maintenance and operational costs.

Dated: March 11, 2008.

Sara Hisel-McCoy,

Director, Collection Strategies Division.

[FR Doc. E8–5284 Filed 3–14–08; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8542–7]

Agency Information Collection Activities OMB Responses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This document announces the Office of Management and Budget's (OMB) responses to Agency Clearance requests, in compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et. seq.*). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

FOR FURTHER INFORMATION CONTACT: Rick Westlund (202) 566–1682, or email at *westlund.rick@epa.gov* and please refer to the appropriate EPA Information Collection Request (ICR) Number.

SUPPLEMENTARY INFORMATION:

OMB Responses to Agency Clearance Requests

OMB Approvals

EPA ICR Number 1764.04; National Volatile Organic Compound Emission Standards for Consumer Products (Renewal); in 40 CFR part 59, subpart C; was approved 02/08/2008; OMB Number 2060–0348; expires 02/28/2011.

EPA ICR Number 0222.08; EPA's In-Use Vehicle and Engine Testing Programs (Renewal); was approved 02/08/2008; OMB Number 2060–0086; expires 02/28/2011.

EPA ICR Number 1080.12; NESHAP for Benzene Emission from Benzene Storage Vessels and Coke By-product Recovery Plants (Renewal); in 40 CFR part 61, subpart L; was approved 02/14/2008; OMB Number 2060–0185; expires 02/28/2011.

EPA ICR Number 1854.06; ICR For NSPS Subparts VV and VVa: Equipment Leaks Of VOC In Synthetic Organic Chemical Manufacturing Industry (SOCMI); in 40 CFR part 61, subparts BB, Y, and V, 40 CFR part 60 subparts Ka, Kb, VV, VVa, DDD, III, NNN, and RRR, 40 CFR part 63, subparts F, G, H, and I, and 40 CFR part 65; was approved 02/14/2008; OMB Number 2060–0443; expires 02/28/2011.

EPA ICR Number 0328.14; NESHAP for Benzene Emission from Benzene Storage Vessels and Coke By-product Recovery Plants (Renewal); in 40 CFR part 61, subpart L; was approved 02/14/2008; OMB Number 2060–0185; expires 02/28/2011.

EPA ICR Number 1136.09; NSPS for VOC Emissions from Petroleum Refinery Wastewater Systems (Renewal); in 40 CFR part 60, subpart QQQ; was approved 02/21/2008; OMB Number 2060–0172; expires 02/28/2011.

EPA ICR Number 1860.03; Mercury Educator's Toolkit Survey Generic

Information Collection; was approved 02/25/2008; OMB Number 2020–0015.

EPA ICR Number 1086.08; NSPS for Onshore Natural Gas Processing Plants (Renewal); in 40 CFR part 60, subparts KKK and LLL; was approved 02/25/2008; OMB Number 2060–0120; expires 02/28/2011.

EPA ICR Number 1730.06; NSPS for Hospital/Medical/Infectious Waste Incinerators (Renewal); in 40 CFR part 60, subpart Ec; was approved 02/25/2008; OMB Number 2060–0363; expires 02/28/2011.

EPA ICR Number 1363.15; Toxic Chemical Release Reporting (Form R) (Renewal); in 40 CFR part 372; was approved 03/02/2008; OMB Number 2070–0093; expires 03/31/2011.

EPA ICR Number 1704.09; Toxic Chemical Release Reporting, Alternate Threshold for Low Annual Reportable Amounts (Form A) (Renewal); in 40 CFR part 372; was approved 03/02/2008; OMB Number 2070–0143; expires 03/31/2011.

EPA ICR Number 1360.08; Underground Storage Tanks: Technical and Financial Requirements, and State Program Approval Procedures (Renewal); in 40 CFR part 280, and 281; was approved 03/02/2008; OMB Number 2050–0068; expires 03/31/2011.

EPA ICR Number 1572.07; Hazardous Waste Specific Unit Requirements and Special Waste Processes and Types (Renewal); in 40 CFR 265.1063, 40 CFR 265.1064, 40 CFR 265.11, 40 CFR 265.1101, 40 CFR 265.19, 40 CFR 265.191, 40 CFR 265.192, 40 CFR 265.225, 40 CFR 264.1035, 40 CFR 264.1036, 40 CFR 264.1034, 40 CFR 264.1061, 40 CFR 264.1062, 40 CFR 264.1063, 40 CFR 264.1064, 40 CFR 264.1065, 40 CFR 264.11, 40 CFR 264.1101, 40 CFR 264.19, 40 CFR 264.191, 40 CFR 264.196, 40 CFR 264.227, 40 CFR 264.254, 40 CFR 264.276, 40 CFR 264.28, 40 CFR 264.314, 40 CFR 264.343, 40 CFR 264.347, 40 CFR 264.57, 40 CFR 264.571, 40 CFR 264.573, 40 CFR 264.574, 40 CFR 264.603, 40 CFR 265.1033, 40 CFR 265.1034, 40 CFR 265.1035, 40 CFR 265.1061, 40 CFR 265.1062, 40 CFR 265.193, 40 CFR 265.196, 40 CFR 265.221, 40 CFR 265.222, 40 CFR 265.223, 40 CFR 264.253(b), (c), 40 CFR 264.278(a)–(f), (h), 40 CFR 265.226, 40 CFR 265.229, 40 CFR 265.254, 40 CFR 265.255, 40 CFR 264.278(g), 40 CFR 265.259, 40 CFR 265.26, 40 CFR 265.276, 40 CFR 265.278, 40 CFR 265.28, 40 CFR 265.301, 40 CFR 265.302, 40 CFR 265.303, 40 CFR 265.304, 40 CFR 265.314, 40 CFR 265.34, 40 CFR 265.352, 40 CFR 265.383, 40 CFR 265.404, 40 CFR 265.44, 40 CFR 265.441, 40 CFR 265.443, 40 CFR 265.444, 40 CFR 264.1033(j), 40 CFR 264.113(e), 40 CFR 264.192(g), 40 CFR 264.193(i), 40 CFR 264.197(b), 40 CFR 264.222(b), 40 CFR 264.223(b), (c), 40 CFR 264.226(c), 40 CFR 264.226(d), 40 CFR 264.252(b), 40 CFR 264.302(b), 40 CFR 264.303(b), 40 CFR 264.304(b), (c), 40 CFR 265.113(e), 40 CFR 265.197(b), 40 CFR 266.70(c); was approved 03/02/2008; OMB Number 2050–0050; expires 03/31/2011.

EPA ICR Number 1755.08; Regulatory Reinvention Pilots (Renewal); was approved 03/07/2008; OMB Number 2010–0026; expires 03/31/2011.

Comment and Continue

EPA ICR Number 0328.14; Revisions to the Spill Prevention, Control and Countermeasure (SPCC) Plans Rule (Proposed Rule); on 02/14/2008 OMB filed comment.

EPA ICR Number 2276.01; PSD for PM 2.5 (Proposed Rule); on 02/15/2008 OMB filed comment.

Dated: March 11, 2008.

Sara Hisel-McCoy,

Director, Collection Strategies Division.

[FR Doc. E8–5285 Filed 3–14–08; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–ORD–2008–0204; FRL–8542–9]

Board of Scientific Counselors, Land Research Program Mid-Cycle Review Meetings—Spring 2008

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meetings.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, the Environmental Protection Agency, Office of Research and Development (ORD), gives notice of three meetings of the Board of Scientific Counselors (BOSC) Land Mid-Cycle Subcommittee.

DATES: The first meeting (a teleconference call) will be held on Friday, April 18, 2008, from 11 a.m. to 1 p.m. EDT. The second meeting (a teleconference call) will be held on Thursday, April 24, 2008, from 10 a.m. to 12 p.m. EDT. The third meeting (face-to-face meeting) will be held on Thursday, May 8, 2008 from 10:30 a.m. to 3 p.m. CDT. The meetings may adjourn early if all business is finished. Requests for the draft agenda or for making oral presentations at the meetings will be accepted up to 1 business day before each meeting.

ADDRESSES: Participation in the conference calls will be by teleconference only—meeting rooms will not be used. Members of the public may obtain the call-in number and access code for the calls from Heather Drumm, whose contact information is listed under the **FOR FURTHER INFORMATION CONTACT** section of this notice. The face to face meeting will be held at the Springhill Suites, 24 Via de Luna, Pensacola Beach, FL 32561. Submit your comments, identified by Docket ID No. EPA–HQ–ORD–2008–0204, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail:* Send comments by electronic mail (e-mail) to: *ORD.Docket@epa.gov,* Attention Docket ID No. EPA–HQ–ORD–2008–0204.
- *Fax:* Fax comments to: (202) 566–0224, Attention Docket ID No. EPA–HQ–ORD–2008–0204.
- *Mail:* Send comments by mail to: Board of Scientific Counselors, Land Mid-Cycle Subcommittee Meeting—Spring 2008 Docket, Mailcode: 28221T, 1200 Pennsylvania Ave., NW., Washington, DC, 20460, Attention Docket ID No. EPA–HQ–ORD–2008–0204.
- *Hand Delivery or Courier.* Deliver comments to: EPA Docket Center (EPA/DC), Room B102, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC, Attention Docket ID No. EPA-HQ-ORD–2008–0204. Note: this is not a mailing address. 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–ORD–2008–0204. 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.*

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Board of Scientific Counselors, Land Mid-Cycle Subcommittee Meeting—Spring 2008 Docket, EPA/DC, EPA West, Room B102, 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 ORD Docket is (202) 566–1752.

FOR FURTHER INFORMATION CONTACT: The Designated Federal Officer via mail at: Heather Drumm, Mail Drop 8104–R, Office of Science Policy, Office of Research and Development, Environmental Protection Agency, 1300 Pennsylvania Ave. NW., Washington, DC 20460; via phone/voice mail at: (202) 564–8239; via fax at: (202) 565–2911; or via e-mail at: *drumm.heather@epa.gov.*

SUPPLEMENTARY INFORMATION:

General Information

Any member of the public interested in receiving a draft BOSC agenda or making a presentation at either meeting may contact Heather Drumm, the Designated Federal Officer, via any of the contact methods listed in the **FOR FURTHER INFORMATION CONTACT** section above. In general, each individual making an oral presentation will be limited to a total of three minutes.

Proposed agenda items for the meetings include, but are not limited to: *Teleconference #1:* the objectives of the review; a summary of major changes in the Land research program since 2005; update on the revised Land Multi-Year Plan; *Teleconference #2:* update on Long Term Goal progress since 2005; *Face-to-Face meeting:* the Land research program's progress in response to recommendations from its 2005 BOSC review and other activities, subcommittee discussions. The meetings are open to the public.

Information on Services for Individuals with Disabilities: For information on access or services for individuals with disabilities, please contact Heather Drumm at (202) 564–8239 or *drumm.heather@epa.gov.* To request accommodation of a disability, please contact Heather Drumm, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: March 11, 2008.

Jeff Morris,

Acting Director, Office of Science Policy.

[FR Doc. E8–5286 Filed 3–14–08; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–ORD–2008–0054; FRL–8541–8]

Board of Scientific Counselors, Homeland Security Subcommittee Meetings—Spring 2008

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meetings.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, the Environmental Protection Agency, Office of Research and Development (ORD), gives notice of three meetings of the Board of Scientific Counselors (BOSC) Homeland Security Subcommittee.

DATES: The first meeting (teleconference call) will be held on Wednesday, April 23, 2008, from 3 p.m. to 5 p.m. The second meeting (teleconference call) will be held on Wednesday, May 7, 2008, from 3 p.m. to 5 p.m. The third meeting (three day face-to-face meeting) will be held on Wednesday, May 28, 2008, from 1 p.m. to 5 p.m.; Thursday, May 29, 2008, from 9 a.m. to 3:30 p.m.; and Friday, May 30, 2008, 11 a.m. to 2 p.m. The meeting will be closed to the public on Wednesday, May 28, from 9 a.m. to 12 p.m., and Friday, May 30, from 8 a.m. to 9 a.m. All times noted are eastern time. The meetings may adjourn early if all business is finished. Requests for the draft agenda or for making oral presentations at the meetings will be accepted up to 1 business day before each meeting.

ADDRESSES: Participation in the conference calls will be by teleconference only—meeting rooms will not be used. Members of the public may obtain the call-in number and access code for the calls from Greg Susanke, whose contact information is listed under the **FOR FURTHER INFORMATION CONTACT** section of this notice. The face to face meeting will be held at the Marriott Kingsgate Conference Hotel, 151 Goodman Street, Cincinnati, Ohio, 45219. Submit your comments, identified by Docket ID No. EPA–HQ–ORD–2008–0054, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail:* Send comments by electronic mail (e-mail) to: *ORD.Docket@epa.gov*, Attention Docket ID No. EPA–HQ–ORD–2008–0054.
- *Fax:* Fax comments to: (202) 566–0224, Attention Docket ID No. EPA–HQ–ORD–2008–0054.
- *Mail:* Send comments by mail to: Board of Scientific Counselors, Homeland Security Subcommittee Meeting—Spring 2008 Docket, Mailcode: 28221T, 1200 Pennsylvania Ave., NW., Washington, DC, 20460, Attention Docket ID No. EPA–HQ–ORD–2008–0054.
- *Hand Delivery or Courier.* Deliver comments to: EPA Docket Center (EPA/DC), Room B102, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC, Attention Docket ID No. EPA–HQ–ORD–2008–0054. Note: this is not a mailing address. 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–ORD–2008–0054. 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 email. 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*.

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Board of Scientific Counselors, Homeland Security Subcommittee Meeting—Spring 2008 Docket, EPA/DC, EPA West, Room B102, 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 ORD Docket is (202) 566–1752.

FOR FURTHER INFORMATION CONTACT: The Designated Federal Officer via mail at: Greg Susanke, Mail Drop 8104–R, Office of Science Policy, Office of Research and Development, Environmental Protection Agency, 1300 Pennsylvania Ave. NW., Washington, DC 20460; via phone/voice mail at: (202) 564–9945; via fax at: (202) 565–2911; or via e-mail at: *susanke.greg@epa.gov.*

SUPPLEMENTARY INFORMATION:

General Information

Any member of the public interested in receiving a draft BOSC agenda or making a presentation at a meeting may contact Greg Susanke, the Designated Federal Officer, via any of the contact methods listed in the **FOR FURTHER INFORMATION CONTACT** section above. In general, each individual making an oral presentation will be limited to a total of three minutes.

Proposed agenda items for the meetings include, but are not limited to: *Teleconference #1:* The objectives of the review, an overview of ORD's entire research program and an overview of its homeland security research program; *Teleconference #2:* An overview of the Homeland Security Multi-Year Research Plan, and preparation for the face-to-face meeting; *Face-to-Face Meeting:* Overview of Multi-Year Plan Long Term Goals, poster session for highlighting and detailing specific research, subcommittee discussions to address subcommittee charge questions, and subcommittee report out of preliminary findings. The meetings are open to the public.

Information on Services for Individuals with Disabilities: For information on access or services for individuals with disabilities, please contact Greg Susanke at (202) 564–9945 or *susanke.greg@epa.gov*. To request accommodation of a disability, please contact Greg Susanke, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Partially Closed Meeting

EPA ORD is conducting an independent expert review through the BOSC, of its Homeland Security Research Program. The BOSC's Homeland Security Subcommittee will conduct a prospective and retrospective review of ORD's National Homeland Security Research Center's (NHSRC) Research Program, and evaluate the program's relevance, quality, performance, and scientific leadership. The BOSC's evaluation and recommendations will provide guidance to ORD NHSRC.

It is EPA's policy to follow the provisions of the Federal Advisory Committee Act (FACA) for subcommittees of its chartered advisory committees, and to have meetings that are open to the public. However, to allow for the review and discussion of classified national security information, EPA has determined that a portion of the face-to-face meeting on May 28, 2008 (9 a.m. to 12 p.m.) and May 30, 2008 (8 a.m. to 9 a.m.) should be closed to the public pursuant to section 10(d) of the Federal Advisory Committee Act (FACA), 5 U.S.C. App.2, and section (c)(1) of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(1). During the closed portion of the meeting, a review of classified national security information by the subcommittee will provide additional context and explanation for the direction and scope of the research program, as well as for the specific research conducted by NHSRC.

Dated: March 6, 2008.

Stephen L. Johnson,

Administrator.

[FR Doc. E8–5291 Filed 3–14–08; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–ORD–2007–1053; FRL–8543–1]

Board of Scientific Counselors, National Exposure Research Laboratory (NERL) Standing Subcommittee Meeting—2007

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, the Environmental Protection Agency, Office of Research and Development (ORD), gives notice of a meeting of the Board of Scientific Counselors (BOSC) National Exposure Research Laboratory (NERL) Standing Subcommittee.

DATES: The meeting (a teleconference call) will be held on Wednesday, April 9, 2008 from 1 p.m. to 3 p.m. All times noted are eastern time. The meeting may adjourn early if all business is finished. Requests for the draft agenda or for making oral presentations at the conference call will be accepted up to 1 business day before the meeting.

ADDRESSES: Participation in the meeting will be by teleconference only—meeting rooms will not be used. Members of the public may obtain the call-in number and access code for the call from Susan Peterson, whose contact information is listed under the **FOR FURTHER INFORMATION CONTACT** section of this notice. Submit your comments, identified by Docket ID No. EPA–HQ–ORD–2007–1053, by one of the following methods:

- *www.regulations.gov:* Follow the online instructions for submitting comments.
- *E-mail:* Send comments by electronic mail (e-mail) to: *ORD.Docket@epa.gov*, Attention Docket ID No. EPA–HQ–ORD–2007–1053.
- *Fax:* Fax comments to: (202) 566–0224, Attention Docket ID No. EPA–HQ–ORD–2007–1053.

• *Mail:* Send comments by mail to: Board of Scientific Counselors, National Exposure Research Laboratory (NERL) Standing Subcommittee—2007 Docket, Mailcode: 28221T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attention Docket ID No. EPA–HQ–ORD–2007–1053.

• *Hand Delivery or Courier.* Deliver comments to: EPA Docket Center (EPA/DC), Room B102, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC, Attention Docket ID No. EPA–HQ–ORD–2007–1053.

Note: This is not a mailing address. 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–ORD–2007–1053. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or e-mail. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *www.regulations.gov*, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm*.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Board of Scientific Counselors, National Exposure Research Laboratory (NERL) Standing Subcommittee—2007 Docket, EPA/DC, EPA West, Room B102, 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 ORD Docket is (202) 566–1752.

FOR FURTHER INFORMATION CONTACT: The Designated Federal Officer via mail at: Susan Peterson, Mail Code 8104–R, Office of Science Policy, Office of Research and Development, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; via phone/voice mail at: (202) 564–1077; via fax at: (202) 565–2911; or via e-mail at: *peterson.susan@epa.gov.*

SUPPLEMENTARY INFORMATION:

General Information

Participation in the meeting will be by teleconference only—meeting rooms will not be used. Members of the public who wish to obtain the call-in number and access code to participate in the conference call may contact Susan Peterson, the Designated Federal Officer, via any of the contact methods listed in the **FOR FURTHER INFORMATION CONTACT** section above, by 4 working days prior to the conference call.

The purpose of the meeting is to discuss the subcommittee's input to their draft letter report and followup from their January 18, 2008 teleconference. Proposed agenda items for the conference call include, but are not limited to: A review of the January 18, 2008 teleconference, and finalization of the draft letter report. The conference call is open to the public.

Information on Services for Individuals with Disabilities: For information on access or services for individuals with disabilities, please contact Susan Peterson at (202) 564–1077 or *peterson.susan@epa.gov*. To request accommodation of a disability, please contact Susan Peterson, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: March 11, 2008.

Jeff Morris,

Acting Director, Office of Science Policy.

[FR Doc. E8–5293 Filed 3–14–08; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection Approved by the Office of Management and Budget

March 7, 2007.

SUMMARY: The Federal Communications Commission (Commission) has received Office of Management and Budget (OMB) approval for the following public information collection(s) pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). An agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number, and no person is required to respond to a collection of information unless it displays a currently valid OMB control number. Comments concerning the accuracy of the burden estimate(s) and any suggestions for reducing the burden should be directed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section below.

FOR FURTHER INFORMATION CONTACT: Sue Gilgenbach, *Sue.Gilgenbach@fcc.gov,* (202) 418–0639.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0484.

OMB Approval Date: February 19, 2008.

Expiration Date: February 28, 2011.

Title: Part 4 of the Commission's Rules Concerning Disruptions to Communications.

Form No.: Not applicable.

Estimated Annual Burden: 4,819 responses; 2 hours per response; 9,638 hours total per year.

Obligation to Respond: Mandatory. 47 CFR Part 4.

Nature and Extent of Confidentiality: Responses are presumed to be confidential. It is expected that the information filings will be shared only with the Department of Homeland Security, under appropriate confidential disclosure provisions. Other persons seeking disclosure must follow the procedures delineated in 47 CFR 0.457 and 0.459 of the Commission's rules.

Needs and Uses: The information collection is necessary for the following reasons:

(1) It enables the Commission to achieve its statutory objectives of ensuring the reliability and security of the nation's telecommunications

networks for the purposes of public safety and the national defense and security, including homeland security. If less frequent reporting were required, outages having a detrimental effect on the public and outages that could provide valuable network reliability information could escape Commission monitoring efforts.

(2) In addition, some of the information collected could constitute ''Critical Infrastructure Information,'' as defined in 6 U.S.C. 131, which would be shared with the Department of Homeland Security in furtherance of its missions to protect the United States from terrorist activity and to otherwise protect domestic security. Less frequent reporting could jeopardize the ability of the Commission and the Department of Homeland Security to meet their respective legal duties to the American people.

This information collection consists of reports of outages of wireline communications, paging and wireless communications, cable circuit switched telephony and satellite communications. If the Commission did not receive the information in these reports for analysis and further investigation, the Commission would have considerable difficulty determining the state of network reliability and security. It would have to depend on delayed, incomplete and second-hand information and analysis as a basis for recommending any future Commission action that might be needed to enhance the reliability and security of the Nation's communications infrastructure. Without this information collection, the Commission would have difficulty determining the implementation and efficacy of its own and industry's present and future recommendations for enhancing reliability and security. Furthermore, the Commission would be less able to spot and act on reliability and security weaknesses as they begin to appear in the rapidly changing networks.

Thus, the reporting requirement facilitates Commission monitoring of the reliability and security of communications service being provided and enables it to take swift remedial action, as required. The reporting requirement is also essential to the Commission's mission of ensuring that the public is protected from major disruptions to telephone services.

This information collected has been used by the Commission staff to determine weaknesses in network reliability and to work with industry to remedy any such weaknesses.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E8–5305 Filed 3–14–08; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 08–545]

Consumer Advisory Committee

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Commission announces the next meeting date and agenda of its Consumer Advisory Committee (''Committee''). The purpose of the Committee is to make recommendations to the Commission regarding consumer issues within the jurisdiction of the Commission and to facilitate the participation of all consumers in proceedings before the Commission.

DATES: The next meeting of the Committee will take place on Friday, April 4, 2008, 9 a.m. to 4 p.m.

ADDRESSES: Federal Communications Commission, 445 12th Street, NW., Room TW–C305, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Scott Marshall, Consumer & Governmental Affairs Bureau, (202) 418–2809 (voice), (202) 418–0179 (TTY), or e-mail *scott.marshal@fcc.gov*.

SUPPLEMENTARY INFORMATION: On March 10, 2008, the Commission released document DA 08–545, which announced the agenda, date and time of the next Consumer Advisory Committee meeting. At its April 4, 2007 meeting, the Committee will continue its consideration of digital television transition issues. The Committee may also consider other consumer issues within the jurisdiction of the Commission. A limited amount of time on the agenda will be available for oral comments from the public.

The Committee is organized under and operates in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2 (1988). The meeting is open to the public. Members of the public may address the Committee or may send written comments to: Scott Marshall, Designated Federal Officer of the Committee, at the address indicated on the first page of this document. The meeting site is accessible to people with disabilities. Meetings are sign language interpreted with real-time transcription and assistive listening devices available. Meeting agendas are provided in accessible formats.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Federal Communications Commission.

Catherine W. Seidel,

Chief, Consumer & Governmental Affairs Bureau.

[FR Doc. E8–5303 Filed 3–14–08; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting; FCC To Hold Open Commission Meeting; Wednesday, March 19, 2008

March 13, 2008.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Wednesday, March 19, 2008, which is scheduled to commence at 9:30 a.m. in Room TW–C305, at 445 12th Street, SW., Washington, DC.

Item No.	Bureau	Subject
1	Wireline Competition	*Title:* Promotion of Competitive Networks in Local Telecommunications Markets. *Summary:* The Commission will consider a Report and Order concerning exclusive contracts for the provision of telecommunications services in multiple tenant environments (MTEs).
2	Wireline Competition	*Title:* Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to section 706 of the Telecommunications Act of 1996 (GN Docket No. 07–45).

Item No.	Bureau	Subject
		Summary: The Commission will consider a Fifth Report that examines the availability of advanced telecommunications capability to all Americans pursuant to section 706 of the Telecommunications Act of 1996.
3	Wireline Competition	*Title:* Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans, Improvement of Wireless Broadband Subscribership Data, and Development of Data on Interconnected Voice over Internet Protocol (VoIP) Subscribership (WC Docket No. 07–38).
		Summary: The Commission will consider a Report and Order and Further Notice of Proposed Rulemaking addressing collection of broadband subscription and availability data.
4	Wireless Tele-Communications, International, And Office Of Engineering And Technology.	*Title:* Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational, and Other Advanced Services in the 2150–2162 and 2500–2690 MHz Bands (WT Docket No. 03–66, RM–10586); Part 1 of the Commission's Rules—Further Competitive Bidding Procedures (WT Docket No. 03–67); Amendment of Parts 21 and 74 to Enable Multipoint Distribution Service and the Instructional Television Fixed Service Amendment of Parts 21 and 74 to Engage in Fixed Two-Way Transmissions (MM Docket No. 97–217); Amendment of Parts 21 and 74 of the Commission's Rules with Regard to Licensing in the Multipoint Distribution Service and in the Instructional Television Fixed Service for the Gulf of Mexico (WT Docket No. 02–68, RM–9718); Promoting Efficient Use of Spectrum Through Elimination of Barriers to the Development of Secondary Markets (WT Docket No. 00–230); Review of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.4 GHz Bands (IB Docket No. 02–364); and Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, Including Third Generation Wireless Systems (ET Docket No. 00–258).
		Summary: The Commission will consider a Third Order on Reconsideration and Sixth Memorandum Opinion and Order addressing spectrum sharing among incumbent and future services in the 2495–2500 MHz band. The Commission will also consider a Fourth Memorandum Opinion and Order, Declaratory Ruling, and Second Further Notice of Proposed Rulemaking concerning changes to the service rules applicable to the Broadband Radio Service and the Educational Broadband Service.
5	Wireless Tele-Communications	*Title:* Biennial Regulatory Review—Amendment of Parts 1, 22, 24, 27 and 90 to Streamline and Harmonize Various Rules Affecting Wireless Radio Services (WT Docket No. 03–264).
		Summary: The Commission will consider a Third Report and Order concerning changes to the radiated power rules applicable to certain wireless services.
6	Media	*Title:* Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules; Implementation of the Satellite Home Viewer Improvement Act of 1999; Local Broadcast Signal Carriage Issues and Retransmission Consent Issues; WHDT–DT, Channel 59, Stuart, Florida., Application for Review (CS Docket No. 00–96)
		Summary: The Commission will consider issues regarding carriage of digital broadcast television signals by satellite carriers.

Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need including as much detail as you can. Also include a way we can contact you if we need more information. Make your request as early as possible; please allow at least 5 days advance notice. Last minute requests will be accepted, but may be impossible to fill. Send an e-mail to: *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Additional information concerning this meeting may be obtained from Audrey Spivack or David Fiske, Office of Media Relations, (202) 418–0500; TTY 1–888-835–5322. Audio/Video coverage of the meeting will be broadcast live with open captioning over the Internet from the FCC's Audio/Video Events Web page at *http://www.fcc.gov/realaudio*.

For a fee this meeting can be viewed live over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the Internet. To purchase these services call (703) 993–3100 or go to *http://www.capitolconnection.gmu.edu*.

Copies of materials adopted at this meeting can be purchased from the FCC's duplicating contractor, Best Copy and Printing, Inc. (202) 488–5300; Fax (202) 488–5563; TTY (202) 488–5562. These copies are available in paper format and alternative media, including large print/type; digital disk; and audio and video tape. Best Copy and Printing, Inc. may be reached by e-mail at *FCC@BCPIWEB.com*.

Dated: March 13, 2008.

Federal Communications Commission.

Marlene H. Dortch, Secretary.

[FR Doc. 08–1041 Filed 3–13–08; 1:13 pm]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12

CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 31, 2008.

A. Federal Reserve Bank of Chicago (Burl Thornton, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. Roger L. Lehmann and Elizabeth E. Lehmann, Harvard, Illinois; to retain voting shares of Harvard Bancshares, Inc., Harvard, Illinois, and thereby indirectly retain voting shares of Harvard State Bank, Harvard, Illinois.

Board of Governors of the Federal Reserve System, March 12, 2008.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E8–5250 Filed 3–14–08; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Toxicology Program (NTP); Center for the Evaluation of Risks to Human Reproduction (CERHR); Availability of the Draft NTP Brief on Hydroxyurea; Request for Public Comments

AGENCY: National Institute of Environmental Health Sciences (NIEHS); National Institutes of Health (NIH).

ACTION: Request for comments.

SUMMARY: CERHR invites the submission of public comments on the draft NTP Brief for Hydroxyurea. The draft NTP Brief is available from the CERHR Web site (*http://cerhr.niehs.nih.gov;* see ''Hydroxyurea'' under ''CERHR Reports & Monographs'') or in hardcopy from CERHR (see **ADDRESSES** below). Public comments will be considered during the peer review and finalization of the NTP Brief.

DATES: Written comments on the draft NTP Brief for Hydroxyurea should be received by May 1, 2008.

ADDRESSES: Public comments and any other correspondence should be addressed to Dr. Michael D. Shelby, CERHR Director, NIEHS, P.O. Box 12233, MD EC–32, Research Triangle Park, NC 27709 (mail), (919) 541–3455 (phone), (919) 316–4511 (fax), or *shelby@niehs.nih.gov* (e-mail). Courier address: CERHR, 79 T.W. Alexander Drive, Building 4401, Room 103, Research Triangle Park, NC 27709.

SUPPLEMENTARY INFORMATION:

Background

Hydroxyurea is used in the treatment of cancer, sickle cell disease, and thalassemia. It is the only treatment for sickle cell disease used in children, aside from blood transfusion and, in severe cases, bone marrow transplantation. Hydroxyurea may be used in the treatment of children and adults with sickle cell disease for an extended period of time or for repeated cycles of therapy. Treatment with hydroxyurea may be associated with cytotoxic and myelosuppressive effects and hydroxyurea is mutagenic. Hydroxyurea is FDA-approved for use in adults with sickle cell anemia to reduce the frequency of moderate to severe painful crises and the need for blood transfusions. CERHR selected hydroxyurea for evaluation because of: (1) Increasing use in the treatment of sickle cell disease in children and adults, (2) knowledge that it inhibits DNA synthesis and is cytotoxic, and (3) published evidence of reproductive and developmental toxicity in rodents. On January 24–26, 2007, CERHR convened an expert panel to conduct an evaluation of the potential reproductive and developmental toxicities of hydroxyurea. The expert panel report was released for public comment on February 26, 2007 (**Federal Register** Vol. 72, No. 37, pp. 8384–8385). Following this public comment period, CERHR staff prepared the draft NTP Brief for Hydroxyurea that provides in plain language:

- Background information on the substance(s).
- Findings of the expert panel.
- Discussion of any relevant data available after the expert panel meeting.
- NTP's conclusions on the potential for the substance to cause adverse reproductive and/or developmental effects in exposed humans.

Upon finalization, the NTP Brief for Hydroxyurea will be included in the CERHR Monograph for Hydroxyurea. The draft NTP Brief for Hydroxyurea and related background materials, including the hydroxyurea expert panel report and previously received public comments, are available on the CERHR Web site (*http://cerhr.niehs.nih.gov;* see ''Hydroxyurea'' under ''CERHR Reports & Monographs'').

Request for Comments

The NTP invites written public comments on the draft NTP Brief for Hydroxyurea. Any comments received will be posted on the CERHR Web site and considered during the peer review and finalization of the NTP Brief for Hydroxyurea. Persons submitting written comments are asked to include their name and contact information (affiliation, mailing address, telephone and facsimile numbers, e-mail, and sponsoring organization, if any) and submit comments to Dr. Shelby (see **ADDRESSES** above) for receipt by May 1, 2008.

Background Information on CERHR

The NTP established CERHR in June 1998 (**Federal Register** Vol. 63, No. 239, p. 68782). CERHR is a publicly accessible resource for information about adverse reproductive and/or developmental health effects associated with exposure to environmental and/or occupational exposures.

CERHR invites the nomination of agents for review or scientists for its expert registry. Information about CERHR and the nomination process can be obtained from its homepage (*http://cerhr.niehs.nih.gov*) or by contacting Dr. Michael Shelby, CERHR Director (see **ADDRESSES**). CERHR selects chemicals for evaluation based upon several factors including production volume, potential for human exposure from use and occurrence in the environment, extent of public concern, and extent of data from reproductive and developmental toxicity studies. Expert panels conduct scientific evaluations of agents selected by CERHR in public forums. Following these evaluations, CERHR prepares the NTP–CERHR monograph on the agent evaluated. The monograph is transmitted to appropriate federal and state agencies and made available to the public.

Dated: March 6, 2008.

Samuel H. Wilson,

Acting Director, National Institute of Environmental Health Sciences and National Toxicology Program.

[FR Doc. E8–5242 Filed 3–14–08; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–08–0576]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–5960 and send comments to Maryam I. Daneshvar, CDC Acting Reports Clearance Officer, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an e-mail to *omb@cdc.gov.*

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the 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. Written comments should be received within 60 days of this notice.

Proposed Project

Possession, Use, and Transfer of Select Agents and Toxins (OMB Control No. 0920–0576)—Extension—Division of Select Agents and Toxins (DSAT), Coordinating Office for Terrorism Preparedness and Emergency Response (COTPER), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Public Health Security and Bioterrorism Preparedness and Response Act of 2002, Subtitle A of Public Law 107–188 (42 U.S.C. 262a), requires the United States Department of Health and Human Services (HHS) to regulate the possession, use, and transfer of biological agents or toxins (i.e., select agents and toxins) that could pose a severe threat to public health and safety. The Agricultural Bioterrorism Protection Act of 2002, Subtitle B of Public Law 107–188 (7 U.S.C. 8401), requires the United States Department of Agriculture (USDA) to regulate the possession, use, and transfer of biological agents or toxins (i.e., select agents and toxins) that could pose a severe threat to animal or plant health, or animal or plant products. In accordance with these Acts, HHS and USDA promulgated regulations requiring entities to register with the CDC or the Animal and Plant Health Inspection Service (APHIS) if they possess, use, or transfer a select agent or toxin (42 CFR part 73, 7 CFR part 331, and 9 CFR part 121). CDC and APHIS coordinate regulatory activities for those agents that would be regulated by both agencies (''overlap'' select agents). Accordingly, CDC and APHIS adopted an identical system to collect information for the possession, use, and transfer of select agents and toxins.

CDC is requesting continued OMB approval to collect this information through the use of five separate forms. These forms are: (1) Application for Registration, (2) Request to Transfer Select Agent or Toxin, (3) Report of Theft, Loss, or Release of Select Agent and Toxin, (4) Report of Identification of Select Agent or Toxin, and (5) Request for Exemption.

The Application for Registration (42 CFR, 73.7(d)) will be used by entities to register with CDC. The Application for Registration requests facility information; a list of select agents or toxins in use, possession, or for transfer by the entity; characterization of the select agent or toxin; and laboratory information. Estimated average time to complete this form is 3 hours, 45 minutes for an entity with one principal investigator working with the select agent or toxin. Based on the data obtained from the 264 entities registered with CDC (this number excludes registered federal government entities), there are approximately 2 principal investigators for each registered entity. For new applications submitted to the CDC since the last submission, CDC estimates based on the information obtained from the database that 5 applications will be submitted from entities wishing to register with CDC to possess, use or transfer select agents and toxins on an annual basis. We have used these figures to calculate the burden for this section. Estimated burden for the Application for Registration is 375 hours.

Entities may amend their registration (42 CFR, 73.7(h)(1)) if any changes occur in the information submitted to CDC. To apply for an amendment to a certificate of registration, an entity must obtain the relevant portion of the application package and submit the information requested in the package to CDC. Estimated time to amend a registration package is 1 hour. Based on the data regarding amendments received from registered entities since the last submission, CDC estimates 5 amendment request to entity's certificate of registration will be received on an annual basis.

The Request to Transfer Select Agent or Toxin form (42 CFR 73.16) will be used by entities requesting transfer of a select agent or toxin to their facility. CDC in conjunction with APHIS has revised the Request to Transfer Select Agent or Toxin form by requiring the recipient to submit the initial request, be notified by the sender of the expected shipment date, and verify if the shipment did not occur. Estimated average time to complete this form is 1 hour, 30 minutes. Based on data regarding the transfer requests received since the last submission, CDC estimates 4 transfer requests submitted per registered entity on an annual basis.

The Report of Theft, Loss, or Release of Select Agent and Toxin form (42 CFR 73.19(a)(b)) must be completed by entities whenever there is theft, loss, or release of a select agent or toxin. Estimated average time to complete this form is 1 hour. Based on data regarding the reports received since the last submission, CDC estimates that 60 reports per respondent will be received on an annual basis.

The Report of Identification of Select Agent or Toxin form (42 CFR 73.5(a)(b) and 73.6(a)(b)) will be used by clinical and diagnostic laboratories to notify CDC that select agents or toxins identified as the result of diagnostic or proficiency testing have been disposed of in a proper manner. In addition, the form will be used by Federal law enforcement agencies to report the seizure and final disposition of select agents and toxins. CDC in conjunction with APHIS has revised the Report of Identification of Select Agent or Toxin form to ensure duplicate reports are not submitted by requesting the entity that makes the final identification report the select agents or toxins identified as the result of diagnostic or verification testing. Estimated average time to complete this form is 1 hour. Based on data regarding the reports received since the last submission, CDC estimates that 10 reports per respondent will be received on an annual basis.

The Request for Exemption form (42 CFR 73.5 (d)(e) and 73.6 (d)(e)) will be used by entities that are using an investigational product that are, bear, or contain select agents or toxins or in

cases of public health emergency. Estimated average time to complete this form is 1 hour. Based on data regarding the requests received since the last submission, CDC estimates that 5 requests per respondent will be received on an annual basis.

In addition to the standardized forms, this regulation also outlines situations in which an entity must notify or may make a request of the HHS Secretary in writing. An entity may apply to the HHS Secretary for an expedited review of an individual by the Attorney General (42 CFR 73.10(e)). To apply for this expedited review, an entity must submit a request in writing to the HHS Secretary establishing the need for such action. The estimated time to gather the information and submit this request is 30 minutes. CDC has not developed standardized forms to use in the above situations. Rather, the entity should provide the information as requested in the appropriate section of the regulation.

An entity may also apply to the HHS Secretary for an exclusion of an attenuated strain of a select agent or toxin that does not pose a severe threat to public health and safety (42 CFR 73.3(e)(1) and 73.4(e)(1)). The estimated time to gather the information and submit this request is 1 hour.

As part of the requirements of the Responsible Official, the Responsible Official is required to conduct regular inspections (at least annually) of the laboratory where select agents or toxins are stored. Results of these self-inspections must be documented (42 CFR 73.9(a)(5)). CDC estimates, that, on average, such documentation will take 1 hour.

As part of the training requirements of this regulation, the entity is required to record the identity of the individual trained, the date of training, and the means used to verify that the employee understood the training (42 CFR 73.15(c)). Estimated time for this documentation is 2 hours per principal investigator.

An individual or entity may request administrative review of a decision denying or revoking certification of registration or an individual may appeal a denial of access approval (42 CFR 73.20). This request must be made in writing and within 30 calendar days after the adverse decision. This request should include a statement of the factual basis for the review. CDC estimates the time to prepare and submit such a request is 4 hours.

An entity must implement a system to ensure that certain records and databases are accurate and that the authenticity of records may be verified (42 CFR 73.17(b)). The time to implement such a system is estimated to average 4 hours.

Prior to issuance of a certificate of registration, CDC inspects entities to ensure compliance with this regulation (42 CFR 73.18). As part of the inspection process, the entity may need to respond to written requests from CDC. CDC estimates the time to prepare and submit a response for the inspection is 8 hours. To estimate the burden, we use the total number of registered entities since each entity will be inspected at least once during the course of their registration.

ESTIMATED ANNUALIZED BURDEN HOURS

CFR reference	Form	Number of respondents	Responses per respondent	Average burden per response (in hours)	Total annual burden (in hours)
73.7(d)	Registration Application	5	1	5	25
73.7(h)(1)	Amendment to Registration Application	264	5	1	1,320
73.19(a)(b)	Notification of Theft, Loss, or Release form.	60	1	1	60
73.5 & 73.6(d–e)/ 73.3 & 73.4(e)(1).	Request for Exemption/Exclusion	5	1	1	5
73.16	Request to Transfer Select Agent or Toxin.	264	4	2	2,112
73.5 & 73.6(a)(b)	Report of Identification of Select Agent or Toxin form.	264	10	1	2,640
73.10(e)	Request expedited review	10	1	1	10
73.9(a)(5)	Documentation of self-inspection	264	1	1	264
73.15(c)	Documentation of training	264	1	2	528
73.20	Administrative Review	15	1	4	60
73.17	Ensure secure recordkeeping system	264	1	4	1,056
73.18	Inspections	264	1	8	2,112
Total					9,657

Dated: March 4, 2008.

Maryam I. Daneshvar,

Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E8–5256 Filed 3–14–08; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–0920–0630]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–5960 and send comments to Dr. Maryam Daneshvar, CDC Reports Clearance Officer, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov*.

Comments are invited on: (a) Whether the proposed collection of information

is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the 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. Written comments should be received within 60 days of this notice.

Proposed Project

Work Organization Predictors of Depression in Women—Reinstatement—The National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Depression is a costly and debilitating occupational health problem. Research has indicated that the costs to an organization of treatment for depression can rival those for heart disease, and major and minor depressive disorders which have been found to be associated with more disability days than other types of health diagnoses. This may be of particular relevance for working women. Various national and international studies indicate that women in developed countries experience depression at up to twice the rate of men. Studies that have examined this gender difference have focused on social, personality, and genetic explanations while few have explored factors in the workplace that may contribute to the gender differential. Examples of workplace factors that may contribute to depression among women include: Additive workplace and home responsibilities, lack of control and authority, and low paying and low status jobs. Additionally, women are much more likely to face various types of discrimination in the workplace than men, ranging from harassment to inequalities in hiring and promotional opportunities, and these types of stressors have been strongly linked with psychological distress and other negative health outcomes. On the positive side, organizations that are judged by their employees to value diversity and employee development engender lower levels of employee stress, and those that enforce policies against discrimination have more committed employees. Such organizational practices and policies may be beneficial for employee mental health, particularly the mental health of women.

This research focuses on the following questions: (1) Which work organization factors are most predictive of depression in women, and (2) are there measurable work organization factors that confer protection against depression in women employees?

The research uses a repeated measures, prospective design with data collection at three points (baseline and 1-year and 2-year follow-ups). A 45-minute survey is being administered by telephone to 314 women and men at 16 different organizations. The survey contains questions about traditional job stressors (e.g., changes in workload, social support, work roles), stressors not traditionally examined, but which may be linked with depressive symptoms among women (e.g., roles and responsibilities outside of the workplace, discrimination, career issues) depression symptoms, and company policies, programs and practices. In our previous collection (2002), one Human Resource (HR) representative at each company was also surveyed about company policies, programs and practices. No HR representatives will be contacted for this survey. Analyses will determine which work organization factors are linked with depressive symptoms and what effect the organizational practices/policies of interest have on depression. Findings from this prospective study will also help target future intervention efforts to reduce occupationally-related depression in women workers. This study is being renewed in order to finish data collection. There will be no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN TABLE

Respondents	No. of respondents	No. of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Employees	314	1	45/60	236

Dated: March 5, 2008.

Maryam I. Daneshvar,

Acting Reports and Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E8–5257 Filed 3–14–08; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–08–0109]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–5960 or send an email to *omb@cdc.gov*. Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395–6974. Written comments should be received within 30 days of this notice.

Proposed Project

Respiratory Protective Devices—42 CFR 84—Regulation—(0920–0109)—Reinstatement—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The regulatory authority for the National Institute for Occupational Safety and Health (NIOSH) certification program for respiratory protective devices is found in the Mine Safety and Health Amendments Act of 1977 (30 U.S.C. 577a, 651 et seq., and 657(g)) and the Occupational Safety and Health Act of 1970 (30 U.S.C. 3, 5, 7, 811, 842(h), 844). These regulations provide the basis for the performance tests and the criteria to respirator manufacturers who submit respirators for testing and certification to be NIOSH-approved. Respirators are used by millions of American construction workers, miners, painters, asbestos removal workers, fabric mill workers, and fire fighters. Improved testing requirements have

benefits industrial workers, and health care workers implementing the current CDC *Guidelines for Preventing the Transmission of Tuberculosis*. Recent developments have provided approvals for self-contained breathing apparatus (SCBA), Air-Purifying respirators, Powered Air-Purifying (PAPR) and Air-Purifying Escape respirators for use by fire fighters and other first responders to potential terrorist attacks. NIOSH, in accordance with 42 CFR 84: (1) Issues certificates of approval for respirators meeting specified construction, performance, and protection requirements; (2) establishes procedures and requirements to be met in filing applications for approval; (3) specifies minimum requirements and methods to be employed by NIOSH and by applicants in conducting inspections, examinations, and tests to determine effectiveness of respirators; (4) establishes a schedule of fees to be charged applicants for testing and certification, and (5) establishes approval labeling requirements.

Information is collected from respirator manufacturers such as; contact information, type of respirator, quality assurance plan, and draft labels, as specified in the regulation. The estimated annualized burden hours are 78,776.

There is no cost to the respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS:

Type of respondents	Type of forms	Number of respondents	Number of responses per respondent	Average burden response (in hours)
Respirator Manufacturers	84.11 Applications	43	8	86
	84.33 Labeling	43	8	2
	84.35 Modifications	43	8	66
	84.41 Reporting	43	8	23
	84.43 Record Keeping	43	8	46
	84.257 Labeling	43	8	3
	84.1103 Labeling	43	8	3

Dated: March 11, 2008.

Maryam I. Daneshvar,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E8–5259 Filed 3–14–08; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–08–0669]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–5960 or send an e-mail to *omb@cdc.gov*. Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395–6974. Written comments should be received within 30 days of this notice.

Proposed Project

Evaluation of State Nutrition and Physical Activity Programs to Prevent Obesity and Other Chronic Diseases—Reinstatement—National Center for Chronic Disease Prevention and Health Promotion (NCCDHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

In order to prevent and control obesity and other chronic diseases, CDC established state-based nutrition and physical activity programs to support the development and implementation of nutrition and physical activity interventions, particularly through population-based strategies such as policy-level changes, environmental supports and the social marketing process. The overall programmatic goal is to promote population-based behavior change, such as increased physical activity and better dietary habits, thus leading to a reduction in the prevalence of obesity, and ultimately to a reduction in the prevalence of chronic diseases. CDC funding for state nutrition and physical activity programs may be used for capacity building, collaboration, planning, monitoring the burden of obesity, intervention, and evaluation.

CDC has previously collected information to evaluate the State Nutrition and Physical Activity Programs to Prevent Obesity and Other Chronic Diseases (OMB no. 0920–0669, exp. date 01/31/2008). The evaluation was designed to focus on recipient activities as outlined in the original funding announcement.

CDC proposes to reinstate the information collection with minor changes to the data collection instrument, in response to recommendations from the respondents, CDC staff, and the evaluation contractor. Changes are designed to streamline and clarify questions and response options. The project will continue to be conducted over a 3-year period. Information will be collected twice per year via a web-based data collection system.

There are no costs to the respondents other than their time. The total estimated annualized burden hours are 672.

ESTIMATED ANNUALIZED BURDEN HOURS:

Type of respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
States participating in NPAO	28	2	12

Dated: February 29, 2008.

Maryam I. Daneshvar,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E8–5260 Filed 3–14–08; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30dy–08–07BH]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–5960 or send an email to *omb@cdc.gov*. Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395–6974. Written comments should be received within 30 days of this notice.

Proposed Project

Environmental Health Specialists Network (EHS–NET) Program—New—National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The purpose of this project is to conduct research focused on identifying the environmental causes of food and waterborne illness and improving environmental public health practice. This research program is conducted by the Environmental Health Specialists Network (EHS–Net), a collaborative project of CDC, the U.S. Food and Drug Administration (FDA), the U.S. Department of Agriculture (USDA), the U.S. Environmental Protection Agency (U.S. EPA), and nine states (California, Connecticut, Georgia, Iowa, New York, Minnesota, Oregon, Rhode Island, and Tennessee). The network consists of environmental health professionals, epidemiologists, and laboratorians.

EHS–Net plans to conduct a maximum of 35 applied research projects per year. These research projects will focus on identifying and understanding environmental factors associated with food and waterborne illness, such as poor food and water handling practices. These projects will also focus on evaluation of food and water safety regulatory programs. Data collection for these projects may involve: (1) Surveys, (2) observations, and (3) food, water, and environmental sampling. Data may be collected from: (1) Retail food establishments, where the majority of foodborne illness outbreaks originate, (2) public and non-public water systems, representing possible sources of waterborne illness, and (3) environmental public health program regulators (food and water), who are responsible for food and water safety.

There will be up to 3,900 respondents for retail food service workers; 2,200 respondents for water system operators; and 4,275 respondents for environmental public health program (food and water) regulators. Each respondent will respond only once and the average burden per response will be approximately 90 minutes. The maximum total annual burden for all EHS–Net projects is expected to be approximately 20,625 hours.

There is no cost to the respondents other than their time.

ESTIMATED ANNUALIZED BURDEN

Respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Retail food service workers—pretest for data collection	300	1	1.5
Retail food service workers—data collection	3,600	1	1.5
Water system operators—pretest for data collection	200	1	1.5
Water system operators—data collection	2,000	1	1.5
Environmental public health program (food and water) regulators—pretest for data collection	375	1	1.5
Environmental public health program (food and water) regulators—data collection	3,900	1	1.5

Dated: March 11, 2008.

Maryam I. Daneshvar,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E8–5261 Filed 3–14–08; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Child and Family Services Plan, Annual Progress and Services Report, and the CFS–101, Parts I, II and III.

OMB No.: 0980–0047.

Description: Under title IV–B, subparts 1 and 2, of the Social Security Act (the Act), States, Territories, and Tribes are required to submit a Child and Family Services Plan (CFSP). The CFSP lays the groundwork for a system of coordinated, integrated, and culturally relevant family services for the subsequent five years (45 CFR 1357.15(a)(1)). The CFSP outlines initiatives and activities the State, Tribe or Territory will carry out in administering programs and services to promote the safety, permanency, and well-being of children and families. By June 30 of each year, States, Territories, and Tribes are also required to submit an Annual Progress and Services Report (APSR) and a financial report called the CFS–101. The APSR is a yearly report that discusses progress made by a State, Territory or Tribe in accomplishing the goals and objectives cited in its CFSP (45 CFR 1357.16(a)). The APSR contains new and updated information about service needs and organizational capacities throughout the five-year plan period.

The CFS–101 has three parts. Part I is an annual budget request for the upcoming fiscal year. Part II includes a summary of planned expenditures by program area for the upcoming fiscal year, the estimated number of individuals or families to be served, and the geographical service area. Part III includes actual expenditures by program area, numbers of families and individuals served by program area, and the geographic areas served for the last complete fiscal year.

The Child and Family Services Improvement Act of 2006 amended Title IV–B, subparts 1 and 2, adding a number of requirements that affect reporting through the APSR and the CFS–101. Of particular note, the law added a provision requiring States (excluding Tribes and Territories) to report data on caseworker visits (section 424(e) of the Act). States must provide annual data on 1) the percentage of children in foster care under the responsibility of the State who were visited on a monthly basis by the caseworker handling the case of the child; and 2) the percentage of the visits that occurred in the residence of the child. In addition, by June 30, 2008, States must set target percentages and establish strategies to meet the goal that; by October 1, 2011; at least 90 percent of the children in foster care are visited by their caseworkers on a monthly basis and that the majority of these visits occur in the residence of the child (section 424(e)(2)(A) of the Act).

Respondents: States, Territories, and Tribes must complete the CFSP, APSR, and CFS–101, Parts I, II, and III. Tribes and Territories are not required to meet the monthly caseworker visits reporting requirement of the APSR. There are approximately 223 Tribal entities that are eligible for title IV–B funding. There are 52 States and Territories that must complete the CFSP, APSR, and CFS–101. There are a total of 275 possible respondents.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
CFSP	275	1	110.25	30,320/5 years = 6,064
APSR	275	1	74.58	20,510
CFS–101, Parts I, II, and III	275	1	4.38	1,205
Caseworker Visits	52	1	99.33	5,165

Estimated Total Annual Burden Hours: 32,944

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, *Fax:* 202–395–6974, *Attn:* Desk Officer for the Administration for Children and Families.

Dated: March 7, 2008.

Janean Chambers,

Reports Clearance Officer.

[FR Doc. E8–5061 Filed 3–14–08; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Title V Section 510 Abstinence Education Grant Program—Annual Program Application.

OMB No.: 0970–0271.

Description: The Title V Section 510 Abstinence Education Grant Program (Section 510 program) is a formula block grant program, authorized through June 30, 2008, under Public Law 110–173—The Medicare, Medicaid, and SCHIP Extension Act of 2007.

The Section 510 Annual Program Application requires basic application information that will be used by the Administration for Children and Families (ACF) to establish applicant eligibility, determine each applicant's compliance with Federal law, review and evaluate each applicant's proposed plans, and to develop any conditions to be placed on grant awards. Projects must meet the legislative priorities as described in Section 510 of Title V of the Social Security Act.

Respondents: The 50 States, the District of Columbia, and the following 8 Territories: American Samoa, Guam, Republic of the Marshall Islands, Federated States of Micronesia, Commonwealth of the Northern Mariana Islands, Republic of Palau, Commonwealth of Puerto Rico, and the U.S. Virgin Islands.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Response per respondent	Average burden hours per response	Total burden hours
Annual Program Application	59	1	36	2,124

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should

be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Fax: 202–395–6974, Attn: Desk Officer for the Administration for Children and Families.

Dated: March 6, 2008.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. E8–5063 Filed 3–14–08; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel A Market Technology Plan for Disseminating Workplace Drug Prevention Programs.

Date: March 25, 2008.

Time: 9:30 a.m. to 4 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6101 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Lyle Furr, Contract Review Specialist, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 220, MSC 8401, 6101 Executive Boulevard, Bethesda, MD 20892–8401, (301) 435–1439, *lf33c.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS).

Dated: March 7, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8–5087 Filed 3–14–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The 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 Heart, Lung, and Blood Institute Special Emphasis Panel Multi-Ethnic Study of Atherosclerosis (MESA)-Coordinating Center-HC–08–10.

Date: April 11, 2008.

Time: 8 a.m. to 10:30 a.m.

Agenda: To review and evaluate contract proposals.

Place: Courtyard by Marriott Crystal City, 2899 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Mark Roltsch, PhD, Scientific Review Administrator, Review Branch/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7192, Bethesda, MD 20892–7924, 301–435–0287, *roltschm@nhlbi.nih.gov*.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel Multi-Ethnic Study of Atherosclerosis (MESA)-Field Center-HC–08–11.

Date: April 11, 2008.

Time: 10:45 a.m. to 12:45 p.m.

Agenda: To review and evaluate contract proposals.

Place: Courtyard by Marriott Crystal City, 2899 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Mark Roltsch, PhD, Scientific Review Administrator, Review Branch/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7192, Bethesda, MD 20892–7924, 301–435–0287, *roltschm@nhlbi.nih.gov*.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel Multi-Ethnic Study of Atherosclerosis (MESA)-Laboratory Center-HC–08–12.

Date: April 11, 2008.

Time: 1 p.m. to 2:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: Courtyard by Marriott Crystal City, 2899 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Mark Roltsch, PhD, Scientific Review Administrator, Review Branch/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7192, Bethesda, MD 20892–7924, 301–435–0287, *roltschm@nhlbi.nih.gov*.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel Multi-Ethnic Study of Atherosclerosis (MESA)-MRI Reading Center-HC–08–13.

Date: April 11, 2008.

Time: 2:45 p.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: Courtyard by Marriott Crystal City, 2899 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Mark Roltsch, PhD, Scientific Review Administrator, Review Branch/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7192, Bethesda, MD 20892–7924, 301–435–0287, *roltschm@nhlbi.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: March 7, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8–5079 Filed 3–14–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel Pathogenesis of Francisella Tularensis.

Date: April 9, 2008.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge 6700, 6700B Rockledge Drive, Bethesda, MD 20817, (Telephone Conference Call).

Contact Person: Eugene R. Baizman, PhD, Scientific Review Officer, DHHS/NIAID/DEA/SRP, Room 3125, 6700B Rockledge Drive, Bethesda, MD 20892–7616, 301–402–1464, *ebaizman@niaid.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 7, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8–5082 Filed 3–14–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel DBS.

Date: March 26, 2008.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Phillip F Wiethorn, Scientific Review Administrator, DHHS/NIH/NINDS/DER/SRB, 6001 Executive Boulevard; MSC 9529, Neuroscience Center; Room 3203, Bethesda, MD 20892–9529, (301) 496–5388, *wiethorp@ninds.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel Clinical Trial Review.

Date: April 1, 2008.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: William C. Benzing, PhD, Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research, NINDS/NIH/DHHS/Neuroscience Center, 6001 Executive Boulevard, Suite 3204, MSC 9529, Bethesda, MD 20892, (301) 496–0660, *benzingw@mail.nih.gov*.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel Trials in Motor Neuron Disease.

Date: April 2, 2008.

Time: 2:30 p.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Shanta Rajaram, PhD, Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research, NINDS/NIH/DHHS/Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20852, (301) 435–6033, *rajarams@mail.nih.gov*.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel EUREKA Review.

Date: April 10, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin Embassy Row, 2100 Massachusetts Avenue, NW., Washington, DC 20008.

Contact Person: Phillip F. Wiethorn, Scientific Review Administrator, DHHS/NIH/NINDS/DER/SRB, 6001 Executive Boulevard; MSC 9529, Neuroscience Center; Room 3203, Bethesda, MD 20892–9529, (301) 496–5388, *wiethorp@ninds.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: March 7, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8–5084 Filed 3–14–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel U24 Resource Centers.

Date: April 7, 2008.

Time: 9 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Building, 6001 Executive Boulevard, Rockville, MD 20892, (Telephone Conference Call).

Contact Person: William C. Benzing, PhD, Scientific Review Administrator, Scientific Review Branch, Division Of Extramural Research, NINDS/NIH/DHHS/Neuroscience Center, 6001 Executive Boulevard, Suite 3204, Msc 9529, Bethesda, MD 20892, (301) 496–0660, *benzingw@mail.nih.gov*.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel NF Review.

Date: April 9, 2008.

Time: 10 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Shanta Rajaram, PhD, Scientific Review Administrator, Scientific Review Branch, Division Of Extramural Research, NINDS/NIH/DHHS/Neuroscience Center, 6001 Executive Blvd., Suite 3208, Msc 9529, Bethesda, MD 20852, (301) 435–6033, *rajarams@mail.nih.gov*.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel K99 Review Group.

Date: April 10, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Wardman Park Hotel, 2660 Woodley Road, NW., Washington, DC 20008.

Contact Person: Joann McConnell, PhD, Scientific Review Administrator, Scientific

Review Branch, NIH/NINDS/Neuroscience Center, 6001 Executive Blvd., Suite 3208, Msc 9529, Bethesda, MD 20892–9529, (301) 496–5324, *mcconnej@ninds.nih.gov*.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel CounterACT.

Date: April 23, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Richard D. Crosland, PhD, Scientific Review Administrator, Scientific Review Branch, Division Of Extramural Research, NINDS/NIH/DHHS/Neuroscience Center, 6001 Executive Blvd., Suite 3208, Msc 9529, Bethesda, MD 20892–9529, 301–594–0635, *rc218u@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: March 7, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8–5085 Filed 3–14–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel EUREKA Grant Applications.

Date: April 3–4, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of General Medical Sciences, Natcher Building , 45 Center Drive, 3AN–12, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Lisa Dunbar, PhD, Scientific Review Administrator, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN–12, Bethesda, MD 20892, 301–594–2849, *dunbarl@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: March 7, 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8–5086 Filed 3–14–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center on Minority Health and Health Disparities; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C.; as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center on Minority Health and Health Disparities Special Emphasis Panel Conference Grant Applications.

Date: April 5, 2008.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6707 Democracy Blvd., Suite 800, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Robert Nettey, MD, Scientific Review Officer, National Institute on Minority Health and Health Disparities, 6707 Democracy Blvd., Suite 800, Bethesda, MD 20892, (301) 496–3996.

Dated: March 7 2008.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. E8–5081 Filed 3–14–08; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2008–0166]

National Maritime Security Advisory Committee; Vacancies

AGENCY: Coast Guard, DHS.

ACTION: Request for applications.

SUMMARY: The United States Coast Guard is requesting individuals who are interested in serving on the National Maritime Security Advisory Committee (NMSAC) to apply for appointment/reappointment. NMSAC provides advice and makes recommendations on national maritime security matters to the Secretary of Homeland Security via the Commandant of the United States Coast Guard.

DATES: Applications for membership must be sent complete and postmarked to the Coast Guard address listed below no later than 4 p.m. EDT April 30, 2008.

ADDRESSES: Interested candidates may request an application form by one of the following methods:

- *E-mail: NMSAC@uscg.mil,* Subject line: NMSAC Application Form Request.
- *Fax:* 202–372–1905, ATTN: NMSAC DFO/EA, please provide name, mailing address and telephone and fax numbers to send application forms to.
- *Mail:* Send written requests for forms and completed application packets to: USCG–NMSAC Executive Secretary, CG–5441, Room 5302, U.S. Coast Guard Headquarters, 2100 Second St., SW., Washington, DC 20593–0001, please provide name, mailing address and telephone and fax numbers to send application forms to.
- *Internet:* To download a PDF or MS-Word application form visit NMSAC Web site at *http://www.homeport.uscg.mil* under Missions Maritime Security National Maritime Security Advisory Committee Member Application Forms.

FOR FURTHER INFORMATION CONTACT: Mr. Ryan Owens, Commandant (CG–5441), NMSAC Executive Secretary, U.S. Coast Guard Headquarters, Room 5302, 2100 Second St., SW., Washington, DC 20593–0001, *ryan.f.owens@uscg.mil*, Phone: 202–372–1108, Fax: 202–372–1905.

SUPPLEMENTARY INFORMATION: The NMSAC is an advisory committee established in accordance with the provisions of the Federal Advisory Committee Act (FACA) 5 U.S.C. (Pub. L. 92–463). The NMSAC advises, consults with, reports to, and makes recommendations to the Secretary on matters relating to national maritime security. Such matters may include, but are not be limited to:

- Developing a national strategy and policy to provide for efficient, coordinated and effective action to deter and minimize damage from maritime transportation security incidents;
- Recommending actions required to meet current and future security threats to ports, vessels, facilities, waterways and their associated inter-modal transportation connections and critical infrastructure;
- Promoting international cooperation and multilateral solutions to maritime security issues;
- Addressing security issues and concerns brought to the Committee by segments of the marine transportation industry, or other port and waterway stakeholders, and;
- Examining such other matters, related to those above, that the Secretary may charge the Committee with addressing.

The full Committee normally meets at least two to three times per fiscal year. Working group meetings and teleconferences are held more frequently, as needed. It may also meet for extraordinary purposes.

We will consider applications for six positions that expire or become vacant January 1, 2009. Current members are eligible to serve an additional term of office but must re-apply in accordance with this notice. Applicants with experience in the following sectors of the marine transportation industry with a minimum of five years experience in their field are encouraged to apply:

- Port Operations Management/Port Authorities
- Maritime Security Operations and Training
- Marine Salvage Operations
- Maritime Security Related Academics/Public Policy
- Marine Facilities and Terminals Security Management
- Vessel Owners/Operators
- Maritime Labor
- International and Inter-modal Supply Chain
- Maritime Hazardous Materials Handling/Shipping
- State and Local Government (Homeland Security, Law Enforcement, First Response)

Due to the nature of NMSAC business, NMSAC members are required to apply for, obtain and maintain a government national security clearance at the Secret level. The Coast Guard will sponsor and assist candidates with this process. Each member serves for a term of three years. While attending meetings or when otherwise engaged in committee business, members will be reimbursed for travel and per diem expenses as permitted under applicable Federal travel regulations. However, members will not receive any salary or other compensation for their service on the NMSAC.

In support of the policy of the Coast Guard on gender and ethnic diversity, we encourage qualified women and members of minority groups to apply.

Members of NMSAC will be appointed and serve as Special Government Employees (SGE) as defined in section 202(a) of title 18, United States Code. As a candidate for appointment as a SGE, applicants are required to complete a Confidential Financial Disclosure Report (OGE Form 450). A completed OGE Form 450 is not releasable to the public except under an order issued by a Federal court or as otherwise provided under the Privacy Act (5 U.S.C. 552a). Only the Designated Agency Ethics Official or the DAEO's designate may release a Confidential Financial Disclosure Report. Applicants can obtain this form by going to the Web site of the Office of Government Ethics (*http://www.oge.gov*), or by contacting the individual listed above. Applications which are not accompanied by a completed OGE Form 450 will not be considered.

A copy of the application form is available in the docket for this notice. To visit our online docket, go to *http://www.regulations.gov*, enter the docket number for this notice (USCG–2008–0166) in the Search box, and click ''Go >>.''

Dated: March 11, 2008.

Mark P. O'Malley,

Captain, U.S. Coast Guard, Office of Port and Facility Activities.

[FR Doc. E8–5322 Filed 3–14–08; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: I–694, Revision of a Currently Approved Information Collection; Comment Request

ACTION: 60-Day Notice of Information Collection Under Review: Form I–694, Notice of Appeal of Decision Under Section 210 or 245A of the Immigration and Nationality Act; OMB Control No. 1615–0034.

The Department of Homeland Security, U.S. Citizenship and Immigration Services has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for 60 days until May 16, 2008.

Written comments and suggestions regarding items contained in this notice, and especially with regard to the estimated public burden and associated response time should be directed to the Department of Homeland Security (DHS), USCIS, Chief, Regulatory Management Division, Clearance Office, 111 Massachusetts Avenue, NW., 3rd Floor, Suite 3008, Washington, DC 20529. Comments may also be submitted to DHS via facsimile to 202–272–8352, or via e-mail at: *rfs.regs@dhs.gov*. When submitting comments by e-mail please add the OMB Control No. 1615–0034 in the subject box.

Written comments and suggestions from the public and affected agencies concerning the collection of information should address one or more of the following four points:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a currently approved information collection.

(2) *Title of the Form/Collection:* Notice of Appeal of Decision Under

Section 210 and 245A of the Immigration and Nationality Act.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I–694. U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. This information collection will be used by USCIS in considering appeals of denials or termination of temporary and permanent residence status by legalization applicants and special agricultural workers, under sections 210 and 245A of the Immigration and Nationality Act, and related applications for waiver of grounds of inadmissibility.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 1,192 respondents at 30 minutes (.50) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 596 annual burden hours.

If you have additional comments, suggestions, or need a copy of the information collection instrument, please visit: *http://www.regulations.gov/search/index.jsp.*

We may also be contacted at: USCIS, Regulatory Management Division, 111 Massachusetts Avenue, NW., Suite 3008, Washington, DC 20529, telephone number 202–272–8377.

Dated: March 11, 2008.

Stephen Tarragon,

Acting Chief, Regulatory Management Division, U.S. Citizenship and Immigration Services. Department of Homeland Security.

[FR Doc. E8–5244 Filed 3–14–08; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: I–612, Extension of a Currently Approved Information Collection; Comment Request

ACTION: 60-Day Notice of Information Collection Under Review: Form I–612, Application for Waiver of the Foreign Residence Requirement of Section 212(e) of the Immigration and Nationality Act; OMB Control No. 1615–0030.

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until May 16, 2008.

Written comments and suggestions regarding items contained in this notice, and especially with regard to the estimated public burden and associated response time should be directed to the Department of Homeland Security (DHS), USCIS, Chief, Regulatory Management Division, Clearance Office, 111 Massachusetts Avenue, NW., Suite 3008, Washington, DC 20529. Comments may also be submitted to DHS via facsimile to 202–272–8352, or via e-mail at *rfs.regs@dhs.gov.* When submitting comments by e-mail add the OMB Control Number 1615–0030 in the subject box.

During this 60-day period USCIS will be evaluating whether to revise the Form I–612. Should USCIS decide to revise the Form I–612 it will advise the public when it publishes the 30-day notice in the **Federal Register** in accordance with the Paperwork Reduction Act. The public will then have 30-days to comment on any revisions to the Form I–612.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of an existing information collection.

(2) *Title of the Form/Collection:* Application for Waiver of the Foreign Residence Requirement of Section 212(e) of the Immigration and Nationality Act.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I–612. U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals and households. This form is used by the USCIS to determine eligibility for a waiver.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 1,300 responses at 20 minutes (.333 hr) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 433 annual burden hours.

If you have additional comments, suggestions, or need a copy of the information collection instrument, please visit *http://www.regulations.gov/search/index.jsp.*

We may also be contacted at: USCIS, Regulatory Management Division, 111 Massachusetts Avenue, NW., Suite 3008, Washington, DC 20529, telephone number 202–272–8377.

Dated: March 11, 2008.

Stephen Tarragon,

Acting Chief, Regulatory Management Division, U.S. Citizenship and Immigration Services.

[FR Doc. E8–5245 Filed 3–14–08; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

Agency Information Collection Activities: Form I–363, Extension of an Existing Information Collection; Comment Request

ACTION: 60-Day Notice of Information Collection Under Review: Form I–363, Request to Enforce Affidavit of Financial Support and Intent to Petition for Custody for Public Law 97–359 Amerasian; OMB Control Number 1615–0022.

The Department of Homeland Security, U.S. Citizenship and Immigration Services has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of

1995. The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for 60 days until May 16, 2008.

Written comments and suggestions regarding items contained in this notice, and especially with regard to the estimated public burden and associated response time should be directed to the Department of Homeland Security (DHS), USCIS, Chief, Regulatory Management Division, Clearance Office, 111 Massachusetts Avenue, NW., Suite 3008, Washington, DC 20529. Comments may also be submitted to DHS via facsimile to 202–272–8352, or via e-mail at *rfs.regs@dhs.gov.* When submitting comments by e-mail please add the OMB Control Number 1615–0022 in the subject box.

Written comments and suggestions from the public and affected agencies concerning the collection of information should address one or more of the following four points:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved information collection.

(2) *Title of the Form/Collection:* Request to Enforce Affidavit of Financial Support and Intent to Petition for Custody for Public Law 97–359 Amerasian.

(3) *Agency form number, if any and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I–363. U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as brief abstract: Primary:* Individuals or households. This information collection is used to ensure the financial support of an Amerasian child of a U.S. citizen. Without the use of this information collection, the USCIS is not able to ensure the child does not become a public charge.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 50 responses at .5 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 25 annual burden hours.

If you have additional comments, suggestions, or need a copy of the information collection instrument, please visit: *http://www.regulations.gov/search/index.jsp.*

We may also be contacted at: USCIS, Regulatory Management Division, 111 Massachusetts Avenue, NW., Suite 3008, Washington, DC 20529, telephone number 202–272–8377.

Dated: March 11, 2008

Stephen Tarragon,

Acting Chief, Regulatory Management Division, U.S. Citizenship and Immigration Services.

[FR Doc. E8–5246 Filed 3–14–08; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2008–N0033]; [20124–1113–0000–F5]

Endangered and Threatened Species Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications.

SUMMARY: 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 of 1973, as amended.

DATES: To ensure consideration, written comments must be received on or before April 16, 2008.

ADDRESSES: Written comments should be submitted to the Chief, Endangered Species Division, Ecological Services, P.O. Box 1306, Room 4102, Albuquerque, New Mexico 87103. Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act. Documents will be available for public inspection, by appointment only, during normal business hours at the U.S. Fish and Wildlife Service, 500 Gold Ave. SW., Room 4102, Albuquerque, New Mexico. Please refer to the respective permit number for each application when submitting comments.

FOR FURTHER INFORMATION CONTACT: Chief, Endangered Species Division, P.O. Box 1306, Room 4102, Albuquerque, New Mexico 87103, (505) 248–6920.

SUPPLEMENTARY INFORMATION:

Public Availability of Comments

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

Permit TE–7819476

Applicant: Grand Canyon National Park, Grand Canyon, Arizona.

Applicant requests an amendment to an existing permit for research and recovery purposes to conduct presence/absence and collections of Sentry milk-vetch (*Astragalus cremnophylax* var. *cremnophylax*).

Permit TE–173890

Applicant: K. Wilynn Zickler, Dripping Springs, Texas.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys of golden-cheeked warbler (*Dendroica chrysoparia*) and black-capped vireo (*Vireo atricapilla*) within Texas.

Permit TE–173891

Applicant: Black Swamp Bird Observatory, Oak Harbor, Ohio.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys of black-capped vireo (*Vireo atricapilla*) the within Oklahoma.

Permit TE–168282

Applicant: Normandeau Associates Inc., Stevenson, Washington.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys of the following species: razorback sucker (*Xyrauchen texanus*) and Bonytail (*Gila eleganus*).

Permit TE–053085

Applicant: Bureau of Reclamation, Boulder City, Nevada.

Applicant requests an amendment to a current permit for research and recovery purposes to conduct presence/absence surveys of Yuma clapper rail (*Rallus lomgirostris yumanensis*) within Arizona, Nevada and California.

Permit TE–174552

Applicant: Animas Biological Studies, LLC, Durango, Colorado.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys for southwestern willow flycatcher (*Empidonax traillii extimus*) and Mexican spotted owl (*Strix occidentalis lucida*) within New Mexico, Arizona, Utah and Colorado.

Permit TE–829996

Applicant: Houston Zoo, Houston, Texas.

Applicant requests an amendment to a previous permit to hold and maintain captive bred Wyoming toads (*Bufo baxteri*) within the Houston Zoo, until they are transferred to other authorized institutions.

Permit TE–170389

Applicant: Travis Cooper, San Juan Capistrano, California.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys for southwestern willow flycatcher (*Empidonax traillii extimus*) within Arizona.

Permit TE–175541

Applicant: A&M Engineering and Environmental Services, Tulsa, Oklahoma.

Applicant requests a new permit for research and recovery purposes to conduct presence/absence surveys for American burying beetle (*Nicrophorus americanus*) within Oklahoma, Kansas, Arkansas and Missouri.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: February 21, 2008.

Christopher T. Jones,

Acting Regional Director, Southwest Region, Fish and Wildlife Service.

[FR Doc. E8–5265 Filed 3–14–08; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Final Environmental Impact Statement on the White Wind Farm Project in Brookings County, SD

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service) is adopting the Department of Energy (DOE), Western Area Power Administration (WAPA) Final Environmental Impact Statement (EIS) on the White Wind Farm in Brookings County, South Dakota, in support of a right-of-way application submitted by White Wind Farm, LLC.

DATES: Preparation of the Record of Decision will begin no sooner than 30 days from this notice.

ADDRESSES: Copies of the Final EIS are available online at: *http://www.fws.gov/madisonwetlands;* during office hours at U.S. Fish and Wildlife Service, Madison Wetland Management District, 23520 SD Hwy 19, Madison, South Dakota 57042 (telephone 605–256–2974); or at the Madison Public Library, Madison, South Dakota.

FOR FURTHER INFORMATION CONTACT: Rick Coleman, Assistant Regional Director, National Wildlife Refuge System, Region 6, U.S. Fish and Wildlife Service, P.O. Box 25486, DFC, Denver, Colorado 80225–4712, (303–236–4303).

SUPPLEMENTARY INFORMATION:

Background

Pursuant to the National Environmental Policy Act (NEPA), the DOE, WAPA prepared a Final EIS assessing the impacts of constructing and operating the proposed White Wind Farm which would be enabled by WAPA's execution of an interconnection agreement. A notice of availability of the EIS was originally published in a **Federal Register** notice dated April 13, 2007. Subsequently, White Wind Farm, LLC., a wholly-owned subsidiary of Navitas Energy, Inc., applied for a right-of-way easement (50 CFR 29.21) for facilities to be constructed on lands where the Service holds an Easement for Waterfowl Habitat Protection. The Service is adopting and recirculating the EIS in accordance with 40 CFR 1506.3.

The EIS presents alternatives and analyzes the anticipated effects of implementing the proposed action including construction of up to 105 2-megawatt wind turbine generators with a net capacity of up to 200 MW. In addition to the wind turbine generators, components of the proposed project include constructing, operating, and maintaining access roads, overhead and underground electric collector lines, a new collection substation, a communication system, and interconnection to WAPA's existing White Substation.

Dated: March 7, 2008.

James J. Slack,

Deputy Regional Director.

[FR Doc. E8–5272 Filed 3–14–08; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–ES–2008–N0044]; [40120–1112–0000–F5]

Receipt of Applications for Endangered Species Permits

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The public is invited to comment on the following applications to conduct certain activities with threatened and endangered species.

DATES: We must receive written data or comments on the applications at the address given below, by *April 16, 2008.*

ADDRESSES: Documents and other information submitted with the applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: David Dell, HCP Coordinator).

FOR FURTHER INFORMATION CONTACT: David Dell, telephone 404/679–7313; facsimile 404/679–7081.

SUPPLEMENTARY INFORMATION: The public is invited to comment on the following applications for permits to conduct certain activities with endangered and threatened species pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). This notice is provided under section 10(c) of the Act. If you wish to comment, you may submit comments by any one of the following methods. You may mail comments to the Fish and Wildlife Service's Regional Office (see **ADDRESSES** section) or via electronic mail (e-mail) to *david_dell@fws.gov.* Please include your name and return address in your e-mail message. If you do not receive a confirmation from the Fish and Wildlife Service that we have received your e-mail message, contact us directly at the telephone number listed above (see **FOR FURTHER INFORMATION CONTACT** section). Finally, you may hand deliver comments to the

Fish and Wildlife Service office listed above (see **ADDRESSES** section).

Before including your address, telephone number, e-mail address, or other personal identifying information in your comments, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comments to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. There may also be other circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and address, you must state this prominently at the beginning of your comments. We will not, however, consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Applicant: Georgia Select Fish Farm, Bartow, Georgia, TE163430.

The applicant requests authorization to harass or harm wood storks (*Mycteria americana*) for control of depredation at fish farming facilities in Jefferson County, Georgia.

Applicant: The Nature Conservancy, Kissimmee, Florida, TE088889.

The applicant requests amendment of their existing permit to add authorization to capture and translocate red-cockaded woodpecker (*Picoides borealis*) nestlings for management purposes at their Disney Wilderness Preserve, Osceola and Polk counties, Florida.

Applicant: Sam Van Hook, Kissimmee Valley Forester, Babson Park, Florida TE092854.

The applicant requests renewal of existing authorization to harass the red-cockaded woodpecker while conducting management activities for this species throughout Osceola County, Florida.

Applicant: Andrea Christman, Florida Division of Forestry, Brooksville, Florida TE002507.

The applicant requests renewal of existing authorization to harass the red-cockaded woodpecker while conducting management activities for this species throughout Florida.

Applicant: Forest Supervisor, Ouachita National Forest, Hot Springs, Arkansas, TE171518.

The applicant requests authorization to harass the red-cockaded woodpecker while conducting management activities for this species on Ouachita National Forest.

Applicant: N. Ross Carrie, Raven Environmental Services, Inc., Huntsville, Texas, TE171483.

The applicant requests authorization to harass the red-cockaded woodpecker while surveying population occurrence and conducting management activities for this species throughout Florida, Georgia, South Carolina, North Carolina, Tennessee, Alabama, Louisiana, Mississippi, and Texas.

Applicant: Clearwater Marine Aquarium, Inc., Clearwater, Florida, TE017848.

The applicant requests renewal of existing authorization to hold for veterinary treatment, to retain unreleasable specimens, or to euthanize specimens of Kemp's ridley (*Lepidochelys kempii*), hawksbill (*Eretmochelys imbricata*), leatherback (*Dermochelys coriacea*), green (*Chelonia mydas*), loggerhead (*Caretta caretta*), and olive ridley (*Lepidochelys olivacea*) sea turtles. Treatment facilities are at Clearwater Marine Aquarium, but specimens may be accepted from authorized sources throughout Florida and other southeastern states.

Applicant: Clinic for the Rehabilitation of Wildlife, Sanibel, Florida, TE054963.

The applicant requests renewal of existing authorization to hold for veterinary treatment, to retain unreleasable specimens, or to euthanize specimens of Kemp's ridley, hawksbill, leatherback, green, loggerhead, and olive ridley sea turtles. Treatment facilities are at the Clinic for the Rehabilitation of Wildlife, but specimens may be accepted from authorized sources throughout Florida and other southeastern states.

Applicant: Walt Disney World Living Seas, Lake Buena Vista, Florida, TE171488.

The applicant requests authorization to hold for veterinary treatment, to retain unreleasable specimens, or to euthanize specimens of Kemp's ridley, hawksbill, leatherback, green, loggerhead, and olive ridley sea turtles. Treatment facilities are at Walt Disney World Living Seas, but specimens may be accepted from authorized sources throughout Florida and other southeastern states.

Applicant: Jeanette Wyneken, Florida Atlantic University, Boca Raton, Florida, TE056217.

The applicant requests renewal of existing authorization to capture, examine, hold, and release hatchling leatherback, green, and loggerhead sea turtles to study the use of laparoscopic sexing techniques and conduct ecological research in Florida, Georgia, South Carolina, and North Carolina.

Applicant: Craig Martin, Wetland Sciences, Inc., Pensacola, Florida, TE171594.

The applicant requests authorization to capture, mark, and release Perdido Key beach mice (*Peromyscus polionotus trissyllepsis*), for population surveys in Escambia County, Florida and Baldwin County, Alabama.

Applicant: Elizabeth Phillips, Fort Chaffee Maneuver Training Center, Fort Chaffee, Arkansas, TE171577.

The applicant requests authorization to capture, tag, translocate, and release the American burying beetle (*Nicrophorus americanus*) for population monitoring and management on Fort Chaffee Maneuver Training Center and adjacent areas, Fort Chaffee, Arkansas.

Applicant: Bernard Kuhajda, University of Alabama, Tuscaloosa, Alabama, TE171563.

The applicant requests authorization to capture, examine, collect tissue samples, and release Alabama cavefish (*Speoplatyrhinus poulsoni*), for life history and genetic research in Lauderdale County, Alabama.

Applicant: Bobby R. Harrison, The Ivory-billed Woodpecker Foundation, Gurley, Alabama, TE171553.

The applicant requests authorization to use decoys and call recordings and to salvage specimens of the ivory-billed woodpecker (*Campephilus principalis*), to survey for species occurrence, and research survey techniques throughout potential species range in Arkansas, Alabama, Florida, Georgia, Illinois, Louisiana, Mississippi, Missouri, North Carolina, Texas, Tennessee, and South Carolina.

Applicant: Ronald K. Redman, Benton, Arkansas, TE171545.

The applicant requests authorization to capture, examine, and release gray bat (*Myotis grisescens*), Indiana bat (*Myotis sodalis*), and Ozark big-eared bat (*Corynorhinus townsendii ingens*), to survey for occurrences throughout Arkansas.

Applicant: Gary Libby, Skybax Ecological Services, Berea, Kentucky, TE156392.

The applicant requests authorization to capture, examine, and release gray bat, Indiana bat, and Ozark big-eared bats. The applicant requests authorization to conduct presence/absence surveys for forty-five threatened

or endangered mussels, and seven threatened or endangered fish species. Species may be sampled in Missouri, Ohio, Illinois, Indiana, Kentucky, Tennessee, West Virginia, Virginia, Georgia, North Carolina, South Carolina, New Jersey, New York, Connecticut, Delaware, Massachusetts, Maryland, New Hampshire, Pennsylvania, Vermont, Mississippi, and Michigan.

Applicant: Memphis Zoo, Memphis, Tennessee, TE171493.

The applicant requests authorization to capture and rear Mississippi gopher frog (*Rana capitol sevosa*), larvae and tadpoles for research in treatment of diseases and in rearing techniques. Specimens would be captured from Harrison County, Mississippi, housed primarily at the Memphis Zoo, and may be transferred to other suitable facilities.

Applicant: Roel Lopez, Texas A&M University, Texas, TE079849.

The applicant requests renewal of existing authorization to capture, examine, hold, and release Lower Keys marsh rabbit (*Sylvilagus palustris hefneri*) to conduct population surveys and other research throughout the species range in the Florida Keys, Monroe County, Florida.

Dated: February 20, 2008.

Cynthia K. Dohner,

Acting Regional Director.

[FR Doc. E8–5273 Filed 3–14–08; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R9–IA–2008–N0045]; [96300–1671–0000–P5]

Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: The public is invited to comment on the following applications to conduct certain activities with endangered species and/or marine mammals.

DATES: Written data, comments or requests must be received by April 16, 2008.

ADDRESSES: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 212, Arlington, Virginia 22203; fax 703/358–2281.

FOR FURTHER INFORMATION CONTACT: Division of Management Authority, telephone 703/358–2104.

SUPPLEMENTARY INFORMATION:

Endangered Species

The public is invited to comment on the following applications for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). Written data, comments, or requests for copies of these complete applications should be submitted to the Director (address above).

Applicant: International Center for the Preservation of Wild Animals (The Wilds), Cumberland, OH, PRT–174822.

The applicant requests a permit to import two male and one female captive-born dhole (*Cuon alpinus lepterus*) from Ontario, Canada for the purpose of enhancement of the survival of the species.

Applicant: Los Angeles Zoo, Los Angeles, CA, PRT–175905.

The applicant requests a permit to export one male and two female captive-born yellow-footed rock wallabies (*Petrogale xanthopus xanthopus*) to France for the purpose of enhancement of the survival of the species.

Applicant: Woodland Park Zoo, Seattle, WA, PRT–174619.

The applicant requests a permit to import one captive-born male lowland gorilla (*Gorilla gorilla gorilla*) from Zoo Granby, Granby, Quebec, Canada, for the purpose of enhancement of the survival of the species.

Applicant: Cincinnati Zoo & Botanical Garden, Cincinnati, OH, PRT–171630.

The applicant requests a permit to import three male and one female black-footed cats (*Felis nigripes*) from Cat Conservation Trust, Cradock, South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Richard J. Edelen, Thorton, CO, PRT–174604.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Bruce L. Batory, Sugar Land, TX, PRT–175457.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Burke H. Tackett, Nampa, ID, PRT–175704.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Steve Martin's Working Wildlife, Frazier Park, CA, PRT–069429 and 069443.

The applicant requests re-issuance of permits to re-export and re-import one male and one female leopard (*Panthera pardus*) to worldwide locations for the purpose of enhancement of the species through conservation education. The permit numbers and animals are: 069429, Ivory and 069443, Crystal. This notification covers activities to be conducted by the applicant over a three-year period and the import of any potential progeny born while overseas.

Marine Mammals

The public is invited to comment on the following application for a permit to conduct certain activities with marine mammals. The application was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the regulations governing marine mammals (50 CFR Part 18). Written data, comments, or requests for copies of the complete applications or requests for a public hearing on these applications should be submitted to the Director (address above). Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Director.

Applicant: Matson's Laboratory, Milltown, MT, PRT–166346.

The applicant requests a permit to import teeth from polar bears (Ursus maritimus) which were taken during subsistence harvests in Nunavut, Canada, for age analysis for the purpose of scientific research and enhancement of survival of the species. This notification covers activities to be conducted by the applicant over a five-year period.

Dated: February 22, 2008.

Lisa J. Lierheimer,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. E8–5211 Filed 3–14–08; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Approved Tribal-State Class III Gaming Amendments.

SUMMARY: This notice publishes approval of five Amendments to the Class III Gaming Compacts (Amendments) between the state of Oregon and the Burns-Paiute Tribe, the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, the Coquille Tribe of Indians, the Klamath Tribes, and the Siletz Indians of Oregon.

EFFECTIVE DATE: March 17, 2008.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: Under section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA) Public Law 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. These Amendments revise Oregon State Police billing plan for each of the above listed Tribes.

Dated: March 5, 2008.

Carl J. Artman,

Assistant Secretary—Indian Affairs.

[FR Doc. E8–5198 Filed 3–14–08; 8:45 am]

BILLING CODE 4310–4N–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID 111 1610 DQ 049D DBG071006]

Notice of Correction to Notice of Availability of Snake River Birds of Prey National Conservation Area Proposed Resource Management Plan and Final Environmental Impact Statement, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Correction.

SUMMARY: On February 29, 2008, the Bureau of Land Management (BLM) published in the **Federal Register** [73 FR 11139] the Notice of Availability (NOA) of Snake River Birds of Prey National Conservation Area (NCA) Proposed Resource Management Plan (RMP) and Final Environmental Impact Statement (FEIS), Idaho. This notice inadvertently gave the incorrect Internet address for viewing the Proposed RMP/FEIS on the Internet. The correct Internet address is: *http://www.blm.gov/id/st/en/fo/four_rivers/Planning/snake_river_birds.html*.

FOR FURTHER INFORMATION CONTACT: John Sullivan, NCA Manager, BLM Four Rivers Field Office, 3948 Development Ave., Boise, Idaho 83705, phone 208–384–3300, e-mail address: *John_Sullivan@blm.gov*.

Thomas H. Dyer,

Bureau of Land Management, Idaho State Director.

[FR Doc. E8–5296 Filed 3–14–08; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–060–1320–EL, WYW163340]

Notice of Availability of the West Antelope II Federal Coal Lease by Application Draft Environmental Impact Statement and Notice of Hearing, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969 (NEPA, 42 U.S.C. 4321 *et seq.*) and the Federal Land Policy and Management Act of 1976 (FLPMA, 43 U.S.C. 1701 *et seq.*), the Bureau of Land Management (BLM) has prepared a Draft Environmental Impact Statement (DEIS) for the West Antelope II Federal Coal Lease By Application (LBA) and by this Notice is announcing the opening of the comment period and a public hearing on the DEIS, Maximum Economic Recovery (MER), and Fair Market Value (FMV) associated with the proposed lease sale pursuant to 43 Code of Federal Regulations (CFR) 3425.4. The DEIS analyzes the potential impacts for coal LBA WYW163340, referred to as the West Antelope II tract, in the decertified Powder River Federal Coal Production Region, Wyoming.

DATES: To ensure they will be considered, the BLM must receive written comments on the DEIS, MER, and FMV within 60 days following the date the Environmental Protection Agency publishes its Notice of Availability of this DEIS in the **Federal Register**. The public hearing will be held at 7 p.m. MST, on March 24, 2008, at the Best Western Douglas Inn, 1450 Riverbend Drive, Douglas, Wyoming. The BLM will announce future meetings or hearings and any other public involvement activities at least 15 days in advance through public notices, media news releases, and/or mailings.

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

E-mail: casper_wymail@blm.gov.

Fax: 307–261–7587.

Mail: Casper Field Office, Bureau of Land Management, Attn: Sarah Bucklin, 2987 Prospector Drive, Casper, Wyoming 82604.

FOR FURTHER INFORMATION CONTACT: Sarah Bucklin or Mike Karbs by mail at 2987 Prospector Drive, Casper, Wyoming 82604, by phone at 307–261–7600, or by e-mail at *casper_wymail@blm.gov*.

SUPPLEMENTARY INFORMATION: The BLM is considering issuing a coal lease as a result of an April 6, 2005, application made by Antelope Coal Company (Antelope) to lease the Federal coal in the West Antelope II coal tract. This tract is located in Converse and Campbell counties and is near the Antelope Mine, approximately 50 miles north of Douglas, Wyoming. The DEIS analyzes and discloses to the public the direct, indirect, and cumulative environmental impacts of issuing a Federal coal lease in the Wyoming portion of the Powder River Basin. A copy of the DEIS has been sent to affected Federal, State, and local government agencies; persons and entities identified as potentially being affected by a decision to lease the Federal coal in this tract; and persons who indicated to the BLM that they wished to receive a copy of the DEIS. The purpose of the public hearing is to solicit comments on the DEIS, on the proposed competitive sale of the West Antelope II coal tract, and comments on the FMV and MER of the Federal coal.

Antelope originally applied for the tract in accordance with 43 CFR part 3425 in order to extend the life of the existing Antelope Mine. The applicant estimated that the tract includes approximately 429.7 million tons of in-place Federal coal underlying the following lands in Converse and Campbell Counties, Wyoming:

T. 40 N., R. 71 W., 6th PM, Wyoming

Section 5: Lot 18;

Section 8: Lots 1 through 3, 6 through 11, 14 through 16;

Section 9: Lots 2 through 16;
Section 10: Lots 5, 6, 11 through 14;
T. 41 N., R. 71 W., 6th PM, Wyoming;
Section 9: Lots 9 through 16;
Section 10: Lots 11 through 15;
Section 14: Lots 3 and 4;
Section 15: Lots 1 through 5, 12, 13;
Section 20: Lots 14 through 16;
Section 21: Lots 1 through 16;
Section 22: Lots 2, 7, 8, 14 through 16;
Section 27: Lots 6 through 11;
Section 28: Lots 1 through 8;
Section 29: Lots 1 through 3, 6 through 8.

Containing 4,108.6 acres, more or less.

The Antelope Mine is adjacent to the LBA and has an approved mining and reclamation plan from the Land Quality Division of the Wyoming Department of Environmental Quality (DEQ) and an approved air quality permit from the Air Quality Division of the Wyoming DEQ that allows them to mine up to 42 million tons of coal per year.

The Board of Commissioners of Converse County, Wyoming; the Wyoming Department of Environmental Quality Air Quality Division and Land Quality Division; the Office of Surface Mining Reclamation and Enforcement; and the U.S. Forest Service are cooperating agencies in the preparation of the DEIS.

The DEIS analyzes leasing the West Antelope II coal tract as the Proposed Action. Under the Proposed Action, a competitive sale would be held and a lease issued for Federal coal in the tract as applied for by Antelope. As part of the coal leasing process, the BLM is evaluating an additional alternative that would add up to 2,200.6 adjacent acres of Federal coal to the tract to assure the maximum economic recovery of coal, to avoid isolating or bypassing marketable coal, or to prompt competitive interest in the unleased Federal coal for this area. These additional lands, located in T. 40 N., R. 71 W. and T. 41 N., R. 71 W., could potentially add another 65 million tons of in-place Federal coal to the West Antelope II LBA tract. The alternate tract configuration that BLM is evaluating is described and analyzed as a separate alternative in the DEIS. Under this alternative, a competitive sale would be held and a lease issued for Federal coal lands included in a tract modified by the BLM. The DEIS also analyzes the alternative of rejecting the application to lease Federal coal as the No Action Alternative. The Proposed Action and alternatives being considered in the DEIS are in conformance with the Approved Resource Management Plan for Public Lands Administered by the Bureau of Land Management Buffalo Field Office (2001), the Bureau of Land Management Casper Field Office Resource Management Plan (2007), and the USDA-Forest Service Land and Resource Management Plan for the Thunder Basin National Grassland (2002).

Requests to be included on the mailing list for this project and for copies of the DEIS may be sent in writing, by facsimile, or electronically to the addresses previously stated at the beginning of this notice. The BLM asks that those submitting comments on the DEIS make them as specific as possible with reference to page numbers and chapters of the document. Comments that contain only opinions or preferences will not receive a formal response; however, they will be considered and included as part of the BLM decision-making process.

Please note that public comments and information submitted including names, street addresses, and e-mail addresses of respondents will be available for public review and disclosure at the above address during regular business hours (8 a.m. to 4 p.m.), Monday through Friday, except holidays.

Before including your address, phone number, email 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.

Copies of the DEIS are available for public inspection at the following BLM office locations: BLM Wyoming State Office, 5353 Yellowstone Road, Cheyenne, Wyoming 82009; and BLM Casper Field Office, 2987 Prospector Lane, Casper, Wyoming 82604. The DEIS is available electronically on the following Web site: *http://www.blm.gov/wy/st/en/info/NEPA/cfodocs/West_Antelope_II.html.*

Dated: January 31, 2008.

Robert A. Bennett,

State Director.

[FR Doc. E8–5310 Filed 3–14–08; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before March 1, 2008. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW., 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St. NW., 8th floor, Washington DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by April 1, 2008.

J. Paul Loether,

Chief, National Register of Historic Places/National Historic Landmarks Program.

Arkansas

Conway County

Little Rock to Cantonment Gibson Road—Old Wire Road Segment, (Cherokee Trail of Tears MPS) Old Wire Rd. S. of Blackwell, Blackwell, 08000259

California

Lake County

Lakeport Carnegie Library, (California Carnegie Libraries MPS) 200 Park St., Lakeport, 08000261

Los Angeles County

Bungalow Heaven Historic District, (Residential Architecture of Pasadena: Influence of the Arts and Crafts Movement MPS) Roughly bounded by N. Mentor Ave.,E. Orange Grove Blvd., E. Washington Blvd., N. Michigan & N. Chester Aves., Pasadena, 08000260

Georgia

Fayette County

Holliday—Dorsey—Fife House, 140 Lanier Ave., Fayette, 08000263

Fulton County

Roberts, Isaac, House, 9725 Roberts Dr., Sandy Springs, 08000262

Idaho

Fremont County

Island Park Land and Cattle Company Home Ranch, US 20 approx. 1 mi. S. of Island Park, Island Park, 08000264

Mississippi

Jasper County

Graham House, 36 Co. Rd. 1824, Rose Hill, 08000265

Missouri

Greene County

Wilshire Apartments, (Springfield MPS) 520 S. Jefferson, Springfield, 08000266

Jackson County

Ambassador Hotel Historic District (Boundary Increase), 336 W. 36th St; 3543 Broadway, Kansas City, 08000267

St. Louis Independent City

Kieselhorst Piano Company Building, 1007 Olive St., St. Louis (Independent City), 08000268

Montana

Wibaux County

Vogt—Nunberg Farm, 7262 MT 7, Wibaux, 08000269

New Jersey

Middlesex County

United States Post Office, 360 Main St., Metuchen Borough, 08000270

New York

Greene County

Brand Hollow Road Stone Arch Bridge, Brand Hollow Rd., West Durham, 08000271

Moore Road Stone Arch Bridge, Moore Rd., Cornwallville, 08000272

Livingston County

Corby Farm Complex, (Lima MRA) 7400 Corby Rd., Honeoye Falls, 08000273

Monroe County

Spencerport Methodist Church, 32 Amity St., Spencerport, 08000274

Ontario County

Smith Observatory and Dr. William R. Brooks House, 618–620 Castle St., Geneva, 08000275

Orange County

Rushmore Memorial Library, Weygant Hill Rd. & NY 32, Highland Mills, 08000276

Woodlawn Farm, 20 Mount Orange Rd., Slate Hill, 08000277

North Dakota

McKenzie County

Sandstone School, 29th St. NW, Keene, 08000278

Rolette County

CCC Lodge at the International Peace Garden, RR1, Dunseith, 08000279

Stark County

Elks Club and Store Building—Dickenson Lodge #1137, 103 1st Ave. W., Dickinson, 08000280

Oregon

Multnomah County

Gregg, Norris and Helen, House, (Speculative Homebuilding in East Portland, Oregon MPS) 2538 NE. 21st Ave., Portland, 08000281

Swart, Harry A. and Lou K., House, 134 NE. Sumner, Portland, 08000282

Puerto Rico

Ponce Municipality

Mc Cabe Memorial Church, 835 Eugenio Maria de Hostos Ave., Ponce, 08000283

Tennessee

Obion County

Colored Hotel, 208 Nash St., Union City, 08000284

Virginia

Westmoreland County

Monroe, James, Family Home Site (Boundary Increase), VA 205, Monroe Hall, 08000285

Wisconsin

Green County

New Glarus Town Hall, 206 2nd St., New Glarus, 08000286

Outagamie County

St. Paul Evangelical Lutheran Church, 302 N. Morrison St., Appleton, 08000287

Ozaukee County

Tennie and Laura (Shipwreck), (Great Lakes Shipwreck Sites of Wisconsin MPS) 9 mi. SE, of Port Washington, Port Washington, 08000288

Wyoming

Carbon County

Fossil Cabin, The, US 30, Medicine Bow, 08000289

[FR Doc. E8–5241 Filed 3–14–08; 8:45 am]

BILLING CODE 4312–51–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Modification of 1994 Consent Decree Affecting Operable Unit 9 of the California Gulch Superfund Site Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on March 11, 2008, a Modification of 1994 Consent Decree Affecting Operable Unit 9 (''Consent Decree Modification'') in *State of Colorado* v. *ASARCO Incorporated et al.*, Civil Action No. 86–cv–1675–WYD (consolidated with 83–cv–2388–WYD) was lodged with the United States District Court for the District of Colorado.

The United States previously entered into a consent decree with ASARCO Incorporated (now ASARCO LLC)(''ASARCO'') concerning, among other things, ASARCO's implementation of the remedial action addressing residential soil contamination designated as Operable Unit 9 (''OU9'') of the California Gulch Superfund Site located in Lake County, Colorado. That consent decree was approved and entered by the United States District Court for the District of Colorado on August 26, 1994 (the ''1994 Decree''). The proposed Consent Decree Modification implements a settlement of that portion of the claim filed by the United States in *In re ASARCO LLC,* a bankruptcy case pending in the Southern District of Texas, Corpus Christi Division, Case No. 05–21207, concerning OU9. Pursuant to the terms of the settlement ASARCO will pay approximately $1 million to the United States, a trust fund established by ASARCO to fund the remedial action addressing residential soil lead contamination at the Site will be modified to provide sole access to the account to the U.S. Environmental Protection Agency, the Colorado Department of Public Health and Environment, and the Lake County Health Department (pursuant to their separate agreement), and ASARCO will have no further obligation for the implementation of the OU9 remedy.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree Modification. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United*

States v. *Apache Energy and Minerals Company,* D.J. Ref. 90–11–3–138.

The Consent Decree Modification may be examined at the Office of the United States Attorney for the District of Colorado, 1225 Seventeenth Street, Suite 700, Denver, CO 80202, and at U.S. EPA Region 8, Superfund Records Center, 1595 Wynkoop St., Denver, CO 80202–1129. During the public comment period, the Consent Decree Modification may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Consent Decree Modification may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $2.50 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Robert D. Brook,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. E8–5230 Filed 3–14–08; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Settlement Agreement Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

Notice is hereby given that on March 11, 2008 a proposed settlement agreement in *In re W.R. Grace & Co.,* Case No. 01–01139 (JFK), was lodged with the United States Bankruptcy Court for the District of Delaware. The proposed Settlement Agreement would resolve the United States' proofs of claim filed in W.R. Grace & Co.'s bankruptcy proceeding for environmental response costs at the Libby Asbestos Site in Montana pursuant to section 107 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9607.

Under the terms of the Settlement Agreement, W.R. Grace & Co. will, among other things, pay the United States $250 million within 30 days of Bankruptcy Court approval of the settlement.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed settlement agreement. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, and either e-mailed to *pubcommentees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *In re W.R. Grace & Co.,* Case No. 01–01139 (JFK), and D.J. Ref. No. 90–11–2–07106/5.

During the public comment period, the settlement agreement may be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the settlement agreement may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $11.00 ($.25 per page) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Robert D. Brook,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. E8–5229 Filed 3–14–08; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—SSPC: The Society for Protective Coatings

Notice is hereby given that, on February 14, 2008, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 et seq. (''the Act''), SSPC: The Society for Protective Coatings (''SSPC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the name and principal place of business of the standards development organization and (2) the nature and scope of its standards development activities. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to Section 6(b) of the Act, the name and principal place of business of the standards development organization is SSPC: The Society for Protective Coatings, Pittsburgh, PA. The nature and scope of SSPC's standards development activities are: Development of voluntary consensus standards for compositions and performance of generic types of heavy-duty industrial and maintenance protective coatings, coating systems, and abrasives; cleanliness requirements for steel and concrete prior to the application of industrial and maintenance protective coatings; techniques and procedures for application of industrial and maintenance protective coatings; and requirements for third-party programs enabling facility owners to evaluate the qualifications of firms that apply industrial coatings to steel and concrete in the field and in paint shops, coating inspection companies, and coating applicators.

Patricia A. Brink,

Deputy Director of Operations, Antitrust Division.

[FR Doc. E8–5088 Filed 3–14–08; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–60,858]

Delphi Corporation Automotive Holdings Group Including Leased Workers of Bartech Group, Inc., Manpower, Continental Design and Engineering and Securitas Security Services Working On-Site at Delphi, Anderson, IN; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on February 2, 2007, applicable to workers of Delphi Corporation, Automotive Holdings Group, Anderson, Indiana. The notice was published in the **Federal Register**

on February 14, 2007 (72 FR 7087). The certification was amended on May 1, 2007 to include leased workers of Bartech Group, Manpower and Continental Design and Engineering. The notice was published in the **Federal Register** on May 9, 2007 (72 FR 26426).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of automotive ignition products.

New information shows that leased workers of Securitas Security Services were employed on-site at the Anderson, Indiana location of Delphi Corporation, Automotive Holdings Group. The Department has determined that these workers were sufficiently under the control of the subject firm to be considered leased workers.

Based on these findings, the Department is amending this certification to include leased workers of Securitas Security Services working on-site at the Anderson, Indiana location of the subject firm.

The intent of the Department's certification is to include all workers employed on-site at Delphi Corporation, Automotive Holdings Group, Anderson, Indiana who were adversely affected by a shift in production to Mexico.

The amended notice applicable to TA-W–60,858 is hereby issued as follows:

All workers of Delphi Corporation, Automotive Holdings Group, including leased workers of Bartech Group, Inc., Manpower, Continental Design and Engineering and Securitas Security Services, Anderson, Indiana, who became totally or partially separated from employment on or after January 23, 2006, through February 2, 2009, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under section 246 of the Trade Act of 1974.

Signed at Washington, DC, this 6th day of March 2008.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E8–5225 Filed 3–14–08; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–62,515]

Drive Sol Global Steering, Inc.; Steering Division Formerly Known as Timken U.S. Corporation, Watertown, CT; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification Regarding Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on February 5, 2008, applicable to workers of Drive Sol Global Steering, Inc., Steering Division, Watertown, Connecticut. The notice was published in the **Federal Register** on February 22, 2008 (73 FR 9835).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of steering mechanical shafts.

The subject firm originally named Timken U.S. Corporation became known as Driver Sol Global Steering, Inc., Steering Division after Drive Sol Global Steering, Inc. purchased the assets of Timken U.S. Corporation in December 2006.

The State agency reports that some workers' wages at the subject firm are being reported under the Unemployment Insurance (UI) tax account for Timken U.S. Corporation.

Accordingly, the Department is amending this certification to properly reflect this matter.

The amended notice applicable to TA–W–62,515 is hereby issued as follows:

All workers of Drive Sol Global Steering, Inc., Steering Division, formerly known as Timken U.S. Corporation, Watertown, Connecticut, who became totally or partially separated from employment on or after November 29, 2006, through February 5, 2010, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under section 246 of the Trade Act of 1974.

Signed at Washington, DC, this 10th day of March 2008.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E8–5228 Filed 3–14–08; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–61,999]

Geneon Entertainment (USA), Inc.; Formerly Known As Pioneer Entertainment; Long Beach, CA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on September 13, 2007, applicable to workers of Geneon Entertainment (USA), Inc., Long Beach, California. The notice was published in the **Federal Register** on September 27, 2007 (72 FR 54939).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of DVD masters.

New information shows that the subject firm originally named Pioneer Entertainment, was renamed Geneon Entertainment (USA), Inc. due to a change in ownership in late 2003. Workers separated from employment at the subject firm had their wages reported under a separate unemployment insurance (UI) tax account for Pioneer Entertainment.

Accordingly, the Department is amending the certification to properly reflect this matter.

The intent of the Department's certification is to include all workers of Geneon Entertainment (USA), Inc., Long Beach, California, who were adversely affected by a shift in production of DVD masters to China.

The amended notice applicable to TA–W–61,999 is hereby issued as follows:

All workers of Geneon Entertainment (USA) Inc., formerly known as Pioneer Entertainment, Long Beach, California, who became totally or partially separated from employment on or after August 13, 2006, through September 13, 2009, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed at Washington, DC this 6th day of March 2008.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E8–5226 Filed 3–14–08; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–62,333]

Liberty Fibers Corporation, Lowland, TN; Notice of Negative Determination on Reconsideration

On December 11, 2007, the Department of Labor (Department) issued an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of Liberty Fibers Corporation, Lowland, Tennessee (the subject firm). The Department's Notice of affirmative determination was published in the **Federal Register** on December 19, 2007 (72 FR 71962).

A certification for Trade Adjustment Assistance (TAA) and Alternative Trade Adjustment Assistance (ATAA) applicable to workers at the subject firm was issued on October 21, 2005 and remained valid until October 21, 2007 (TA–W–58,039). The certification was based on the Department's finding that the subject workers produced rayon staple fiber and that increased imports of articles like or directly competitive with those produced by the subject firm contributed importantly to subject firm sales or production declines and to workers' separations.

On August 24, 2007, a TAA/ATAA petition (TA–W–62,049) was filed by a company official on behalf of workers and former workers of the subject firm. The petition was withdrawn on August 29, 2007. The Department issued a Notice of Termination of Investigation on September 4, 2007.

On October 22, 2007, a TAA/ATAA petition was filed by a company official on behalf of workers and former workers of the subject firm (TA–W–62,333). The petition stated that the subject firm produced rayon staple fiber, the subject firm closed on September 26, 2005, and that ''Five (5) employees remain in the employment of the company to assist the bankruptcy trustee. The remaining employees will be laid off in the next 6–9 months.''

The initial determination, issued on November 13, 2007, stated that the workers performed maintenance of a closed fiber production facility, that the workers no longer support a firm or appropriate subdivision that produces an article domestically, and, thus, the subject worker group cannot be considered import impacted or affected by a shift in production of an article.

The request for reconsideration stated that the subject firm ceased operations in September 2005, that a Chapter 7 bankruptcy (dissolution) trustee was appointed in November 2005, and that the trustee retained the service of several employees to assist in the settlement of the corporation's estate. The request also stated that, with regards to petition TA–W–58,039, the Department ''accurately designated the loss of those permanent jobs to be the result of increased imports activity'' and asserts that workers covered by petition TA–W–62,333 should be eligible to apply for TAA and ATAA on the same basis (increased imports).

In order to be certified as eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974, the petitioning group must work for a firm or appropriate subdivision that produces an article domestically, and there must be a relationship between the workers' work and the article produced by the workers' firm or appropriate subdivision.

Under section 223(a) of the Trade Act of 1974, as amended, TAA certification may be made if the following criteria are met:

Section (a)(2)(A)—

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated; *and*

B. The sales or production, or both, of such firm or subdivision have decreased absolutely; *and*

C. Increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

Section (a)(2)(B)—

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated; *and*

B. There has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; *and*

C. One of the following must be satisfied:

1. the country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States; *or*

2. the country to which the workers' firm has shifted production of the articles is a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; *or*

3. there has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

Because the request for reconsideration asserts that the workers covered by TA–W–62,333 should be certified for TAA and ATAA for the same reason that the workers covered by TA–W–58,039 were certified (increased imports), the Department investigated whether the criteria set forth in section (a)(2)(A) were met.

The Section (a)(2)(A) requires that ''imports of articles like or directly competitive with articles produced by such firm or subdivision have increased'' and increased imports must have ''contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision.''

To be certified based on increased imports, the Department must find that increased imports is a cause that contributed importantly to a two-part effect: the workers' separation or threat of separation, and the decline in subject firm sales or production. Because the cause must precede the effect, it follows that increased imports must occur before or coincide with the subject firm's sales or production decline, and, that without that effect, causality cannot be established.

''Increased imports,'' defined at 29 CFR 97.2, means ''that imports have increased either absolutely or relative to domestic production compared to a representative base period. The representative base period shall be one year consisting of the four quarters immediately preceding the date which is twelve months prior to the date of the petition.''

Because the date of the petition is October 22, 2007, the relevant period (the twelve months prior to the petition date) is October 2006 through September 2007 and the representative base period is October 2005 through September 2006. Therefore, for there to be increased imports, imports during October 2006 through September 2007 would have to increase compared to the period of October 2005 through September 2006.

During the reconsideration investigation, the Department confirmed that the subject firm ceased operation and closed permanently in September 2005, that the subject firm filed for

Chapter 11 bankruptcy (reorganization) on September 29, 2005, and that the case was converted to Chapter 7 bankruptcy (dissolution) on November 21, 2005.

Because there were no subject firm sales or production since September 2005, the Department finds that there could not have been any decline in sales or production at the subject firm during the relevant period. Consequently, increased imports could not have ''contributed importantly to * * * the decline in sales or production of'' the subject firm. Accordingly, the subject workers cannot be certified under section 222(a)(2)(A).

Further, the Department finds that because the subject firm permanently closed in September 2005, there was not production that could have shifted to a foreign country. Accordingly, the subject workers cannot be certified under section 222(a)(2)(B).

Although the request for reconsideration did not allege that the subject workers were adversely affected as secondary workers (workers of a firm that supply component parts to a TAA-certified company or finished or assembled for a TAA-certified company), the Department expanded the investigation to determine whether they would be eligible to apply for TAA on this basis. Such a certification, under section 223(b)(2), must be based in the certification of a primary firm.

Prior to the closure in September 2005, the subject firm produced a final article (rayon staple fiber) and, therefore, neither supplied component parts to other companies nor finished or assembled an article for other companies. Even if the subject firm did engage in such activity, the activity occurred prior to September 2005, and, therefore, occurred prior to the relevant period and cannot be a basis for certification. Accordingly, the subject workers cannot be certified under section 223(b)(2).

In order for the Department to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA), the subject worker group must be certified eligible to apply for TAA. Since the petitioning worker group is denied eligibility to apply for TAA, the subject workers cannot be certified eligible for ATAA.

Conclusion

After careful reconsideration, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance for workers and former workers of Liberty Fibers Corporation, Lowland, Tennessee.

Signed at Washington, DC, this 7th day of March 2008.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E8–5227 Filed 3–14–08; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–62,893]

Sylmark, Inc., Los Angeles, CA; Notice of Termination of Investigation

In accordance with section 221 of the Trade Act of 1974, as amended, an investigation was initiated on February 25, 2008 in response to a petition filed by a California State Workforce Office on behalf of workers of Sylmark, Inc., Los Angeles, California.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed in Washington, DC, this 6th day of March, 2008.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E8–5224 Filed 3–14–08; 8:45 am]

BILLING CODE 4510–FN–P

LEGAL SERVICES CORPORATION

Sunshine Act Meetings of the Board of Directors and One of its Committees

Time and Date: The Legal Services Corporation (''LSC'') Board of Directors (''Board'') and its 2008 Ad Hoc Committee will meet on March 24, 2008 via conference call. The meetings will occur in the order set forth in the following schedule, with the second meeting commencing immediately after adjournment of the first.

MEETING SCHEDULE [1]

Monday, March 24, 2008	Time
1. 2008 Ad Hoc Committee.	4:30 p.m.
2. Board of Directors	(Follows Immediately).

[1] Please note that the times in this notice are Eastern Daylight Saving Time.

LOCATION: 3333 K Street, NW., Washington, DC 20007, 3rd Floor Conference Center.

STATUS OF MEETINGS: Open. Directors will participate by telephone conference in such a manner as to enable interested members of the public to hear and identify all persons participating in the meeting. Members of the public wishing to observe the meeting may do so by joining participating staff at the location indicated above. Members of the public wishing to listen to the meeting by telephone should call 1–800–857–4830 and enter 34309 on the key pad when prompted. To enhance the quality of your listening experience as well as that of others, and to eliminate background noises that interfere with the audio recording of the proceeding, please mute your telephone during the meeting.

2008 AD HOC Committee

Agenda

MATTERS TO BE CONSIDERED:

1. Consider and act on adoption of agenda.
2. Consider and act on recommendations to make to the Board of Directors regarding proposed responses to recommendations made by the Government Accountability Office in its report on LSC's grants management.
3. Consider and act on whether to recommend to the Board of Directors that it establish an Audit Committee and, if so, to adopt a draft charter to recommend to the Board for such Audit Committee.
4. Consider and act on other business.
5. Consider and act on motion to adjourn the meeting.

Board of Directors

Agenda

MATTERS TO BE CONSIDERED:

1. Report of 2008 Ad Hoc Committee.
2. Consider and act on recommendations of the 2008 Ad Hoc Committee.
3. Consider and act on LSC Ethics and Compliance Code and designation of Ethics Officer(s).
4. Consider and act on dissolution of 2007 Search Committee for LSC Inspector General.
5. Consider and act on other business.
6. Consider and act on motion to adjourn the meeting

CONTACT PERSON FOR INFORMATION: Patricia Batie, Manager of Board Operations, at (202) 295–1500.

SPECIAL NEEDS: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Patricia Batie at (202) 295–1500.

Dated: March 13, 2008.

Victor M. Fortuno,

Vice President, General Counsel & Corporate Secretary.

[FR Doc. 08–1043 Filed 3–13–08; 1:55 pm]

BILLING CODE 7050–01–P

NATIONAL INDIAN GAMING COMMISSION

Notice of Approval of Class III Tribal Gaming Ordinances

AGENCY: National Indian Gaming Commission.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public of class III gaming ordinances approved by the Chairman of the National Indian Gaming Commission.

EFFECTIVE DATE: This notice is effective upon date of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Ms. Frances Fragua, Office of General Counsel at the National Indian Gaming Commission, 202/632–7003, or by facsimile at 202/632–7066 (not toll-free numbers).

SUPPLEMENTARY INFORMATION: The Indian Gaming Regulatory Act (IGRA) 25 U.S.C. 2701 *et seq.,* was signed into law on October 17, 1988. The IGRA established the National Indian Gaming Commission (Commission). Section 2710 of the IGRA authorizes the Commission to approve class II and class III tribal gaming ordinances. Section 2710(d)(2)(B) of the IGRA as implemented by 25 CFR section 522.8 (58 FR 5811 (January 22, 1993)) requires the Commission to publish, in the **Federal Register**, approved class III gaming ordinances.

The IGRA requires all tribal gaming ordinances to contain the same requirements concerning ownership of the gaming activity, use of net revenues, annual audits, health and safety, background investigation and licensing of key employees. The Commission, therefore, believes that publication of each ordinance in the **Federal Register** would be redundant and result in unnecessary cost to the Commission. The Commission believes that publishing a notice of approval of each class III gaming ordinance is sufficient to meet the requirements of 25 U.S.C. section 2710(d)(2)(B). Every approved gaming ordinance is posted on the Commission's Web site (*http://www.nigc.gov*) under Reading Room, Gaming Ordinances. Also, the Commission will make copies of approved class III ordinances available to the public upon request. Requests can be made in writing to the Office of General Counsel, National Indian Gaming Commission (Attention: Frances Fragua), 1441 L Street, NW., Suite 9100, Washington, DC 20005.

The following constitutes a consolidated list of all Tribes for which the Chairman has approved tribal gaming ordinances authorizing class III gaming.

1. Absentee-Shawnee Tribe of Oklahoma
2. Agua Caliente Band of Cahuilla Indians
3. Ak-Chin Indian Community
4. Alturas Indian Rancheria
5. Apache Tribe of Oklahoma
6. Arapaho Tribe of the Wind River Indians
7. Assiniboine & Sioux Tribes of Fort Peck
8. Augustine Band of Mission Indians
9. Bad River Band of Lake Superior Tribe of Chippewa
10. Barona Band of Mission Indians
11. Bay Mills Indian Community
12. Bear River Band of Rohnerville Rancheria
13. Berry Creek Rancheria of Tyme Maidu Indians
14. Big Lagoon Rancheria
15. Big Pine Paiute Tribe of the Owens Valley
16. Big Sandy Rancheria Band of Western Mono Indians
17. Big Valley Band of Pomo Indians
18. Blackfeet Tribe
19. Blue Lake Rancheria of California
20. Bois Forte Band of Minnesota Chippewa
21. Buena Vista Rancheria of Me-Wuk Indians
22. Burns Paiute Tribe
23. Cabazon Band of Mission Indians
24. Cachil Dehe Band of Wintun Indians of the Colusa Indian Community
25. Caddo Indians Tribe of Oklahoma
26. Cahto Tribe of the Laytonville Rancheria
27. Cahuilla Band of Mission Indians
28. California Valley Me-Wuk Tribe
29. Campo Band of Diegueno Mission Indians
30. Chemehuevi Indian Tribe
31. Cher-Ae Heights Indian Community of the Trinidad Rancheria
32. Cherokee Nation of Oklahoma
33. Cheyenne and Arapaho Tribes of Oklahoma
34. Cheyenne River Sioux Tribe
35. Chickasaw Nation of Oklahoma
36. Chicken Ranch Band of Me-wuk Indians
37. Chippewa Cree Tribe of the Rocky Boy's Reservation
38. Chitimacha Tribe of Louisiana
39. Choctaw Nation of Oklahoma
40. Citizen Band Potawatomi Indians of Oklahoma
41. Cloverdale Rancheria of Pomo Indians
42. Cocopah Indian Tribe
43. Coeur d'Alene Tribe
44. Colorado River Indian Tribes
45. Comanche Indian Tribe of Oklahoma
46. Confederated Salish and Kootenai Tribes of the Flathead Reservation
47. Confederated Tribes and Bands of the Yakama
48. Confederated Tribes of Coos, Lower Umpqua and Siuslaw
49. Confederated Tribes of the Chehalis Reservation
50. Confederated Tribes of the Colville Reservation
51. Confederated Tribes of the Grand Ronde Community
52. Confederated Tribes of the Siletz Indians of Oregon
53. Confederated Tribes of the Umatilla Indian Reservation
54. Confederated Tribes of the Warm Springs Reservation
55. Coquille Indian Tribe of Oregon
56. Coushatta Indian Tribe of Louisiana
57. Cow Creek Band of Umpqua Indians
58. Coyote Valley Band of Pomo Indians
59. Crow Creek Sioux Tribe
60. Crow Indian Tribe of Montana
61. Delaware Tribe of Indians of Oklahoma
62. Delaware Nation of Western Oklahoma
63. Dry Creek Rancheria of Pomo Indians
64. Eastern Band of Cherokee Indians of North Carolina
65. Eastern Shawnee Tribe of Oklahoma
66. Elem Indian Colony of Pomo Indians
67. Elk Valley Rancheria
68. Ely Shoshone Tribe
69. Enterprise Rancheria of the Maidu Indians
70. Ewiiaapaayp Band of Kumeyaay Indians
71. Fallon Paiute-Shoshone Tribes
72. Flandreau Santee Sioux Tribe
73. Fond du Lac Reservation
74. Forest County Potawatomi Community
75. Fort Belknap Indian Community
76. Fort Independence Indian Reservation
77. Fort McDermitt Paiute-Shoshone Indian Tribe
78. Fort McDowell Yavapai Nation of Arizona
79. Fort Mojave Indian Tribe
80. Gila River Indian Community
81. Grand Portage Band of Minnesota Indians
82. Grand Traverse Band of Ottawa and Chippewa
83. Greenville Rancheria of Maidu Indians
84. Grindstone Indian Rancheria of Wintun

85. Guidiville Indian Reservation
86. Habematolel Pomo of Upper Lake
87. Hannahville Indian Community
88. Ho-Chunk Nation of Wisconsin
89. Hoopa Valley Tribe
90. Hopland Band of Pomo Indians
91. Hualapai Indian Tribe
92. Huron Band of Potawatomi
93. Iowa Tribe of Kansas and Nebraska
94. Iowa Tribe of Oklahoma
95. Jackson Rancheria Band of Me-wuk Indians
96. Jamestown S'Klallam Tribe
97. Jena Band of Choctaw Indians
98. Jicarilla Apache Nation
99. Kaibab Band of Paiute Indians
100. Kalispel Tribe of Indians
101. Karuk Tribe of California
102. Kaw Nation of Oklahoma
103. Keweenaw Bay Indian Community
104. Kickapoo Traditional Tribe of Texas
105. Kickapoo Nation of Kansas
106. Kickapoo Tribe of Oklahoma
107. Kiowa Tribe of Oklahoma
108. Klamath Tribes of Oregon
109. Klawock Cooperative Association
110. Kootenai Tribe of Idaho
111. LaJolla Band of Luiseno Mission Indians
112. La Posta Band of Diegueno Mission Indians
113. Lac Courte Oreilles Band of Lake Superior Chippewa
114. Lac du Flambeau Band of Lake Superior Chippewa
115. Lac Vieux Desert Band of Lake Superior Chippewa
116. Las Vegas Paiute Tribe
117. Leech Lake Band of Ojibwe Indians
118. Little River Band of Ottawa Chippewa
119. Little Traverse Bay Bands of Odawa Indians
120. Lower Brule Sioux Tribe
121. Lower Elwha Klallam Tribe
122. Lower Sioux Indian Community
123. Lummi Tribe of the Lummi Reservation
124. Lytton Band of Pomo Indians
125. Manchester Band of Pomo Indians
126. Manzanita Band of Diegueno Mission Indians
127. Mashantucket Pequot Tribe of Connecticut
128. Match-E-Be-Nash-She-Wish Band of Potawatomi Indians of Michigan
129. Mechoopda Indian Tribe of Chico Rancheria
130. Menominee Indian Tribe of Wisconsin
131. Mescalero Apache Tribe
132. Miami Tribe of Oklahoma
133. Middletown Rancheria of Pomo Indians
134. Mille Lacs Band of Minnesota Chippewa
135. Mississippi Band of Choctaw Indians
136. Moapa Band of Pauites
137. Modoc Tribe of Oklahoma
138. Mohegan Indian Tribe of Connecticut
139. Mooretown Rancheria of Maidu Indians
140. Morongo Band of Cahuilla Mission Indians
141. Muckleshoot Indian Tribe
142. Muscogee (Creek) Nation of Oklahoma
143. Narragansett Indian Tribe
144. Navajo Nation
145. Nez Perce Tribe of Idaho
146. Nisqually Indian Tribe
147. Nooksack Indian Tribe of Washington
148. Northern Cheyenne Tribe
149. Oglala Sioux Tribe of Pine Ridge
150. Omaha Tribe of Nebraska
151. Oneida Nation of New York
152. Oneida Tribe of Indians of Wisconsin
153. Osage Tribe of Oklahoma
154. Otoe-Missouria Tribe of Oklahoma
155. Ottawa Tribe of Oklahoma
156. Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony
157. Pala Band of Luiseno Mission Indians
158. Pascua Yaqui Tribe of Arizona
159. Paskenta Band of Nomlaki Indians
160. Pauma-Yuima Band of Luiseno Mission Indians
161. Pawnee Nation of Oklahoma
162. Pechanga Band of Luiseno Mission Indians
163. Peoria Tribe of Indians of Oklahoma
164. Picayune Rancheria of Chukchansi Indians
165. Pinoleville Indian Reservation
166. Pit River Tribe
167. Pokagon Band of Potawatomi Indians
168. Ponca Nation of Oklahoma
169. Ponca Tribe of Nebraska
170. Port Gamble S'Klallam Indian Community
171. Prairie Band of Potawatomi Nation in Kansas
172. Prairie Island Indian Community
173. Pueblo of Acoma
174. Pueblo of Isleta
175. Pueblo of Jemez
176. Pueblo of Laguna
177. Pueblo of Nambe
178. Pueblo of Pojoaque
179. Pueblo of San Felipe
180. Pueblo of San Juan
181. Pueblo of Sandia
182. Pueblo of Santa Ana
183. Pueblo of Santa Clara
184. Pueblo of Santo Domingo
185. Pueblo of Taos
186. Pueblo of Tesuque
187. Puyallup Tribe of Indians
188. Pyramid Lake Paiute Tribe
189. Quapaw Tribe of Indians of Oklahoma
190. Quechan Tribe of Fort Yuma
191. Quileute Tribe
192. Quinault Indian Tribe
193. Red Cliff Band of Lake Superior Chippewa Indians
194. Red Cliff, Sokaogon Chippewa and Lac Courte Oreilles Band
195. Red Lake Band of Chippewa Indians
196. Redding Rancheria
197. Redwood Valley Rancheria of Pomo Indians
198. Reno-Sparks Indian Colony
199. Resighini Rancheria of Coast Indian Community
200. Rincon San Luiseno Band of Mission Indians
201. Robinson Rancheria of Pomo Indians
202. Rosebud Sioux Tribe
203. Round Valley Indian Tribes
204. Rumsey Indian Rancheria of Wintun Indians
205. Sac & Fox Tribe of Mississippi in Iowa
206. Sac & Fox Nation of Missouri in Kansas and Nebraska
207. Saginaw Chippewa Indian Tribe of Michigan
208. Salt River Pima-Maricopa Indian Community
209. Samish Indian Tribe of Washington
210. San Carlos Apache Tribe of Arizona
211. San Manuel Band of Serrano Mission Indians
212. San Pasqual Band of Diegueno Mission Indians
213. Santa Rosa Band of Tachi Indians
214. Santa Ynez Band of Chumash Mission Indians
215. Santa Ysabel Band of Diegueno Mission Indians
216. Sauk-Suiattle Indian Tribe
217. Sault Ste. Marie Tribe of Chippewa Indians
218. Scotts Valley Band of Pomo Indians
219. Seminole Tribe of Florida
220. Seminole Tribe of Oklahoma
221. Seneca Nation of Indians of New York
222. Seneca-Cayuga Tribe of Oklahoma
223. Shakopee Mdewakanton Sioux Community
224. Shawnee Tribe of Oklahoma
225. Sherwood Valley Rancheria of Pomo Indians
226. Shingle Springs Band of Miwok Indians
227. Shoalwater Bay Indian Tribe
228. Shoshone-Bannock Tribes of Fort Hall
229. Shoshone Tribe of the Wind River Indian Reservation
230. Sisseton-Wahpeton Sioux Tribe of Lake Traverse Reservation
231. Skokomish Indian Tribe

232. Smith River Rancheria
233. Snoqualmie Tribe of Washington
234. Soboba Band of Mission Indians
235. Sokaogon Chippewa Community
236. Southern Ute Indian Tribe
237. Spirit Lake Sioux Tribe
238. Spokane Tribe of Indians
239. Squaxin Island Tribe
240. St. Croix Chippewa Indians of Wisconsin
241. St. Regis Mohawk Tribe of New York
242. Standing Rock Sioux Tribe
243. Stillaguamish Tribe of Indians
244. Stockbridge-Munsee Community
245. Suquamish Indian Tribe
246. Susanville Indian Rancheria
247. Swinomish Indian Tribal Community
248. Sycuan Band of Mission Indians
249. Table Mountain Rancheria
250. Three Affiliated Tribes of the Fort Berthold Reservation
251. Timbisha Shoshone Tribe
252. Tohono O'odham Nation
253. Tonkawa Tribe of Indians of Oklahoma
254. Tonto Apache Tribe
255. Torres Martinez Desert Cahuilla Indians
256. Tulalip Tribes of Washington
257. Tule River Tribe
258. Tunica-Biloxi Tribe of Louisiana
259. Tuolumne Band of Me-Wuk Indians
260. Turtle Mountain Band of Chippewa Indians
261. Twenty Nine Palms Band of Mission Indians
262. United Auburn Indian Community
263. Upper Sioux Community
264. Upper Skagit Indian Tribe of Washington
265. Ute Mountain Ute Tribe
266. U-tu Utu Gwaitu Paiute Tribe of Benton Paiute Reservation
267. Viejas Band of Mission Indians
268. Washoe Tribe of Nevada and California
269. White Earth Band of Minnesota Chippewa Indians
270. White Mountain Apache Tribe
271. Wichita and Affiliated Tribes of Oklahoma
272. Winnebago Tribe of Nebraska
273. Wiyot Tribe of Table Bluff Reservation
274. Wyandotte Nation of Oklahoma
275. Yankton Sioux Tribe
276. Yavapai Apache Nation of Camp Verde Indians
277. Yavapai-Prescott Indian Tribe
278. Yurok Tribe

Philip N. Hogen,

Chairman, National Indian Gaming Commission.

[FR Doc. E8–5248 Filed 3–14–08; 8:45 am]

BILLING CODE 7565–02–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: National Science Foundation.

ACTION: Notice.

SUMMARY: The National Science Foundation (NSF) is announcing plans to request renewed clearance of this collection. In accordance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting OMB clearance of this collection for no longer than 3 years.

Comments Are Invited On: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information shall have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology, 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.

DATES: Written comments should be received by June 10, 2008, to be assured of consideration. Comments received after that date would be considered to the extent practicable.

ADDRESSES: Written comments regarding the information collection and requests for copies of the proposed information collection request should be addressed to Suzanne Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Blvd., Rm. 295, Arlington, VA 22230, or by e-mail to *splimpto@nsf.gov.*

FOR FURTHER INFORMATION CONTACT: Suzanne Plimpton on (703) 292–7556 or send e-mail to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Title of Collection: Monitoring for the National Science Foundation's Math and Science Partnership (MSP) Program.

OMB Control No.: 3145–0199.

Expiration Date of Approval: September 30, 2008.

1. Abstract

This document has been prepared to support the clearance of data collection instruments to be used in the evaluation of the Math and Science Partnership (MSP) program. The goals for the program are to (1) ensure that all K–12 students have access to, are prepared for, and are encouraged to participate and succeed in challenging curricula and advanced mathematics and science courses; (2) enhance the quality, quantity, and diversity of the K–12 mathematics and science teacher workforce; and (3) develop evidence-based outcomes that contribute to our understanding of how students effectively learn mathematics and science. The motivational force for realizing these goals is the formation of partnerships between institutions of higher education (IHEs) and K–12 school districts. The role of IHE content faculty is the cornerstone of this intervention. In fact, it is the rigorous involvement of science, mathematics, and engineering faculty—and the expectation that both IHEs and K–12 school systems will be transformed—that distinguishes MSP from other education reform efforts.

The components of the overall MSP portfolio include active projects whose initial awards were made prior MSP competitions: (1) Comprehensive Partnerships that implement change in mathematics and/or science educational practices in both higher education institutions and in schools and school districts, resulting in improved student achievement across the K–12 continuum; (2) Targeted Partnerships that focus on improved K–12 student achievement in a narrower grade range or disciplinary focus within mathematics or science; (3) Institute Partnerships: Teacher Institutes for the 21st Century that focus on the development of mathematics and science teachers as school—and district-based intellectual leaders and master teachers; and (4) Research, Evaluation and Technical Assistance (RETA) projects that build and enhance large-scale research and evaluation capacity for all MSP awardees and provide them with tools and assistance in the implementation and evaluation of their work.

The MSP monitoring information system, comprised of eight web-based surveys and one paper survey, collects a common core of data about each component of MSP. The Web application for MSP has been developed with a modular design that incorporates

templates and self-contained code modules for rapid development and ease of modification. A downloadable version will also be available for respondents who prefer a paper version that they can mail or fax to the external contractor.

Use of the Information: This information is required for effective program planning, administration, communication, program and project monitoring and evaluation, and for measuring attainment of NSF's program, project and strategic goals, as required by the President's Management agenda as represented by the Office of Management and Budget's (OMB) Program Assessment Rating Tool (PART); the Deficit Reduction Act of 2005 (Pub. L. 109–171) which established the Academic Competitiveness Council (ACC) and the NSF's Strategic Plan. The Foundation's FY 2006–2011 Strategic Plan describes four strategic outcome goals of Discovery, Learning, Research Infrastructure, and Stewardship. NSF's complete strategic plan may be found at: *http://www.nsf.gov/publications/pub_summ.jsp?ods_key=nsf0648*.

2. Expected Respondents

Individuals or households, not-for-profit institutions, business or other for profit, and Federal, State, local or tribal government. The expected respondents are principal investigators of all partnership and RETA projects; STEM and education faculty members and administrators who participated in MSP; school districts and IHEs that are partners in an MSP project; and teachers participating in Institute Partnerships.

3. Burden on the Public

Number of Respondents: 2,348.

Burden on the Public: The total estimate for this collection is 52,082 annual burden hours.

This figure is based upon the previous 3 years of collecting information under this clearance and anticipated collections. The average annual reporting burden is estimated to be between 2 and 22 hours per respondent depending on whether a respondent is a direct participant who is self-reporting or representing a project and reporting on behalf of many project participants. The majority of respondents (60%) are estimated to require fewer than two hours to complete the survey. The burden on the public is negligible because the study is limited to project participants that have received funding from the MSP Program.

Dated: March 11, 2008.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. E8–5223 Filed 3–14–08; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978 (Pub. L. 95–541)

AGENCY: National Science Foundation.

ACTION: Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by April 16, 2008. This application may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Room 755, Office of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

FOR FURTHER INFORMATION CONTACT: Nadene G. Kennedy at the above address or (703) 292–7405.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

The applications received are as follows:

1. *Applicant:* H. William Detrich, III, Department of Biology, 134 Mugar Hall, Northeastern University, Boston, MA 02067. Permit Application No. 2009–001.

Activity for Which Permit Is Requested

Introduce non-indigenous species. The applicant plans to use E. coli bacteria for the production of ^{35}S-labeled proteins to be used in protein assays performed in the Palmer Station laboratories. The focus of the research is the reconstitution of a cold-functioning chaperonin protein folding system from testis tissue of the Antarctic fish *Notothenia coriiceps*. In order to demonstrate that the chaperonin is functional, protein substrates labeled with ^{35}S-methionine must be used. To obtain these proteins they need to express *N. coriiceps* actin and tubulin substrates in E. coli in a medium supplemented with ^{35}S-methionine. Cultures will be autoclaved to kill the bacteria and the waste will be disposed using approved protocols.

Location: Palmer Station, Anvers Island, Antarctic Peninsula.

Dates: April 27, 2008 to July 4, 2008.

Nadene G. Kennedy,

Permit Officer, Office of Polar Programs.

[FR Doc. E8–5266 Filed 3–14–08; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to the Office of Management and Budget (OMB) and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

1. *The title of the information collection:* 48 CFR 20, U.S. Nuclear Regulatory Commission Acquisition Regulation (NRCAR).

2. *Current OMB control number:* 3150–0169.

3. *How often the collection is required:* on occasion; one time.

4. *Who is required or asked to respond:* There are 355 potential contractors who could respond to NRC solicitations.

5. *The number of annual responses:* 3,482 annually from 355 respondents.

6. *The number of hours needed annually to complete the requirement or request:* There is both a reporting and

recordkeeping burden associated with this collection. The NRC estimates there will be 3,482 report submissions amounting to 25,462 burden hours annually. The annual recordkeeping burden is estimated to be 633 hours for 65 respondents. This amounts to an overall annual burden of 26,095 hours.

7. *Abstract:* The mandatory requirements of the NRCAR implement and supplement the government-wide Federal Acquisition Regulation (FAR), and ensure that the regulations governing the procurement of goods and services within the NRC satisfy the particular needs of the agency. Because of differing statutory authorities among Federal agencies, the FAR authorizes agencies to issue regulations to implement FAR policies and procedures internally and to include additional policies and procedures, solicitation provisions or contract clauses to satisfy the specific need of the agency.

Submit, by May 16, 2008, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/index.html.* The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Margaret A. Janney (T–5 F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, by telephone at 301–415–7245, or by email to *INFOCOLLECTS@NRC.GOV.*

Dated at Rockville, Maryland, this 11th day of March, 2008.

For the Nuclear Regulatory Commission;

Gregory Trussell,

Acting NRC Clearance Officer, Office of Information Services.

[FR Doc. E8–5264 Filed 3–14–08; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Criteria for Nominating Materials Licensees for the U. S. Nuclear Regulatory Commission's Agency Action Review Meeting

AGENCY: Nuclear Regulatory Commission.

ACTION: Request for comment.

SUMMARY: It is the policy of the U.S. Nuclear Regulatory Commission (NRC) to have its senior managers conduct an annual Agency Action Review Meeting (AARM). The AARM is an integral part of the evaluative process used by the agency to ensure the operational safety performance of nuclear licensees. As a part of the AARM process, the NRC reviews the actions concerning fuel cycle facilities and other materials licensees (including Agreement State licensees) with significant performance problems. In 2002, the NRC developed criteria for determining materials licensees that will be discussed at the AARM. These criteria may be found in Table 1 of SECY–02–0216 (ADAMS Accession Number: ML022410435).

The NRC is preparing to revise the criteria in Table 1 of SECY–02–0216. The revised criteria (which can be found in ADAMS at Accession Number: ML080600165 or in the supplementary information below) provides additional definition of the criteria requirements to incorporate NRC's current policies and procedures. This notice provides the revised criteria for public comment.

DATES: Please submit comments regarding the proposed criteria, by May 1, 2008. Comments received after this date will be considered if practical to do so, but the NRC staff is able to ensure consideration only for those comments received on or before this date.

ADDRESSES: Members of the public are invited and encouraged to submit written comments to Michael Lesar, Chief, Rulemaking, Directives, and Editing Branch, Office of Administration, Mail Stop T6-D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. You may hand-deliver comments attention to Michael Lesar, 11545 Rockville Pike, Rockville, MD between 7:30 a.m. and 4:15 p.m. on Federal workdays. Comments may also be sent electronically to *NRCREP@nrc.gov.*

Publicly available documents related to this notice, including public comments received, are available electronically through the NRC's Electronic Reading Room at *http://www.nrc.gov/NRC/reading-rm/adams.html.* From this site, the public can gain entry into the NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. If there are problems in accessing the documents located in ADAMS, contact the (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or be e-mail to *PDR@nrc.gov.*

FOR FURTHER INFORMATION CONTACT: Duane White by telephone at 301–415–6272, e-mail: *dew2@nrc.gov.*

SUPPLEMENTARY INFORMATION:

Background

In 2002, NRC developed a process for providing information on significant nuclear materials issues and adverse licensee performance. This process was provided in SECY–02–0216, ''Proposed Process for Providing Information on Significant Nuclear Materials Issues and Adverse Licensee Performance,'' dated December 11, 2002. As part of this process, criteria were developed to determine nuclear material licensees with significant performance problems that will be discussed at the AARM.

The AARM is an agency meeting that allows senior NRC managers (1) to review agency actions resulting from the performance of nuclear reactor licensees for those nuclear power plants with significant performance problems as determined by the reactor oversight process (ROP) action matrix, (2) to review results of the staff's assessment of ROP effectiveness, (3) to review industry performance trends, and (4) to review agency actions concerning fuel cycle facilities and other materials licensees (including Agreement State licensees) with significant performance problems.

Discussion

NRC is preparing to revise the current criteria used to determine nuclear material licensees that will be discussed at the AARM. The agency currently identifies nuclear material licensees for AARM discussion based on operating performance, inspection results, and judgment of the severity of problems of safety performance. The proposed changes to the criteria will continue to be based on the same principles of the existing criteria. However, the new criteria provide additional definition of the criteria requirements and incorporate NRC's current policy and procedures.

Current Criteria for Determining Materials Licensees for the AARM

The current criteria for determining materials licensees for the AARM, as described in Table 1 of SECY–02–0216, is as follows: (1) Licensee has an event

that results in the failure to meet a safety measure (e.g., a death, release with significant impact on the environment, etc.); (2) licensee has an event that results in an abnormal occurrence, or an event that qualifies for a severity level I or II violation, or multiple events that meet the agency strategic plan performance measure (e.g., reportable loss of material, breakdown of physical protection, etc.), and technical staff believes that there are unique or unusual aspects of the cases that are not adequately or appropriately handled within the normal inspection and enforcement process; or (3) licensee has significant breakdowns in its licensed program, where the breakdowns involve more than one compliance item (e.g., a dose monitoring breakdown and a widespread failure to implement and maintain required procedures), and technical staff believe that there are unique or unusual aspects of the cases that are not adequately or appropriately handled within the normal inspection and enforcement processes.

Proposed Criteria for Determining Materials Licensees for the AARM

The NRC is proposing the following revision to the existing criteria for determining materials licensees with significant performance issues: (1) *Strategic Plan*—Licensee has an event that results in the failure to meet a strategic outcome for safety and security in the NRC strategic plan, which may be found in NUREG–1614; (2) *Significant Issue*—Licensee has an issue or event that results in an abnormal occurrence report to Congress, as described in NRC Management Directive 8.1, or a severity level I or II violation, as described in the NRC Enforcement Policy, or a level 3 or higher International Nuclear Scale Report to the International Atomic Energy Agency, as described in NRC Management Directive 5.12, and there are unique or unusual aspects of the licensee's performance that warrant additional NRC oversight (e.g., a significant event, which requires an incident investigation team (IIT) or augmented inspection team (AIT)); or (3) *Performance Trend*—Licensee has multiple and/or repetitive significant program issues identified over more than one inspection, or inspection period, and the issues are supported by escalated enforcement, which includes the Alternate Dispute Resolution (ADR) process, and there are unique or unusual aspects of the licensee's performance that warrant additional NRC oversight (e.g., oversight panel formed for order implementation).

You can find NRC's strategic plan (NUREG–1614) and the referenced management directives and enforcement policy on NRC's public document collections Web page at *http://www.nrc.gov/reading-rm/doc-collections/*.

Dated at Rockville, Maryland, this 11th day of March 2008.

For the Nuclear Regulatory Commission.

George Pangburn,

Deputy Director, Office of Federal and State Materials,and Environmental Management Programs.

[FR Doc. E8–5258 Filed 3–14–08; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 040–08502]

Notice of License Amendment Request To Revert to Operating Status From Restoration and Decommissioning Status, COGEMA Mining, Inc., Christensen and Irigaray Ranch Facilities, Johnson and Campbell Counties, WY, and Opportunity To Request a Hearing

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of license amendment request and opportunity to request a hearing.

DATES: A request for a hearing must be filed by May 16, 2008.

FOR FURTHER INFORMATION CONTACT: Ron C. Linton, Project Manager, Uranium Recovery Licensing Branch, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: (301) 415–7777; fax number: (301) 415–5369; e-mail: *rcl1@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

By letter dated April 3, 2007, COGEMA Mining, Inc. (COGEMA), submitted a Source Materials License Amendment request to its license SUA–1341 to the U.S. Nuclear Regulatory Commission (NRC) to revert to operating (uranium production) status from restoration and decommissioning status at the Christensen and Irigaray Ranch Facilities in Johnson and Campbell Counties, Wyoming. The change in status request would involve restarting uranium production operations and the recovery of uranium by in situ leach (ISL) extraction techniques as previously licensed by the NRC. An NRC administrative review, documented in a letter to COGEMA dated June 28, 2007, found the amendment request acceptable to begin a technical review (Adams Accession No. ML071790033). Before approving the license amendment, the NRC findings required by the Atomic Energy Act of 1954, the National Environmental Policy Act and NRC's regulations, will have been made. These findings will be documented in a Technical Evaluation Report and a site-specific environmental review consistent with the provisions in 10 CFR part 51.

II. Opportunity To Request a Hearing

The April 3, 2007 amendment request pertains to COGEMA's 10 CFR 40 source materials license, and is COGEMA's proposal to restart uranium production operations at its facilities in Johnson and Campbell Counties, Wyoming. Any person whose interest may be affected by this proposal, and who desires to participate as a party in an NRC adjudicatory proceeding, must file a request for a hearing. The hearing request must include a specification of the contentions which the person seeks to have litigated, and must be filed in accordance with the NRC E-Filing rule, which the NRC promulgated in August 2007, 72 FR 49139 (August 28, 2007). The E-Filing rule requires participants to submit and serve documents over the internet or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek a waiver in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least five (5) days prior to the filing deadline, the petitioner/requester must contact the Office of the Secretary by e-mail at *HEARINGDOCKET@NRC.GOV*, or by calling (301) 415–1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and/or (2) creation of an electronic docket for the proceeding (even in instances in which the petitioner/requestor (or its counsel or representative) already holds an NRC-issued digital ID certificate). Each petitioner/requester will need to download the Workplace Forms Viewer™ to access the Electronic Information Exchange (EIE), a component of the E-Filing system. The Workplace Forms Viewer™ is free and is available at *http://www.nrc.gov/site-help/e-submittals/install-viewer.html*.

Information about applying for a digital ID certificate is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html*.

Once a petitioner/requester has obtained a digital ID certificate, has a docket created, and downloaded the EIE viewer, the petitioner/requester can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html*. A filing is considered complete at the time the filer submits its documents through EIE. To be timely, an electronic filing must be submitted to the EIE system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The EIE system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically may seek assistance through the ''Contact Us'' link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html*, or by calling the NRC technical help line, which is available between 8:30 a.m. and 4:15 p.m., Eastern Time, Monday through Friday. The help line number is (800) 397–4209 or locally, (301) 415–4737.

Participants who believe that they have good cause for not submitting documents electronically must file a motion, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service.

Non-timely requests and/or petitions and contentions will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board that the petition and/or request should be granted and/or the contentions should be admitted based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)–(viii). To be timely, filings must be submitted no later than 11:59 p.m. Eastern Time on the due date.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at *http://ehd.nrc.gov/EHD_Proceeding/home.asp*, unless excluded pursuant to an order of the Commission, an Atomic Safety and Licensing Board, or a Presiding Officer. Participants are requested not to include social security numbers in their filings. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submissions.

The formal requirements for documents contained in 10 CFR 2.304(c)–(e) must be met. If the NRC grants an electronic document exemption in accordance with 10 CFR 2.302(g)(3), then the requirements for paper documents, set forth in 10 CFR 2.304(b) must be met.

In accordance with 10 CFR 2.309(b), a request for a hearing must be filed by May 16, 2008.

In addition to meeting other applicable requirements of 10 CFR 2.309, a request for a hearing filed by a person other than an applicant or licensee must state:

1. The name, address, and telephone number of the requester;

2. The nature of the requester's right under the Act to be made a party to the proceeding;

3. The nature and extent of the requester's property, financial, or other interest in the proceeding;

4. The possible effect of any decision or order that may be issued in the proceeding on the requester's interest; and

5. The circumstances establishing that the request for a hearing is timely in accordance with 10 CFR 2.309(b).

In accordance with 10 CFR 2.309(f)(1), a request for hearing or petitions for leave to intervene must set forth with particularity the contentions sought to be raised. For each contention, the request or petition must:

1. Provide a specific statement of the issue of law or fact to be raised or controverted;

2. Provide a brief explanation of the basis for the contention;

3. Demonstrate that the issue raised in the contention is within the scope of the proceeding;

4. Demonstrate that the issue raised in the contention is material to the findings that the NRC must make to support the action that is involved in the proceeding;

5. Provide a concise statement of the alleged facts or expert opinions which support the requester's/petitioner's position on the issue and on which the requester/petitioner intends to rely to support its position on the issue; and

6. Provide sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. This information must include references to specific portions of the amendment request that the requester/petitioner disputes and the supporting reasons for each dispute, or, if the requester/petitioner believes the application fails to contain information on a relevant matter as required by law, the identification of each failure and the supporting reasons for the requester's/petitioner's belief.

In addition, in accordance with 10 CFR 2.309(f)(2), contentions must be based on documents or other information available at the time the petition is to be filed, such as the amendment request, other supporting documents filed by an applicant or licensee, or otherwise available to the petitioner. On issues arising under the National Environmental Policy Act, the requester/petitioner shall file contentions based on environmental information supplied by the licensee or previous environmental analysis. The requester/petitioner may amend those contentions or file new contentions if there are data or conclusions in the NRC draft, or final environmental impact statement, environmental assessment, or any supplements relating thereto, that differ significantly from the data or conclusions in the applicant's or licensee's documents. Otherwise, contentions may be amended or new contentions filed after the initial filing only with leave of the presiding officer.

Each contention shall be given a separate numeric or alpha designation within one of the following groups:

1. Technical—primarily concerns issues relating to matters discussed or referenced in technical documents for the proposed action.

2. Environmental—primarily concerns issues relating to matters discussed or referenced in the environmental documents for the proposed action.

3. Emergency Planning—primarily concerns issues relating to matters discussed or referenced in the Emergency Plan as it relates to the proposed action.

4. Physical Security—primarily concerns issues relating to matters discussed or referenced in the Physical Security Plan as it relates to the proposed action.

5. Miscellaneous—does not fall into one of the categories outlined above.

If the requester/petitioner believes a contention raises issues that cannot be classified as primarily falling into one of these categories, the requester/petitioner must set forth the contention and supporting bases, in full, separately for each category into which the requester/petitioner asserts the contention belongs with a separate designation for that category.

Requesters/petitioners should, when possible, consult with each other in preparing contentions and combine similar subject matter concerns into a joint contention, for which one of the co-sponsoring requesters/petitioners is designated the lead representative. Further, in accordance with 10 CFR 2.309(f)(3), any requester/petitioner that wishes to adopt a contention proposed by another requester/petitioner must do so, in accordance with the E-Filing rule, within ten (10) days of the date the contention is filed, and designate a representative who shall have the authority to act for the requester/petitioner.

In accordance with 10 CFR 2.309(g), a request for hearing and/or petition for leave to intervene may also address the selection of the hearing procedures, taking into account the provisions of 10 CFR 2.310.

III. Further Information

Documents related to this action 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 numbers for the documents related to this Notice are ML071020274, Letter from T. Hardgrove, COGEMA Mining, Re: Request for Amendment to License SUA–1341 for Restart of Irigaray/Christensen Ranch Facilities, and ML080140205, Tom Hardgrove ltr re: Amendment Request to Change From Restoration and Decommissioning Status to Operating Status, Irigaray/Christensen Ranch Facilities, Cogema Mining, Inc. 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 March, 2008.

For the U.S. Nuclear Regulatory Commission.

Keith I. McConnell,

Deputy Director, Decommissioning and Uranium Recovery, Licensing Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.

[FR Doc. E8–5263 Filed 3–14–08; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Progress Energy; Notice of Receipt and Availability of Application for a Combined License

On February 19, 2008, Progress Energy (PE, or the applicant) filed with the Nuclear Regulatory Commission (NRC, the Commission) pursuant to Section 103 of the Atomic Energy Act and 10 CFR part 52, an application for a combined license (COL) for two AP1000 advanced passive pressurized water power reactors at the Shearon Harris facility near the town of New Hill in Wake County, North Carolina. The reactors are to be identified as Shearon Harris Units 2 and 3.

An applicant may seek a COL in accordance with Subpart C of 10 CFR part 52. The information submitted by the applicant includes certain administrative information such as financial qualifications submitted pursuant to 10 CFR 52.77, as well as technical information submitted pursuant to 10 CFR 52.79. The applicant also requested exemptions from certain requirements of Section IV.A.2.a Appendix D to 10 CFR part 52 and 10 CFR 52.79(a)(44), as documented in part 7 of the application.

Subsequent **Federal Register** notices will address the acceptability of the tendered COL application for docketing and provisions for participation of the public in the COL review process.

A copy of the application is available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html.* From this site, members of the public can access the NRC's Agencywide Documents Access and Management Systems (ADAMS), which provides text and files of the NRC's public documents. The ADAMS accession number for the application is ML080580078. Persons who do not have access to ADAMS, or who encounter problems in accessing the documents located in ADAMS, should contact the NRC Public Document Room staff by telephone at 1–800–397–4209 or 301–415–4737, or by e-mail to *pdr@nrc.gov.* The application may also be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), 01 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee. The application is also available at *http://www.nrc.gov/reactors/new-licensing/col.html.*

Dated at Rockville, Maryland, this 11th day of March 2008.

For the Nuclear Regulatory Commission.

Serita Sanders,

Project Manager, AP1000 Projects Branch 2, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. E8–5262 Filed 3–14–08; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of March 17, 2008:

A Closed Meeting will be held on Wednesday, March 19, 2008 at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5

U.S.C. 552b(c)(3) (5), (6), (7), (9)(B), and (10) and 17 CFR 200.402(a)(3), (5), (6), (7), 9(ii) and (10), permit consideration of the scheduled matters at the Closed Meeting.

Commissioner Casey, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the Closed Meeting scheduled for Wednesday, March 19, 2008 will be:

Formal orders of investigation;
Institution and settlement of injunctive actions;
Resolution of litigation claims;
Institution and settlement of administrative proceedings of an enforcement nature;
A collection matter;
A matter related to an enforcement proceeding; and
A matter related to investigative techniques and procedures.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: The Office of the Secretary at (202) 551–5400.

Dated: March 12, 2008.

Nancy M. Morris,

Secretary.

[FR Doc. E8–5283 Filed 3–14–08; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57449; File No. SR–Amex–2008–13]

Self-Regulatory Organizations; American Stock Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rules Pertaining to the Terms of Index Option Contracts

March 7, 2008.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 19, 2008, American Stock Exchange, LLC (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared substantially by Amex. Amex filed the proposed rule change as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f)(6) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Amex proposes to add new Commentary .05 to Rule 903C to allow the listing of up to seven expiration months for options on certain broad-based indexes.

The text of the proposed rule change is available at *http://www.amex.com,* the principal office of Amex, and the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Amex included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Amex 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 add new Commentary .05 to Amex Rule 903C (Series of Stock Index Options) to allow the Exchange to list up to seven (7) expiration months for index options based on broad-based securities indexes (including reduced-value and jumbo) upon which a constant three-month volatility index is calculated. Currently, subparagraphs (i) and (ii) to Rule 903C(a) permit the Exchange to list only six (6) expiration months in any stock index option at any one time.

Volatility products offer investors a unique set of tools for hedging. For example, the Chicago Board Options Exchange, Incorporated (''CBOE'') Volatility Index (''VIX'') options, first introduced in February 2006, have proven to be one of CBOE's most successful new products ever listed, currently averaging over 90,000 contracts traded per day. In a recent proposal, CBOE explained that it plans to introduce new volatility products and new volatility indexes in the near future, including the CBOE S&P 500 Three-Month Volatility Index (''VXV'').[5] Similar to the VIX, the VXV is a measure of S&P 500 implied volatility, the volatility implied by S&P option prices. Instead of reflecting a constant one-month implied volatility period, however, VXV is designed to reflect the implied volatility of an option with a constant three months to expiration. Since there is only one day on which an option has exactly three months to expiration, VXV is calculated as a weighted average of options expiring immediately before and immediately after the three-month standard. Accordingly, an index calculator would need to use four consecutive expiration months in order to calculate a constant three-month volatility index.[6]

Under the current application of subparagraphs (i) and (ii) of Amex Rule 903C(a), the Exchange generally lists three consecutive near term months and three months on a quarterly expiration cycle. One of the three consecutive near term months is always a quarterly month; however, that near term contract month (which is also a quarterly month) is not included as part of the three months listed on a quarterly expiration cycle. Therefore, in order to permit the addition of four consecutive near term months under Rule 903C(a), the Exchange would only be able to list two months on a quarterly expiration cycle. Because of customer demand and other investment strategy reasons for having three months on a quarterly expiration cycle, the Exchange is seeking to increase, from six to seven, the number of expiration months for broad-based security index options upon which a constant three-month volatility index is calculated.

Proposed Commentary .05 to Rule 903C will permit the Exchange to list up to seven expiration months at any one time for any broad-based security index option contract [7] upon which any exchange calculates a constant three-month volatility index. As a result, the Exchange, eight times a year, would be able to add an additional seventh expiration month in order to

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] CBOE calculates volatility indexes on other broad-based security indexes, such as the Dow Jones Industrial Average index (''DJX''), the Nasdaq-100 index (''NDX''), and the Russell 2000 index (''RUT''). CBOE may calculate a constant three-month volatility index on DJX, NDX, or RUT in the future. *See* Securities Exchange Act Release No. 56821 (November 20, 2007), 72 FR 66210 (November 27, 2007) (SR–CBOE–2007–82) (''CBOE Proposal'').

[6] *See Id.* In CBOE Proposal, CBOE provides examples illustrating the need for a seventh month in order to maintain four consecutive near term contract months.

[7] *See* Amex Rule 900C(b)(1). Examples of such broad-based securities indexes include the S&P 500, DJX, NDX and RUT.

maintain four consecutive near term contract months.

The Exchange believes that this proposal is necessary for competitive reasons based on the fact that the CBOE, International Securities Exchange, LLC, and NYSE Arca, Inc. all have the ability to list up to seven expiration months for broad-based securities indexes on which a constant three-month volatility index is calculated.[8] This proposal will similarly permit the Amex to accommodate the listing of a fourth consecutive near term expiration month and maintain the listing of three months on a quarterly expiration cycle, by increasing, from six to seven, the number of expiration months for broad-based securities indexes on which a constant three-month volatility index is calculated.

The Amex has analyzed its capacity and represents that it believes the Exchange and the Options Price Reporting Authority (OPRA) have the necessary systems capacity to handle any additional quote and message traffic associated with the additional listing of a seventh contract month in order to maintain four consecutive near term contract months for those broad-based securities index options upon which a constant three-month volatility index is calculated.

2. Statutory Basis

The Exchange believes the rule proposal is consistent with Section 6 of the Act,[9] in general, and with Sections (b)(5) of the Act,[10] in particular, because the proposed increase in the number of options contract expiration month series is limited to broad-based securities indexes upon which a constant three-month volatility index is calculated and because the additional quote and message traffic from any additional index option series is not expected to significantly impact current system capacity. In addition, the Exchange believes proposed rule change is consistent with the provisions of Section 6 of the Act,[11] in general, and with (b)(5) of the Act,[12] in particular, in that the proposal 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.

B. Self-Regulatory Organization's Statement on Burden on Competition

Amex does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[13] and Rule 19b–4(f)(6) thereunder.[14]

A proposed rule change filed under 19b–4(f)(6) may not become operative prior to 30 days after the date of filing, unless the Commission designates a shorter time if such action is consistent with the protection of investors and the public interest.[15] The Exchange has requested that the Commission waive the 30-day operative delay. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. The Commission notes that other self-regulatory organizations recently adopted substantially similar rule changes that were effective upon filing,[16] and that this filing raises no new regulatory issues.

The Commission notes the Exchange's representations that it possesses the necessary systems capacity to handle the additional traffic associated with the additional listing of a seventh contract month in order to maintain four consecutive near term contract months for those broad-based security index options upon which the Exchange calculates a constant three-month volatility index. The Commission hereby grants the Exchange's request and designates the proposal as operative upon filing.[17]

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File No. SR–Amex–2008–13 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Amex–2008–13. 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

[8] *See* Securities Exchange Act Release Nos. 56821 (November 20, 2007), 72 FR 66210 (November 27, 2007) (SR–CBOE–2007–82); 57104 (January 4, 2008), 73 FR 2070 (January 11, 2008) (SR–ISE–2007–113); 57284 (February 7, 2008), 73 FR 8387 (February 13, 2008) (SR–NYSEArca–2008–16).

[9] 15 U.S.C. 78f.

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78f.

[12] 15 U.S.C. 78f(b)(5).

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6).

[15] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file 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. Amex has complied with this requirement.

[16] *See* Securities Exchange Act Release Nos. 57284 (February 7, 2008), 73 FR 8387 (February 13, 2008) (SR–NYSEArca–2008–16) and 57104 (January 4, 2008), 73 FR 2070 (January 11, 2008) (SR–ISE–2007–113).

[17] For purposes only of waiving the 30-day operative delay of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of Amex. 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–Amex–2008–13 and should be submitted on or before April 7, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–5240 Filed 3–14–08; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57465; File No. SR–CBOE–2005–11]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing of a Proposed Rule Change, as Modified by Amendments No. 1 and 2, Relating to the Listing and Trading on the Exchange of Options on the streetTRACKS Gold Trust

March 11, 2008.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4[2] thereunder, notice is hereby given that on January 25, 2005, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by the Exchange. On April 12, 2005, the Exchange submitted Amendment No. 1 to the proposed rule change. On March 7, 2008, the Exchange submitted Amendment No. 2 to the proposed rule change. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend certain CBOE rules to enable the listing and trading on the Exchange of options on the streetTRACKS Gold Trust. The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and *http://www.cboe.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange states that the purpose of the proposed rule change is to permit the listing and trading of options on the streetTRACKS Gold Trust.

Currently, Interpretation and Policy .06 to CBOE Rule 5.3 permits only certain Units (also referred to herein as exchange traded funds (''ETFs'')) to underlie options traded on the Exchange. Specifically, to be eligible as an underlying security for options traded on the Exchange, an ETF must represent: (i) Interests in registered investment companies (or series thereof) organized as open-end management investment companies, unit investment trusts or similar entities that hold portfolios of securities, and/or financial instruments including, but not limited to, stock index futures contracts, options on futures, options on securities and indexes, equity caps, collars and floors, swap agreements, forward contracts, repurchase agreements and reverse purchase agreements (the ''Financial Instruments''), and money market instruments, including, but no limited to, U.S. government securities and repurchase agreements (the ''Money Market Instruments'') comprising or otherwise based on or representing investments in indexes or portfolios of securities and/or Financial Instruments and Money Market Instruments (or that hold securities in one or more other registered investment companies that themselves hold such portfolios of securities and/or Financial Instruments and Money Market Instruments); or (ii) interests in a trust or similar entity that holds a specified non-U.S. currency deposited with the trust or similar entity when aggregated in some specified minimum number may be surrendered to the trust by the beneficial owner to receive the specified non-U.S. currency and pays the beneficial owner interest and other distributions on deposited non-U.S. currency, if any, declared and paid by the trust; or (iii) commodity pool interests principally engaged, directly or indirectly, in holding and/or managing portfolios or baskets of securities, commodity futures contracts, options on commodity futures contracts, swaps, forward contracts and/or options on physical commodities and/or non-U.S. currency. The proposed rule change would expand the types of ETFs that may be approved for options trading on the Exchange to include the streetTRACKS Gold Trust.

Apart from allowing the streetTRACKS Gold Trust to be an underlying for options traded on the Exchange as described above, the listing standards for ETFs would remain unchanged from those that apply under current Exchange rules. ETFs on which options may be listed and traded would still have to be listed and traded on a national securities exchange and satisfy the other listing standards set forth in Interpretation and Policy .06 to CBOE Rule 5.3.

Specifically, in addition to satisfying the aforementioned listing requirements, Units would have to: (1) Meet the criteria and guidelines under Rule 5.3 *Criteria for Underlying Securities* and Interpretation and Policy .01 thereunder; or (2) be available for creation or redemption each business day from or through the issuer in cash or in kind at a price related to net asset value, and the issuer must be obligated to issue Units in a specified aggregate number even if some or all of the investment assets required to be deposited have not been received by the issuer, subject to the condition that the person obligated to deposit the investments has undertaken to deliver the investment assets as soon as possible and such undertaking is secured by the delivery and maintenance of collateral consisting of cash or cash equivalents satisfactory to the issuer, as provided in the respective prospectus.

The Exchange proposes that the current continued listing standards for

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[18] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

options on ETFs would apply to options on the streetTRACKS Gold Trust. Specifically, under Interpretation and Policy .08 to CBOE Rule 5.4, options on Units may be subject to the suspension of opening transactions as follows: (1) Following the initial twelve-month period beginning upon the commencement of trading of the Units, there are fewer than 50 record and/or beneficial holders of the Units for 30 or more consecutive trading days; (2) the value of the index or portfolio of securities, non-U.S. currency, or portfolio of commodities including commodity futures contracts, options on commodity futures contracts, swaps, forward contracts and/or options on physical commodities and/or Financial Instruments and Money Market Instruments on which Units are based is no longer calculated or available; or (3) such other event occurs or condition exists that in the opinion of the Exchange makes further dealing on the Exchange inadvisable.

Additionally, the streetTRACKS Gold Trust would not be deemed to meet the requirements for continued approval, and the Exchange would not open for trading any additional series of option contracts of the class covering the streetTRACKS Gold Trust, if the streetTRACKS Gold Trust ceases to be an ''NMS stock'' as provided for in paragraph (f) of Interpretation and Policy .01 of CBOE Rule 5.4 or the streetTRACKS Gold Trust is halted from trading on its primary market.

The Exchange believes that the addition of the streetTRACKS Gold Trust to Interpretation and Policy .06 to CBOE Rule 5.3 would not have any effect on the rules pertaining to position and exercise limits [3] or margin.[4]

The Exchange represents that its surveillance procedures applicable to trading in options on the streetTRACKS Gold Trust would be similar to those applicable to all other options on other ETFs currently traded on the Exchange. Also, the Exchange may obtain information from the New York Mercantile Exchange, Inc. (a member of the Intermarket Surveillance Group) related to any financial instrument traded there that is based, in whole or in part, upon an interest in, or performance of, gold.

2. Statutory Basis

The Exchange believes that amending its rules to accommodate the listing and trading of options on the streetTRACKS Gold Trust will benefit investors by providing them with valuable risk management tools. Accordingly, the CBOE believes that the proposed rule change is consistent with the requirements of Section 6(b) of the Act [5] in general, and furthers the objectives of Section 6(b)(5),[6] of the Act in particular, in that it is designed to remove impediments to and perfect the mechanism of a free and open market in a manner consistent with the protection of investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–CBOE–2005–11 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2005–11. 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–CBOE–2005–11 and should be submitted on or before April 7, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–5201 Filed 3–14–08; 8:45 am]

BILLING CODE 8011–01–P

[3] *See* CBOE Rules 4.11, *Position Limits*, and 4.12, *Exercise Limits*.

[4] *See* CBOE Rule 12.3, *Margin Requirements*.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57464; File No. SR–CHX–2008–02]

Self-Regulatory Organizations; Chicago Stock Exchange, Inc.; Notice of Filing of Proposed Rule Change To Amend its Bylaws Relating to the Definition of a Public Director

March 11, 2008.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 26, 2008, the Chicago Stock Exchange, Inc. (''CHX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by the CHX. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CHX proposes to amend the definition of ''public director,'' as set forth in the CHX's bylaws. The text of this proposed rule change is available at the CHX, on the Exchange's Web site at *http://www.chx.com/rules/proposed_rules.htm,* and in 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 CHX included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CHX has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange's bylaws currently define a public director as, among other things, a director (i) who is not a broker or dealer or an officer or employee of a broker or dealer; and (ii) who does not have any other material business relationship with a broker or dealer.[3]

Through this proposal, the Exchange seeks to amend the definition of ''public director'' to clarify its scope.[4] Specifically, the Exchange proposes to amend the definition of a public director to only exclude persons who have the specified relationships with a broker or dealer that is registered under the Act. The Exchange believes that this change is appropriate because it would ensure that a public director is not affiliated with a U.S. broker or dealer (which must register under the Act), while allowing a public director to have a business relationship with a non-U.S. broker or dealer (which typically is not required to register under the Act). The Exchange believes that this change is consistent with the director independence qualifications used by at least one other self-regulatory organization.[5]

2. Statutory Basis

The CHX believes the proposal is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b).[6] The proposed rule change is consistent with Section 6(b)(5) of the Act[7] because it would promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and, in general, protect investors and the public interest by modifying the definition of a public director in a manner that continues to ensure the independence of a public director, while allowing a public director to have business relationships with non-U.S. entities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–CHX–2008–02 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CHX–2008–02. 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Article II, Section 2(b) of the Exchange's Bylaws.

[4] In this proposal, the Exchange also seeks to insert the word ''a'' in the rule text to correct an apparent typographical error.

[5] *See* Section 1(c) of the Independence Qualifications section of the Independence Policy of the NYSE Euronext Board of Directors.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CHX–2008–02 and should be submitted on or before April 7, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–5220 Filed 3–14–08; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57458; File No. SR–CHX–2007–24]

Self-Regulatory Organizations; Chicago Stock Exchange, Inc.; Notice of Filing of Amendment No. 2 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment Nos. 1 and 2 Thereto, Relating to the Handling of Clearly Erroneous Transactions

March 10, 2008.

I. Introduction

On October 4, 2007, the Chicago Stock Exchange, Inc. (''CHX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Exchange Rules 10 and 11 of Article 20 regarding the handling of ''clearly erroneous'' and other transactions and to make corresponding changes to Article 2, Rule 5. On January 7, 2008, the Exchange submitted Amendment No. 1 to the proposed rule change. The proposed rule change, as amended by Amendment No. 1, was published for comment in the **Federal Register** on January 18, 2008.[3] The Commission received no comment letters on the proposal, as amended by Amendment No. 1. On February 29, 2008, the Exchange submitted Amendment No. 2 to the proposed rule change. This order provides notice of Amendment No. 2 and approves the proposed rule change, as modified by Amendments No. 1 and 2, on an accelerated basis.

II. Discussion

Currently, CHX Article 20, Rules 10 and 11 allow the Exchange to cancel a trade, or modify the terms of a trade, when its terms are determined to be ''clearly erroneous'' or when other circumstances (including a CHX systems problem) require that that action be taken for the maintenance of a fair and orderly market or the protection of investors and the public interest.[4] As a result of the experience gained through the operation of these rules, the Exchange now proposes several changes to the rules' provisions.

First, the Exchange seeks to amend Article 20, Rule 10 by extending, from 15 to 30 minutes, the time for filing an initial written request for review of a potentially ''clearly erroneous'' trade. As part of this change, the Exchange would eliminate the requirement that a participant notify the Exchange by telephone of its intent to seek review but would retain the requirement that the request must be in writing.

Second, the Exchange would establish in Article 20, Rule 10 specific thresholds for determining whether a transaction is eligible for review under this rule. Under this proposal, a trade would be found to be eligible for review if: (i) For a trade where the price per share is less than $1.00, the execution price is 20% or more away from the midpoint of the national best bid and offer (''NBBO''); or (ii) for a trade where the price per share is equal to or greater than $1.00, the execution price is 10% or more away from the midpoint of the NBBO.

Third, the Exchange proposes to amend Article 20, Rule 10 to eliminate one of the two levels of appeal that can be taken from an initial Exchange determination that the terms of a trade should be modified or that the trade should be cancelled. Under the current Article 20, Rule 10, the Exchange's initial decision may be appealed to a subcommittee of the Committee on Exchange Procedure and the subcommittee's decision may be appealed, in turn, to the full Committee on Exchange Procedure.[5] The Exchange proposes to eliminate the appeal to the full Committee. Thus, the decision of this subcommittee will be the final Exchange action on the matter. The Exchange also proposes to permit an appeal of an eligibility review under Article 20, Rule 10(b).[6]

Finally, the proposed change would amend Article 20, Rule 11 to give the Exchange the discretion, in situations where it is acting on its own initiative to respond to systems disruptions or extraordinary market conditions or other circumstances, to determine that the number of affected transactions is such that immediate finality is necessary to maintain a fair and orderly market and to protect investors and the public interest. The Exchange noted that this determination is intended to provide certainty to participants whose transactions were affected by decisions in these unusual situations.[7]

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning Amendment No. 2, including whether Amendment No. 2 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–CHX–2007–24 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CHX–2007–24. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent

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[8] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 57137 (January 14, 2008), 73 FR 3497.

[4] *See* CHX Rules, Article 20, Rule 10 (''Handling of Clearly Erroneous Transactions'') and Rule 11 (''Systems Disruptions and Malfunctions'').

[5] A subcommittee of the Committee on Exchange Procedure is composed of members of the full Committee on Exchange Procedure. The Exchange also proposed to made corresponding changes to Article 2, Rule 5, relating to appellate rights arising from subcommittee decisions, to confirm that the decision of the subcommittee is final and that the Exchange's initial decision is not stayed pending any appeal to the subcommittee. The Exchange also proposed changes to Article 2, Rule 5, to ensure that this rule language is consistent with the changes proposed in Article 20, Rule 10 and made other minor adjustments to the rule text.

[6] *See* Amendment No. 2.

[7] The Exchange noted that other markets have included a similar provision in their rules. *See* Nasdaq Rule 11890(c)(1); NYSE Arca Rule 7.10(c)(2).

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–CHX–2007–24 and should be submitted on or before April 7, 2008.

IV. Discussion and Findings

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange [8] and, in particular, the requirements of Section 6(b) of the Act [9] and the rules and regulations thereunder. Specifically, the Commission finds that the proposal is consistent with Section 6(b)(5) of the Act,[10] in that the proposal is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest.

The Commission considers that in most circumstances trades that are executed between parties should be honored. On rare occasions, the price of the executed trade indicates a ''clearly erroneous'' transaction may exist, suggesting that it is unrealistic to expect that the parties to the trade had come to a meeting of the minds regarding the terms of the transaction. In the Commission's view, the determination of whether a transaction is clearly erroneous and the process for reviewing such a determination should be based on specific and objective criteria and subject to specific and objective procedures.

The Commission believes that the thirty-minute time frame and the thresholds for determining whether a transaction is eligible for review are clear and objective. The Commission further believes that the simplification of the notification process, the streamlining of the appeals process, and the granting of discretion to the Exchange to better deal with situations involving systems disruption or extraordinary market conditions are appropriate and consistent with the Act.

Pursuant to Section 19(b)(2) of the Act,[11] the Commission finds good cause to approve the proposal, as amended, prior to the thirtieth day after the amended proposal is published for comment in the **Federal Register**. Amendment No. 2 merely clarifies that an eligibility determination by the Exchange under Article 20, Rule 10 may be appealed to a subcommittee of the Committee on Exchange Procedure. Accelerating approval of the amended proposal would give parties affected by such a determination the right to have the decision reviewed. Accordingly, the Commission finds good cause to accelerate approval of the amended proposal prior to the thirtieth day after publication in the **Federal Register**.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[12] that the proposed rule change (SR–CHX–2007–24), as modified by Amendments No. 1 and 2, is hereby approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–5238 Filed 3–14–08; 8:45 am]

BILLING CODE 8011–01–P

[8] In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78s(b)(2).

[12] 15 U.S.C. 78s(b)(2).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57462; File No. SR–FINRA–2008–006]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Establish a Minimum Quarterly Threshold for Securities Transaction Credit Under NASD Rule 7001C

March 10, 2008.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 28, 2008, Financial Industry Regulatory Authority, Inc. (''FINRA''), filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared substantially by FINRA. FINRA filed the proposed rule change under Section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing to establish a minimum quarterly threshold for FINRA members that report transactions to the NASD/NSX Trade Reporting Facility (the ''NASD/NSX TRF'') [5] to be eligible to receive the securities transaction credit under NASD Rule 7001C (Securities Transaction Credit). In addition, FINRA is proposing a technical change to clarify an ambiguity relating to the definition of ''Tape B'' in Rule 7001C. The text of the proposed rule change is available at *http://www.finra.org*, the principal offices of FINRA, and the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] Effective July 30, 2007, FINRA was formed through the consolidation of NASD and the member regulatory functions of NYSE Regulation. Accordingly, the NASD/NSX TRF is now doing business as the FINRA/NSX TRF. FINRA will file a proposed rule change to reflect the formal name change of each FINRA Trade Reporting Facility in the Manual.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Background

On November 6, 2006, the Commission approved the establishment of the NASD/NSX TRF,[6] and on November 27, 2006, the NASD/NSX TRF commenced operation. The NASD/NSX TRF provides FINRA members with another mechanism for reporting locked-in transactions in NMS stocks, as defined in Rule 600(b)(47) of Regulation NMS under the Act,[7] effected otherwise than on an exchange.

In connection with the establishment of the NASD/NSX TRF, FINRA and National Stock Exchange, Inc. (''NSX''), entered into a Limited Liability Company Agreement for NASD/NSX Trade Reporting Facility LLC (the ''NASD/NSX TRF LLC Agreement''), a copy of which appears in the NASD Manual. Under the NASD/NSX TRF LLC Agreement, FINRA, the ''SRO Member,'' has sole regulatory responsibility for the NASD/NSX TRF. NSX, the ''Business Member,'' is primarily responsible for the management of the NASD/NSX TRF's business affairs, including establishing pricing for use of the NASD/NSX TRF, to the extent those affairs are not inconsistent with the regulatory and oversight functions of FINRA. Additionally, the Business Member is obligated to pay the cost of regulation and is entitled to the profits and losses, if any, derived from the operation of the NASD/NSX TRF.

Pursuant to NASD Rule 7001C, FINRA members reporting trades in Tape A, Tape B and Tape C securities to the NASD/NSX TRF currently receive a 50% *pro rata* credit on gross market data revenue earned by the NASD/NSX TRF. ''Gross revenue'' is the revenue received by the NASD/NSX TRF from the three tape associations after the tape associations deduct allocated support costs and unincorporated business costs.

Proposed Amendments to Rule 7001C

FINRA is proposing to establish a minimum quarterly threshold for FINRA members that report transactions to the NASD/NSX TRF to be eligible to receive the securities transaction credit under Rule 7001C. Specifically, FINRA is proposing to adopt new paragraph (b) of Rule 7001C, which provides that no FINRA member shall be eligible to receive a securities transaction credit under Rule 7001C for any calendar quarter in which the total transaction credit payable to such member is less than $250. Thus, pursuant to the proposed rule, a member's securities transaction credit totaling less than $250 for any given calendar quarter would be forfeited. NSX, as the Business Member, believes that establishing this $250 threshold is beneficial because it eliminates the administrative and clerical burden of having to process such *de minimis* payments.

FINRA also is proposing a technical amendment to clarify an ambiguity in current Rule 7001C. Rule 7001C refers to ''Amex'' and ''Tape B'' as synonymous, but in fact the Tape B revenue sharing program is interpreted to include stocks listed on regional exchanges, such as NYSE Arca, because transactions in such stocks are reported to Tape B.[8]

FINRA has filed the proposed rule change for immediate effectiveness. FINRA will implement the proposed rule change on April 1, 2008.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A of the Act,[9] in general, and with Section 15A(b)(5) of the Act,[10] in particular, which requires, among other things, that FINRA rules provide for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system that FINRA operates or controls. FINRA believes that the proposed rule change is a reasonable and equitable credit structure in that it will be applied uniformly to all FINRA members that report trades to the NASD/NSX TRF.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

FINRA has designated the proposed rule change as one that: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not become operative for 30 days after the date of filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest. In addition, as required under Rule 19b–4(f)(6)(iii),[11] FINRA provided the Commission with written notice of its intention to file the proposed rule change, along with a brief description of the text of the proposed rule change, at least five business days prior to filing the proposal with the Commission. FINRA believes that the filing is appropriately designated as ''non-controversial'' because the proposed rule change is identical to the market data revenue rebate threshold that was recently adopted by NSX.[12] Therefore, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[13] and Rule 19b–4(f)(6) thereunder.[14]

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing,

[6] *See* Securities Exchange Act Release No. 54715 (November 6, 2006), 71 FR 66354 (November 14, 2006) (SR–NASD–2006–108).

[7] 17 CFR 242.600(b)(47).

[8] FINRA recently proposed an identical change to NASD Rule 7001B relating to the NASD/Nasdaq TRF. *See* Securities Exchange Act Release No. 57164 (January 17, 2008), 73 FR 4295 (January 24, 2008) (SR–FINRA–2007–041).

[9] 15 U.S.C. 78o–3.

[10] 15 U.S.C. 78o–3(b)(5).

[11] 17 CFR 240.19b–4(f)(6)(iii).

[12] *See* Securities Exchange Act Release No. 57316 (February 12, 2008), 73 FR 9379 (February 20, 2008) (SR–NSX–2008–01).

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6).

including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–FINRA–2008–006 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2008–006. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the 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 FINRA. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File Number SR–FINRA–2008–006 and should be submitted on or before April 7, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–5221 Filed 3–14–08; 8:45 am]

BILLING CODE 8011–01–P

[1] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57450; File No. SR–ISE–2008–15]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing of Proposed Rule Change Relating to the Exchange's Limitation of Liability

March 7, 2008.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 5, 2008, the International Securities Exchange, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared substantially by the ISE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The ISE proposes to amend ISE Rule 705, Limitation of Liability, to codify that it may provide compensation for losses sustained by Members as a result of a malfunction of the Exchange's physical equipment, devices and/or programming. The text of the proposed rule change is available at the ISE, the Commission's Public Reference Room, and *http://www.ise.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the ISE included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The ISE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The ISE proposes to amend ISE Rule 705 to codify that it may provide compensation for losses sustained by Members as a result of a malfunction of the Exchange's physical equipment, devices, and/or programming. Currently, ISE Rule 705 generally states that the Exchange is not liable for any losses due to the Exchange's negligence or unintentional actions. Notwithstanding the Exchange's current limitation on liability, from a customer service perspective, the Exchange may compensate a Member for certain identified losses.[3] As such, the Exchange proposes to amend ISE Rule 705 in order to establish limits with respect to compensating Members, both in the ISE's stock and options markets, as a result of a malfunction of the Exchange's physical equipment, devices, and/or programming.

Under the proposed rule change, payments for any and all system failures on any given day would be capped at $250,000. That is, for the aggregate of all claims made by all market participants related to the use of the Exchange on a single trading day, the Exchange's payment shall not exceed $250,000. In the event that all of the claims arising out of the use of the Exchange's systems cannot be fully satisfied because in the aggregate they exceed the limitations provided for in the Rule, then the maximum permitted amount will be proportionally allocated among all such claims arising on a single trading day. A system failure will be deemed to have occurred when there is a malfunction of the Exchange's physical systems, devices, or software.

In order for a Member to be eligible to receive payment, claims must be made in writing and must be submitted no later than the opening of trading on the next business day following the day on which the incident giving rise to a claim occurred. Once in receipt of a claim, the Exchange will verify that: (i) a valid order was accepted into the Exchange's systems; and (ii) an Exchange system failure occurred during the execution or handling of that order. If all of the criteria for submitting a claim have been met, the claim will be qualified for processing with all other eligible claims at the end of the calendar month in which the incident occurred.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[4]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The ISE represents that the determination as to whether a Member is compensated or not will be made on an equitable and non-discriminatory basis without regard to the status of that Member, *i.e.*, whether that Member is a Primary Market Maker, a Competitive Market Maker, or an Electronic Access Member of the Exchange.

[4] 15 U.S.C. 78f.

in general and Section 6(b)(5) of the Act,[5] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest. In particular, the ISE believes that the proposed rule change will protect investors and the public interest by providing more certainty as to the Exchange's potential liability resulting from system problems.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change; or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File No. SR–ISE–2008–15 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE–2008–15. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of ISE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2008–15 and should be submitted on or before April 7, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–5237 Filed 3–14–08; 8:45 am]

BILLING CODE 8011–01–P

[5] 15 U.S.C. 78f(b)(5).

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57467; File No. SR–ISE–2008–23]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Cancellation Fees

March 11, 2008.

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 March 3, 2008, the International Securities Exchange, LLC (''ISE'' or ''Exchange''), filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and II below, which Items have been prepared by the ISE. The ISE has filed the proposed rule change as one establishing or changing a due, fee, or other charge imposed by the ISE under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The ISE proposes to amend its Schedule of Fees regarding its cancellation fee. The text of the proposed rule change is available on the Exchange's Internet Web site (*http://www.iseoptions.com*), at the principal office of the Exchange, 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 ISE included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The ISE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to amend the ISE's cancellation fee. The Exchange currently has a cancellation fee of $1.50 that applies to Electronic Access Members (''EAMs'') that cancelled at least 500 orders in a month, for each order cancellation in excess of the total number of orders such member executed that month. All orders from the same clearing EAM executed in the same series on the same side of the market at the same price within a 30 second period are aggregated and counted as one executed order for purposes of this fee. Further, this fee is currently charged only to customer orders. Broker-dealer orders, including non-member market maker orders, are excluded from this fee. The Exchange notes that the level of activity in the cancellation of orders continues to remain quite large. The fee currently charged by the Exchange is insufficient to offset the cost of administering and processing the large number of cancellations on a monthly basis. The Exchange, therefore, proposes to increase its cancellation fee from $1.50 to $1.75. This fee increase will enable the ISE to recoup some of the costs of administering and processing cancelled orders.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(4) of the Act [5] that an exchange have an equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

[5] 15 U.S.C. 78f(b)(4).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change establishes or changes a due, fee, or other charge imposed by the Exchange, it has become effective pursuant to Section 19(b)(3)(A) of the Act [6] and Rule 19b–4(f)(2) [7] thereunder. At any time within 60 days of the filing of the proposed rule change the Commission may summarily abrogate such proposed rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–ISE–2008–23 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE–2008–23. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the ISE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2008–23 and should be submitted on or before April 7, 2008.

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 19b–4(f)(2).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–5280 Filed 3–14–08; 8:45 am]

BILLING CODE 8011–01–P

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57463; File No. SR–MSRB–2008–01]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Amendment to Rule G–8, on Books and Records, To Delete Requirement To Maintain Copies of Form G–40

March 11, 2008.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 19, 2008, the Municipal Securities Rulemaking Board (''MSRB'' or ''Board'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in Items I, II and III below, which Items have been substantially prepared by the MSRB. The MSRB has filed the proposal as a ''non-controversial'' rule change pursuant to Section 19(b)(3)(A)(iii) of the Act,[3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The MSRB is filing with the Commission a proposed rule change consisting of an amendment to Rule G–8, on books and records, to delete the requirement that brokers, dealers and municipal securities dealers maintain copies of Form G–40 and any amended forms as required by Rule G–40, on e-mail contacts. The MSRB proposes that the amendment become effective on March 21, 2008. The text of the proposed rule change is available on the MSRB's Web site (*http://www.msrb.org*), at the MSRB, 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 MSRB included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The MSRB 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

Subparagraph (a)(xxii) under Rule G–8, on books and records, requires that brokers, dealers and municipal securities dealers (''dealers'') keep records reflecting copies of Form G–40 and any amended forms as required by Rule G–40, on e-mail contacts. Rule G–40 provides for electronic communication between the MSRB and dealers by imposing certain requirements on dealers.[5] When the rule was first adopted in 2002, dealers were required to submit their initial forms by mail. The rule was subsequently amended in 2005 to require that *all* G–40 submissions—both initial forms and any subsequent amendments—be submitted electronically to the MSRB. Dealers accomplish this through their individual electronic G–40 accounts. Because dealers are no longer required to provide any paper submissions in connection with Rule G–40, there is no reason to retain the current requirement under Rule G–8(a)(xxii) that dealers maintain copies of Form G–40 and any amended forms.[6] Accordingly, the proposed rule change would delete this requirement.

2. Statutory Basis

The MSRB believes that the proposed rule change is consistent with Section 15B(b)(2)(C) of the Act,[7] which provides that the MSRB's rules shall:

> be 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 municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest.

The Board believes that by deleting the obsolete requirement to maintain copies of Form G–40 and any amended forms, the proposed rule change will facilitate dealer understanding and compliance with Rules G–8 and G–40, as well as the inspection and enforcement thereof.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Board does not believe that the proposed rule change will result in any burden on competition not necessary or appropriate in furtherance of the purposes of the Act since it would apply equally to all brokers, dealers and municipal securities dealers.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change: (i) Does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) does not become operative for 30 days from February 19, 2008, the date on which it was filed, and the MSRB provided the Commission with written notice of its intent to file the proposed rule change at least five business days prior to the filing date, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[8] and Rule 19b–4(f)(6) thereunder.[9]

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[10]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–MSRB–2008–01 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–MSRB–2008–01. 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

[5] Dealers are required to use Form G–40 to appoint a ''Primary Contact'' who must be either a Series 53-registered municipal securities principal or a Series 51-registered municipal fund securities limited principal. The rule also requires each dealer to maintain an Internet e-mail account, and to review and, if necessary, update its Primary Contact information within 17 business days of each calendar year. The rule is based on similar FINRA requirements; the Board attempts, whenever possible, to adopt rule provisions and language similar to FINRA rules in order to ensure a coordinated regulatory approach in areas of mutual regulation.

[6] In addition to certain quarterly reports provided to FINRA and the bank regulatory agencies, the MSRB provides FINRA examiners with secure, on-line access to each dealer's current G–40 information to assist in inspecting for dealer compliance with Rule G–40.

[7] 15 U.S.C. 78o–4(b)(2)(C).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6).

[10] *See* Section 19(b)(3)(C) of the Act, 15 U.S.C. 78s(b)(3)(C).

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 MSRB. 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–MSRB–2008–01 and should be submitted on or before April 7, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–5222 Filed 3–14–08; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57461; File No. SR–NSCC–2007–12]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing of a Proposed Rule Change To Provide a New Alternative Investments Products Service

March 10, 2008.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on July 17, 2007, National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') and on February 19, 2008, amended the proposed rule change described in Items I, II, and III below, which items have been prepared primarily by NSCC. The Commission is publishing this notice to solicit comments from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NSCC is proposing to establish a new Alternative Investment Products service (''AIP Service''), which would be a processing platform for alternative investment products such as hedge funds, funds of hedge funds, commodities pools, managed futures, and real estate investment trusts (''REITs'').

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC 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. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of this rule filing is to amend NSCC's Rules in order that NSCC may provide its proposed AIP Service, which would be a processing platform for alternative investment products such as hedge funds, funds of hedge funds, commodities pools, managed futures, and REITs. Such products are more fully described below in the section titled ''Alternative Investment Products.''

(1) Summary of AIP Service

The AIP Service would provide for processing of information relating to transactions in alternative investment products and for settlement of related payments (''AIP Payments''). It would facilitate, among other things, processing activities such as subscriptions and redemptions, distributions, position reporting, and account maintenance. Activities that would be supported by the AIP Service are more fully described below in the section titled ''Scope of AIP Service.''

Settlement of AIP Payments through NSCC would be done on a prefunded basis. NSCC would simply pass-through AIP Payments from AIP members to their respective contraside AIP members without netting or without guarantying payment in the event of contraside default. NSCC would not be liable to make payment to an AIP member in the event of a default in payment by the contraside AIP member. Settlement of AIP Payments (''AIP Settlement'') would be segregated from all other money settlements at NSCC. NSCC would have no exposure to credit risk as a result of the operation of the AIP Settlement. AIP Settlement is more fully described below in the section titled ''AIP Settlement.''

Participation in the AIP Service would be governed by NSCC's Rules and procedures applicable to the AIP Service. Each user of the AIP Service (''AIP Member'') would be required to enter into an AIP membership agreement with NSCC that would govern its use of the AIP Service. Entities eligible for membership would include entities subject to regulation under U.S. federal or state laws such as registered broker-dealers, investment advisers, banks, and insurance companies. Because of the unique processing and distribution features of alternative investment products and because NSCC would have no exposure to the credit risk of AIP Members and would have no liability to make payments in the event of an AIP Member's AIP Settlement default, entities that are not required to register under applicable U.S. federal or state law and entities organized under applicable law outside of the U.S. may also be eligible to become AIP Members. Membership in the AIP Service is more fully described below in the section titled ''AIP Members.''

NSCC developed the concept and functionality for the AIP Service at the request of and in consultation with industry participants, many of which were NSCC members in different capacities using other NSCC services. Some of these interested parties committed to become pilot subscribers to the proposed AIP Service and committed to assist NSCC in funding the launch of the AIP Service. These parties are more fully described below in the section titled ''AIP Pilot Group.''

(2) Alternative Investment Products

Alternative investment products are typically illiquid, pooled investment products that are exempt from registration under the Security Act of 1933 and the Investment Company Act of 1940 and that are offered through private placements to high net worth individuals and institutional investors such as pension funds.

Alternative investment products may be placed and held by an end investor through a direct relationship with the issuer or manufacturer of an alternative investment product or through an entity acting on behalf of an issuer or manufacturer (called the ''AIP Manufacturer'' for purposes of NSCC Rules). They may also be placed and held through a distribution channel such as a registered broker-dealer that facilitates transactions as a processing contraparty to the AIP Manufacturer (called the ''AIP Distributor'' for

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[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by NSCC.

purposes of NSCC Rules). Alternative investment products are not generally traded in the secondary market. In this respect, the distribution for alternative investment products is similar to the distribution of mutual funds on NSCC's Fund/SERV system. Alternative investment products have processing characteristics and risk profiles that differ from those of mutual funds, and those differences would be taken into account and reflected in the functionality of the AIP Service and in NSCC Rules and procedures.

Increasingly, investors and their advisers are including alternative investment products as part of their balanced portfolios. The alternative investment products market represents over $1 trillion in assets and continues to grow. Despite the large asset base, processing remains extremely manual using methods such as delivery of hard copy documents, transmission of information by fax, email messages, telephone calls, and emailed spreadsheets. The lack of automation and standardized, centralized processing is inefficient, prolongs transaction processing time, introduces high costs per transaction, and increases the likelihood of errors—factors that increase in importance as the volume of transactions increases as it has in recent years.

(3) AIP Pilot Group

Accordingly, several industry participants (many of which were members of NSCC) approached NSCC to explore whether NSCC services could bring automation and standardization to the alternative investment product industry analogous to that which NSCC's Mutual Fund Services has provided to the mutual fund industry. Mutual funds and alternative investment products frequently share similar distribution channels and are frequently both included in an investor's portfolio for which a financial intermediary consolidates asset reporting and servicing.

NSCC solicited its members to assess industry interest. A pilot group of interested broker-dealers, alternative product manufacturers, and fund administrators was formed to determine the feasibility of NSCC providing such a service and to assist in the development of the business requirements and functional specifications for such a service. Some members of the pilot group committed to assist in the costs of development of the service through payment of a fixed amount that would be applied to their respective usage fees when the service was in production. Consistent with this commitment to support the costs of launching the service, NSCC agreed to consult with the members of the pilot group in refining and enhancing the necessary functionality for the service. The functionality for the initial scope of the AIP Service has been developed and is described below in the section titled ''Scope of AIP Service.''

(4) Eligible AIP Products

Alternative investment products processed through NSCC's AIP Service (''Eligible AIP Products'') would initially include the types of products referenced above (*i.e.*, hedge funds, funds of hedge funds, commodities pools, managed futures, and REITs). Additional products could be added in the initial phase or from time to time as requested by industry participants and as approved by NSCC.[3] Eligible AIP Products would include those registered with the Commission or those not required to be registered. An AIP Manufacturer that submits an alternative investment product for processing through the AIP Service would represent and warrant to NSCC that the offer and sale of the investment product complies with applicable law.

(5) AIP Members

The following type of entities would be eligible to become AIP Manufacturers or AIP Distributors:

(i) A broker-dealer registered under the Exchange Act or subject to regulation by the appropriate financial services regulator in its home jurisdiction;

(ii) A bank or trust company under supervision of federal or state banking authorities or a non-U.S. bank subject to regulation in its home jurisdiction;

(iii) An investment company registered under the Investment Company Act or an issuer (structured as a fund or pooled investment vehicle) that is not required to register thereunder;

(iv) An investment adviser as defined under the Investment Advisers Act of 1940 regardless of whether it is registered under the Investment Advisors Act or is exempt from registration;

(v) A commodity pool operator or commodity trading advisor as defined under the Commodity Exchange Act regardless of whether the commodity pool operator or commodity trading advisor is registered pursuant to the Commodity Exchange Act or is exempt from registration thereunder;

(vi) An insurance company regulated under state insurance law or a non-U.S. insurance company subject to regulation by the appropriate insurance regulator in its home jurisdiction;

(vii) With respect to an AIP Manufacturer, an entity engaged under contract to provide administrative services to one or more Eligible AIP Products; or

(viii) An entity that does not qualify as one of the above entities but that has demonstrated to the Board of Directors of NSCC that its business and capabilities are such that it could reasonably expect material benefit from direct access to the AIP Service.

Because AIP Settlement would be prefunded and because NSCC would be insulated from exposure to the credit risk of AIP Members and would have no liability to make payments in the event of an AIP Member's AIP Settlement default, there are no financial requirements for participation in the AIP Service. Members would be required to meet NSCC's operational requirements and general standards applicable to competency for membership and to meet such other requirements as NSCC may establish from time to time.[4]

(6) Scope of AIP Services

The AIP Service would support communication of information and settlement of AIP Payments between the AIP Manufacturer and the AIP Distributor in order to facilitate the processing of subscriptions and purchases, tenders and redemptions, dividends and distributions, commissions and fees, position reporting, product information, account maintenance, automated transmission of imaged documents, and such other actions as NSCC may determine from time to time. The AIP Service would provide AIP Members with the ability to transmit data in connection with transactions whether the payments are made outside of NSCC or through the AIP Service.

As with all NSCC Services, NSCC would not be responsible for the completeness or accuracy of data transmitted through the AIP Services or for any errors, omissions, or delays which may occur in the absence of gross negligence on the part of NSCC.

[3] Due to the nature of alternative investment products, NSCC retains the right to refuse to process a specific product or type of product through the AIP Service or to require that it no longer be processed through the AIP service if NSCC deems it to be in the interests of NSCC or its members to do so.

[4] NSCC's general standards applicable to competency are designed to screen for any action or condition of an applicant or member that could, in the reasonable judgment of NSCC, present undue risk to NSCC or its members.

Fees for the use of the AIP Service have not yet been established and would be the subject of a subsequent proposed rule change filed under Section 19(b)(3)(A) of the Act if this proposed rule filing is approved.

(7) AIP Settlement

AIP Settlement would be in same day funds over fedwire and would be segregated from all other settlement payments at NSCC. Unless otherwise approved by NSCC, AIP Members would be required to appoint a settling bank (''AIP Settling Bank'') for purposes of settlement similar to NSCC settlement procedures for its other money settlements.

NSCC would maintain credit balances and debit balances for each AIP Member to which NSCC would post gross credits and gross debits for settlement on the date designated by the AIP Member (''Settlement Date''). AIP Settlement would be on a gross basis meaning that the credit balance of an AIP Member would not be netted against its debit balance. If NSCC does not receive funds from an AIP Member in the amount of the debit balance by the requisite time on the Settlement Date, NSCC would reduce the corresponding settlement credit balances of the AIP Members that are the contrasides to the AIP Member that did not pay its gross debit balance. Nonpayment of a debit balance would not be deemed a payment default under NSCC Rules, but NSCC may establish fees for late payment or nonpayment and may establish a threshold number of instances of late payment or nonpayment which would cause other sanctions, including NSCC's ceasing to act for such an AIP Member.

After receipt of an AIP Member's debit balance from the AIP Member's AIP Settling Bank on Settlement Date, NSCC would transfer to the AIP Settling Bank(s) of the contraside AIP Member(s) the settlement credit balance(s). NSCC's payment would include gross credit balances which may have been reduced to reflect the reversal of any credits with respect to debit balance amounts that were not paid by a contraside AIP Member.

Use of NSCC's AIP Service would provide the alternative investment product industry with the ability to process transactions and to settle funds on a centralized, fully redundant platform that would provide more robust business continuity in the event of interruption to processing on a primary system, better audit trails on transactions, lower costs, and fewer errors and delays than are currently the case through manual processing.

Settlement on the basis of gross debits and gross credits without offsets insulates NSCC from any financial risks associated with Eligible AIP Products and AIP Members. Because NSCC's obligation to pay a credit balance would be conditioned upon receipt of the funds by NSCC from the contraside AIP Member, NSCC would not bear the risk that an AIP Member may default at settlement.

(8) AIP Document Transmission

The AIP Service would automate the transmission of imaged hard-copy documents (''paper workflow'') between AIP Manufacturers and AIP Distributors. The alternative investment industry has a number of investment instruments that are private or are traded outside of the normal processes and that require the exchange of documentation. Typically, the parties may exchange up to forty pages of hard-copy documents. Subaccount documentation is typically sent for both initial and subsequent subscriptions, depending on the requirements of the alternative investment product, and for tender offers. The paper workflow component of the AIP Service would allow parties to scan and convert documents to a file format such as portable document format (''PDF'') file for transmission with or without a pending transaction message.

(9) Proposed Changes to NSCC Rules

Under the proposed rule change, a new Rule 53, ''Alternative Investment Product Services and Members,'' would be added to NSCC's Rules, and additional confirming changes would be made elsewhere throughout NSCC's Rules as needed to provide consistency with the new Rule 53.

NSCC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act [5] and the rules and regulations thereunder because by facilitating the transmission of standardized information for alternative investment products on a centralized communications platform and by automating money settlements through a centralized location in the same day funds, the proposed AIP Service would provide increased efficiencies and reduced risks that are typically associated with manual processing. As such, the proposed changes would help remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions.

[5] 15 U.S.C. 78q–1.

(B) Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule change will have any impact or impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to the proposed rule change have not yet been solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml)* or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NSCC–2007–12 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–NSCC–2007–12. 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 NSCC and on NSCC's Web site at *http://www.dtcc.com/downloads/legal/rule_filings/2007/nscc/2007–12.pdf.* 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–NSCC–2007-12 and should be submitted on or before April 7, 2008.

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[6]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–5279 Filed 3–14–08; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57466; File No. SR–OCC–2008–07]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of a Proposed Rule Change Relating to streetTRACKS Gold Shares

March 11, 2008.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on March 7, 2008, The Options Clearing Corporation (''OCC'') 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 OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would clarify the jurisdictional status of options and security futures on streetTRACKS Gold Shares by adding an interpretation following the definition of ''fund share'' in Article I, Section 1 of OCC's By-Laws.[2]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC 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. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[3]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to clarify the jurisdictional status of options and security futures on streetTRACKS Gold Shares by adding an interpretation following the definition of ''fund share'' in Article I, Section 1 of OCC's By-Laws. Under the proposed interpretation, OCC would clear and treat as securities options any option contracts on streetTRACKS Gold Shares that are traded on securities exchanges. Similarly, OCC would clear and treat as security futures any futures contracts on streetTRACKS Gold Shares.[4]

In its capacity as a ''derivatives clearing organization'' registered with the Commodity Futures Trading Commission (''CFTC''), OCC will file this proposed rule change for prior approval by the CFTC pursuant to provisions of the Commodity Exchange Act (''CEA'') in order to foreclose any potential liability under the CEA based on an argument that the clearing by OCC of options on streetTRACKS Gold Shares as securities options or the clearing of futures on that product as security futures constitutes a violation of the CEA. This rule change will be filed with the CFTC as an amendment to SR–OCC–2008–04, which is pending approval at the CFTC.

The proposed rule change is consistent with the purposes and requirements of Section 17A of the Act because it is designed to promote the prompt and accurate clearance and settlement of transactions in securities options and security futures, to foster cooperation and coordination with persons engaged in the clearance and settlement of such transactions, to remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of such transactions, and, in general, to protect investors and the public interest. It accomplishes this purpose by reducing the likelihood of a dispute as to the Commission's jurisdiction or shared jurisdiction in the case of security futures over derivatives based on streetTRACKS Gold Shares. The proposed rule change is not inconsistent with the By-Laws and Rules of OCC, including any proposed to be amended.

(B) Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change would impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were not and are not intended to be solicited with respect to the proposed rule change, and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) As the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change; or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and

[6] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] The new interpretation would replace the interpretation that was added to OCC's By-Laws in File No. SR–OCC–2008–04, which was effective upon filing. At the request of the Commission, OCC has withdrawn SR–OCC–2008–04 from consideration by the Commission in conjunction with the submission of SR–OCC–2008–07.

[3] The Commission has modified parts of these statements.

[4] The exact language of the interpretation can be found at *http://www.optionsclearing.com/publications/rules/proposed_changes/sr_occ_08_07.pdf.*

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–OCC–2008–07 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–OCC–2008–07. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 100 F Street, NE., Washington, DC 20549 on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of OCC and on OCC's Web site at *http://www.optionsclearing.com.*

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–OCC–2007–07 and should be submitted on or before April 7, 2008.

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[5]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–5200 Filed 3–14–08; 8:45 am]

BILLING CODE 8011–01–P

[5] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57473; File No. SR–Phlx–2008–13]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Delete Rule 715 and Rule 716

March 11, 2008.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 29, 2008, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Phlx. The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to delete two Exchange rules that relate to a floor brokerage assessment, specifically Rule 715, Monthly Payment and Reporting, and Rule 716, Late Charges. The text of the proposed rule change is available at Phlx, the Commission's Public Reference Room, and *http://www.phlx.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Phlx included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Phlx has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Recently, the Exchange eliminated the floor brokerage assessment that was set forth on the Exchange's fee schedule in several places, specifically the Summary of Equity Option and RUT and RMN Charges, the Summary of Index Option Charges, the Summary of U.S. Dollar-Settled Foreign Currency Option Charges, and the Summary of Physical Delivery Currency Option Charges.[5]

The purpose of this proposal is to delete certain Exchange rules that are no longer deemed necessary as a result of eliminating the floor brokerage assessment from the Exchange's fee schedule as described above. Specifically, Rule 715, Monthly Payment and Reporting, and Rule 716, Late Charges, will be deleted to update the rules accordingly.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[6] in general, and furthers the objectives of Section 6(b)(4) of the Act[7] and Section 6(b)(5) of the Act[8] in particular, in that it is an equitable allocation of reasonable fees and other charges among Exchange members, and that it should help to foster cooperation and coordination with persons engaged in the regulating, clearing, settling, processing information with respect to and facilitating transactions in securities by updating the Exchange's rules to clarify that a monthly report of net commissions is no longer required to be submitted to the Exchange and that the corresponding late fee is no longer applicable.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Securities Exchange Act Release No. 57253 (February 1, 2008), 73 FR 7352 (February 7, 2008) (SR–Phlx–2008–08).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(4).

[8] 15 U.S.C. 78f(b)(5).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has become effective upon filing pursuant to Section 19(b)(3)(A)(i) of the Act [9] and Rule 19b–4(f)(6) [10] thereunder because it effects a change that: (i) does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) by its terms, does not become operative for 30 days after the date of the filing or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest. Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file a proposed rule change under that subsection at least five business days prior to the date of filing, or such shorter time as designated by the Commission. The Exchange has provided the Commission with written notice of its intent to file this proposed rule change.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–Phlx–2008–13 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2008–13. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Phlx. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2008–13 and should be submitted on or before April 7, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–5281 Filed 3–14–08; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78s(b)(3)(A)(i).

[10] 17 CFR 240.19b–4(f)(6).

[11] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #11189 and #11190]

Illinois Disaster #IL–00013

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 ILLINOIS (FEMA–1747–DR), dated 03/07/2008.

Incident: Severe Storms and Flooding.

Incident Period: 01/07/2008 and continuing.

Effective Date: 03/07/2008.

Physical Loan Application Deadline Date: 05/06/2008.

Economic Injury (EIDL) Loan Application Deadline Date: 12/08/2008.

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 03/07/2008, 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): Iroquois, Livingston.

Contiguous Counties (Economic Injury Loans Only):

Illinois: Ford, La Salle, Woodford, Grundy, McLean, Kankakee, Vermilion.

Indiana: Benton, Newton.

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 111896 and for economic injury is 111900.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. E8–5208 Filed 3–14–08; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. DOT–OST–2008–0088]

Agency Information Collection Activities; Request for Comments; Clearance of Renewal Approval of Information Collection: Procedures for Transportation Drug and Alcohol Testing Program

AGENCY: Office of the Secretary (OST), DOT.

ACTION: Notice and request for comments.

SUMMARY: The OST invite public comments about our intention to request the Office of Management and Budget's (OMB) approval to renew an information collection. The collection involves Transportation Drug and Alcohol Testing. The information to be collected will be used to document tests conducted and actions taken to ensure safety in the workplace and/or is necessary because under the Omnibus Transportation Employee Testing Act of 1991, DOT is required to implement a drug and alcohol testing program in various transportation-related industries. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by *May 16, 2008.*

ADDRESSES: Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Mail or Hand Delivery: U.S. Department of Transportation, Dockets Management Facility, 1200 New Jersey Avenue, SE., West Building, Room W12–140, Washington, DC 20590. Fax: 202–493–2251.

FOR FURTHER INFORMATION CONTACT: Bohdan Baczara, (202) 366–6364, Office of Drug and Alcohol Policy and Compliance, Office of the Secretary, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Room W62–317, Washington, DC 20590. Office hours are from 8 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Procedures for Transportation Drug and Alcohol Testing Program.

OMB Control No: 2105–0529.

Background: Under the Omnibus Transportation Employee Testing Act of 1991, DOT is required to implement a drug and alcohol testing program in various transportation-related industries. This specific requirement is elaborated in 49 CFR part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs. Included in this program are the U.S. Department of Transportation Alcohol Testing Form (ATF) and the DOT Drug and Alcohol Testing Management Information System (MIS) Data Collection Form. The ATF includes the employee's name, the type of test taken, the date of the test, and the name of the employer. Custody and control is essential to the basic purpose of the alcohol testing program. Data on each test is conducted, including test results, are necessary to document test conducted and actions taken to ensure safety in the workplace.

The MIS form includes employer-specific drug and alcohol testing information such as the reason for the test and the cumulative number of results. The MIS data is used by each of the affected DOT Agencies (i.e., Federal Aviation Administration, Federal Transit Administration, Federal Railroad Administration, Federal Motor Carrier Safety Administration, and the Pipeline and Hazardous Materials Safety Administration) and the United States Coast Guard when calculating their random testing rates. Provide information for the following sections that most effectively describe the nature and estimates for your particular collection.

Respondents: This information will be used by transportation employers, Department representatives, and a variety of service agents. Estimated total number of respondents are 2,783,195.

Frequency: The information will be collected annually.

Estimated Total Annual Burden Hours: 695,300.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for DOT's proper performance, including whether the information will have practical utility; (2) the accuracy of the Department's estimated burden of the proposed information collection; (3) ways for the DOT to enhance the quality, utility, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information on respondents, including the use of automated collection techniques or other forms of information technology. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: March 11, 2008.

Donna K. Seymour,

Associate Chief Information Officer, IT Policy Oversight.

[FR Doc. E8–5289 Filed 3–14–08; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2008–0032]

Insurance Cost Information Regulation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of availability.

SUMMARY: This notice announces publication by NHTSA of the 2008 text and data for the annual insurance cost information booklet that all car dealers must make available to prospective purchasers, pursuant to 49 CFR 582.4. This information is intended to assist prospective purchasers in comparing differences in passenger vehicle collision loss experience that could affect auto insurance costs.

ADDRESSES: Interested persons may obtain a copy of this booklet or read background documents by going to *http://regulations.dot.gov* at any time or to Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Carlita Ballard, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, 1200 New Jersey Avenue, SE., Washington, DC 20590. Ms. Ballard's telephone number is (202) 366–0846. Her fax number is (202) 493–2990.

SUPPLEMENTARY INFORMATION: Pursuant to section 201(e) of the Motor Vehicle Information and Cost Savings Act, 15 U.S.C. 1941(e), on March 5, 1993, 58 FR 12545, the National Highway Traffic Safety Administration (NHTSA) amended 49 CFR part 582, *Insurance Cost Information Regulation,* to require all dealers of automobiles to distribute to prospective customers information that compares differences in insurance costs of different makes and models of passenger cars based on differences in damage susceptibility.

Pursuant to 49 CFR 582.4, all automobile dealers are required to make available to prospective purchasers booklets that include this comparative information as well as certain mandatory explanatory text that is set

out in section 582.5. Early each year, NHTSA produces a new version of this booklet to update the Highway Loss Data Institute's (HLDI) December Insurance Collision Report.

NHTSA is mailing a copy of the 2008 booklet to each dealer that the Department of Energy uses to distribute the ''Gas Mileage Guide.'' Dealers will have the responsibility of reproducing a sufficient number of copies of the booklet to assure that they are available for retention by prospective purchasers by April 16, 2008. Dealers who do not receive a copy of the booklet within 15 days of the date of this notice should contact Ms. Ballard of NHTSA's Office of International Policy, Fuel Economy, and Consumer Programs (202) 366–0846 to receive a copy of the booklet and to be added to the mailing list. Dealers may also obtain a copy of the booklet through the NHTSA Web page at *http://www.nhtsa.dot.gov/*. From there, click on the Laws/Regulations tab on the far right side at the top of the page. On the Laws/Regulations page, the Comparison of Insurance Costs is located under the heading Articles & Information.

(49 U.S.C. 32302; delegation of authority at 49 CFR 1.50(f).)

Issued on: March 7, 2008.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. E8–4948 Filed 3–14–08; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8302

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and Request for Comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8302, Direct Deposit or Refund of $1 Million or More.

DATES: Written comments should be received on or before May 16, 2008, to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–3634, or through the Internet at: *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Direct Deposit or Refund of $1 Million or More.

OMB Number: 1545–1763.

Form Number: 8302.

Abstract: This form is used to request a deposit of a tax refund of $1 million or more directly into an account at any U.S. bank or other financial institution that accepts direct deposits.

Current Actions: There are no changes being made to Form 8302 at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, individuals or households.

Estimated Number of Respondents: 400.

Estimated Time per Respondent: 2 hours, 43 minutes.

Estimated Total Annual Burden Hours: 1088.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 6, 2008.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E8–5329 Filed 3–14–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 2002–68

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Revenue Procedure 2002–68, Optional election to make monthly 706(a) computations.

DATES: Written comments should be received on or before May 16, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–3634, or through the Internet at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Optional election to make monthly 706(a) computations.

OMB Number: 1545–1768.

Revenue Procedure Number: Revenue Procedure 2002–68.

Abstract: This procedure allows certain partnerships that invest in assets exempt from taxation under section 103 of the Code to make an election that

enables partners to take into account monthly the inclusions required under sections 702 and 707(c). Rev. Proc. 2002–16 modified and superseded.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents/ Recordkeepers: 1,000.

Estimated Time per Respondent/ Recordkeeper: 12 hours.

Estimated Total Annual Reporting/ Recordkeeping Hours: 12,000.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 4, 2008.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E8–5330 Filed 3–14–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[TD 8989]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning existing final regulation, TD 8989, Guidance Necessary to Facilitate Electronic Tax Administration.

DATES: Written comments should be received on or before May 16, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–3634, or through the Internet at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Guidance Necessary to Facilitate Electronic Tax Administration.

OMB Number: 1545–1783.

Regulation Project Number: TD 8989.

Abstract: This document contains regulations designed to eliminate regulatory impediments to the electronic filing of Form 1040, U.S. Individual Income Tax Return. These regulations generally affect taxpayers who file Form 1040 electronically and who are required to file any of the following forms: Form 56, Notice Concerning Fiduciary Relationship; Form 2120, Multiple Support Declaration; Form 2439, Notice to Shareholder of Undistributed Long-Term Capital Gains; Form 3468, Investment Credit; and Form T (Timber), Forest Activities Schedules.

Current Actions: There are no changes being made to this existing regulation.

Type of Review: Extension of currently approved collection.

Affected Public: Business or other for-profit organizations and individuals or households.

Estimated Number of Respondents: 1.

Estimated Time per Respondent: 6 minutes.

Estimated Total Annual Burden Hours: 1.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

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

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 6, 2008.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E8–5331 Filed 3–14–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1041–A

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 1041–A U.S. Information Return-Trust Accumulation of Charitable Amounts.

DATES: Written comments should be received on or before May 16, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carolyn N. Brown at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6688, or through the Internet at *Carolyn.N.Brown@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: U.S. Information Return-Trust Accumulation of Charitable Amounts.

OMB Number: 1545–0094.

Form Number: 1041–A.

Abstract: Form 1041–A is used to report the information required in Internal Revenue Code section 6034 concerning accumulation and distribution of charitable amounts. The data is used to verify the amounts for which a charitable deduction was allowed are used for charitable purposes.

Current Actions: Form 1041A was revised, deleting 8 code references and adding 3 line items. Also, better filing figures were given, increasing the responses by 101,936 for a total of 119,936. These changes resulted in an overall increase of burden hours to 4,396,854.

Type of Review: Revision of a currently approved collection.

Affected Public: Businesses or other for-profit organizations, and individuals.

Estimated Number of Respondents: 119,936.

Estimated Time per Respondent: 36 hrs, 40 minutes.

Estimated Total Annual Burden Hours: 4,396,854.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 7, 2008.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E8–5332 Filed 3–14–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Forms 941c and 941cPR

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 941c, Supporting Statement To Correct Information, and Form 941cPR, Planilla Para La Correccion De Informacion Facilitada Anteriormente en Cumplimiento Con La Ley Del Seguro Social Y Del Seguro Medicare.

DATES: Written comments should be received on or before May 16, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the forms and instructions should be directed to Carolyn N. Brown, (202) 622–6688, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at *Carolyn.N.Bown@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Form 941c, Supporting Statement To Correct Information, and Form 941cPR, Planilla Para La Correccion De Informacion Facilitada Anteriormente en Cumplimiento Con La Ley Del Seguro Social Y Del Seguro Medicare.

OMB Number: 1545–0256.

Form Number: Forms 941c and 941cPR.

Abstract: Form 941c (or Form 941cPR for use in Puerto Rico to correct FICA tax only) is used by employers to correct previously reported FICA or income tax data. The forms may be used to support a credit or adjustment claimed on a current return for an error in a prior return period. The information is used to reconcile wages and taxes previously reported or used to support a claim for refund, credit, or adjustment of FICA or income tax.

Current Actions: Forms 941c and 941c–PR were revised, adding 3 line items and 4 line items, respectively. These changes resulted in a program increase of 713,309 hours. The new burden hours are 9,442,616.

Type of Review: Revision of a currently approved collection.

Affected Public: Businesses or other for-profit organizations, not-for-profit institutions, and state, local or tribal governments.

Estimated Number of Respondents: 958,050.

Estimated Time per Respondent: 9 hours, 52 minutes.

Estimated Total Annual Burden Hours: 9,442,616.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection

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

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 7, 2008.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E8–5337 Filed 3–14–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8864

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8864, Biodiesel Fuels Credit.

DATES: Written comments should be received on or before May 16, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to R. Joseph Durbala, (202) 622–3634, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at *RJoseph.Durbala@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Biodiesel Fuels Credit.

OMB Number: 1545–1924.

Form Number: 8864.

Abstract: The American Jobs Creation Act, act section 302, added new code section 40A, credit for biodiesel used as a fuel. Form 8864 has been developed to allow taxpayers to compute the biodiesel fuels credit. Section 38(b)(17) allows the biodiesel credit to be taken as a credit against income tax for businesses that sell or use biodiesel mixed with other fuels or sold as straight biodiesel.

Current Actions: There are no changes being made to Form 8864 at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 26.

Estimated Time per Respondent: 11 hrs., 55 min.

Estimated Total Annual Burden Hours: 310.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 7, 2008.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E8–5338 Filed 3–14–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 12311

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and Request for Comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 12311, Notice Regarding Repayment of a Buyout Prior to Re-employment with the Federal Government.

DATES: Written comments should be received on or before May 16, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to R. Joseph Durbala, (202) 622–3634, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at *RJoseph.Durbala@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Notice Regarding Repayment of a Buyout Prior to Re-employment with the Federal Government.

OMB Number: 1545–1920.

Form Number: Form 12311.

Abstract: This form requests applicants to certify if they ever worked for the Federal Government and if they received a Buyout within the last 5 years. This is to ensure that applicants

who meet the criteria are counseled that they are required to pay back the entire Buyout prior to entering on duty with the IRS.

Current Actions: There are no changes being made to these forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households and Federal Government.

Estimated Number of Responses: 33,085.

Estimated Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 2,757.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 6, 2008.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E8–5339 Filed 3–14–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8858 and Schedule M

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and Request for Comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8858, Information Return of U.S. Persons With Respect To Foreign Disregarded Entities, and Schedule M, Transaction Between Foreign Disregarded Entity of a Foreign Tax Owner and the Filer on Other Related Entities.

DATES: Written comments should be received on or before May 16, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the forms and instructions should be directed to R. Joseph Durbala, (202) 622–3634, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at: *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Information Return of U.S. Persons With Respect To Foreign Disregarded Entities (Form 8858), and Transaction Between Foreign Disregarded Entity of a Foreign Tax Owner and the Filer on Other Related Entities (Schedule M).

OMB Number: 1545–1910.

Form Number: Form 8858 and Schedule M.

Abstract: Form 8858 and Schedule M are used by certain U.S. persons that own a foreign disregarded entity (FDE) directly or, in certain circumstances, indirectly or constructively.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other-for-profit organizations, and individuals or households.

Estimated Number of Respondents: 50,000.

Estimated Time per Respondent: 36 hours, 39 minutes.

Estimated Total Annual Burden Hours: 1,832,500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 7, 2008.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E8–5340 Filed 3–14–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 990–BL; Schedule A (Form 990–BL), Form 6069

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 990–BL, Information and Initial Excise Tax Return for Black Lung Benefit Trusts and Certain Related Persons, and Form 6069, Return of Excise Tax on Excess Contributions to Black Lung Benefit Trust Under section 4953 and Computation of section 192 Deduction.

DATES: Written comments should be received on or before May 16, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the forms and instructions should be directed to R. Joseph Durbala, (202) 622–3634, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at RJoseph.Durbala@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Form 990–BL, Information and Initial Excise Tax Return for Black Lung Benefit Trusts and Certain Related Persons, and Form 6069, Return of Excise Tax on Excess Contributions to Black Lung Benefit Trust Under section 4953 and Computation of section 192 Deduction.

OMB Number: 1545–0049.

Form Number: Form 990–BL; Schedule A (Form 990–BL), and Form 6069.

Abstract: IRS uses Form 990–BL to monitor activities of black lung benefit trusts, and to collect excise taxes on these trusts and certain related persons if they engage in proscribed activities. The tax is figured on Schedule A and attached to Form 990–BL. Form 6069 is used by coal mine operators to figure the maximum deduction to a black lung benefit trust. If excess contributions are made, IRS uses the form to figure and collect the tax on excess contributions.

Current Actions: There are no changes being made to these forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, individuals, and not-for-profit institutions.

Estimated Number of Respondents: 22—Form 990–BL; 1—Form 6069.

Estimated Time per Respondent: 31 hours, 34 minutes—Form 990–BL; 9 Hours, 56 minutes—Form 6069.

Estimated Total Annual Burden Hours: 563.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 4, 2008.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E8–5343 Filed 3–14–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1099–R

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 1099–R, Distributions From Pensions, Annuities, Retirement or Profit-Sharing Plans, IRAs, Insurance Contracts, etc.

DATES: Written comments should be received on or before May 16, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to R. Joseph Durbala, at (202) 622–3634, or at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at: *RJoseph.Durbala@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Distributions From Pensions, Annuities, Retirement or Profit-Sharing Plans, IRAs, Insurance Contracts, etc.

OMB Number: 1545–0119.

Form Number: 1099–R.

Abstract: Form 1099–R is used to report distributions from pensions, annuities, profit-sharing or retirement plans, IRAs, and the surrender of insurance contracts. This information is used by the IRS to verify that income has been properly reported by the recipient.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit organizations, not for-profit institutions, and Federal, state, local or tribal governments.

Estimated Number of Responses: 62,348,484.

Estimated Time per Response: 18 min.

Estimated Total Annual Burden Hours: 18,704,546.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 4, 2008.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E8–5345 Filed 3–14–08; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–New (HSNGV)]

Proposed Information Collection (Health Surveillance for a New Generation of U.S. Veterans); Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed new collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to plan and provide better health care for Operation Iraqi Freedom and Operation Enduring Freedom veterans.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 16, 2008.

ADDRESSES: Submit written comments on the collection of information through *http://www.Regulations.gov*; or to Mary Stout, Veterans Health Administration (193E1), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420; or e-mail: *mary.stout@va.gov*. Please refer to ''OMB Control No. 2900–New (HSNGV)]'' in any correspondence. During the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at: *http://www.Regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Mary Stout (202) 461–5867 or fax (202) 273–9381.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501—3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Health Surveillance for a New Generation of U.S. Veterans Survey.

OMB Control Number: 2900–New (New (HSNGV).

Type of Review: New collection.

Abstract: The Health Surveillance for a New Generation of U.S. Veterans survey will be used to collect data from Operation Iraqi Freedom and Operation Enduring Freedom veterans regarding their current health status and concerns, exposures of concern in the theater, health care preferences, and health behaviors and attitudes, and to gain knowledge on veterans who have not used VA health care since returning from the current conflict. The data collected will help VA to plan and provide better health care to Operation Iraqi Freedom and Operation Enduring Freedom veterans, as well as understanding the long-term consequences of military deployment.

Affected Public: Individuals or households.

Estimated Annual Burden: 24,858 hours.

Estimated Average Burden Per Respondent: 30–45 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 37,600.

Dated: March 10, 2008.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E8–5195 Filed 3–14–08; 8:45 am]

BILLING CODE 8320–01–P

Federal Register

Monday,
March 17, 2008

Part II

Department of Housing and Urban Development

Federal Property Suitable as Facilities To Assist the Homeless; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5186–N–11]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Kathy Ezzell, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7266, 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 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to John Hicks, Division of Property Management, Program Support Center, HHS, room 5B–17, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including ZIP code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *COAST GUARD:* Commandant, United States Coast Guard, Attn: Teresa Sheinberg, 2100 Second St, SW., Rm 6109, Washington, DC 20593–0001; (202) 267–6142; *COMMERCE:* Mr. Lance Feiner, Acting Director, Department of Commerce, Office of Real Estate, 14th & Constitution Ave., NW., Rm 1036, Washington, DC 20230; (202) 482–3580; *ENERGY:* Mr. Mark Price, Department of Energy, Office of Engineering & Construction Management, ME–90, 1000 Independence Ave., SW., Washington, DC 20585: (202) 586–0072; *GSA:* Mr. John Smith, Deputy Assistant Commissioner, General Services Administration, Office of Property Disposal, 18th & F Streets, NW., Washington, DC 20405; (202) 501–0084; *INTERIOR:* Mr. Michael Wright, Acquisition & Property Management, Department of the Interior, 1849 C Street, NW., MS2603, Washington, DC 20240; (202) 208–5399; *NAVY:* Mrs. Mary Arndt, Acting Director, Department of the Navy, Real Estate Services, Naval Facilities Engineering Command, Washington Navy Yard, 1322 Patterson Ave., SE., Suite 1000, Washington, DC 20374–5065; (202) 685–9305; *VA:* Mr. George Szwarcman, Acting Director, Real Property Service, Department of Veterans Affairs, 811 Vermont Ave., NW., RM 555, Washington, DC 20420; (202) 565–5398; (These are not toll-free numbers).

Dated: March 6, 2008.

Mark R. Johnston,

Deputy Assistant Secretary for Special Needs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 03/14/2008

Suitable/Available Properties

Building

Colorado

Bldg. 2
VAMC 2121 North Avenue
Grand Junction Co: Mesa CO 81501
Landholding Agency: VA
Property Number: 97200430001
Status: Unutilized
Comments: 3298 sq. ft., needs major rehab, presence of asbestos/lead paint

Bldg. 3
VAMC
2121 North Avenue
Grand Junction Co: Mesa CO 81501
Landholding Agency: VA
Property Number: 97200430002
Status: Unutilized
Comments: 7275 sq. ft., needs major rehab, presence of asbestos/lead paint

Suitable/Available Properties

Building

Indiana

Bldg. 105, VAMC
East 38th Street
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97199230006
Status: Excess

Comments: 310 sq. ft., 1 story stone structure, no sanitary or heating facilities, Natl Register of Historic Places

Bldg. 140, VAMC
East 38th Street
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97199230007
Status: Excess
Comments: 60 sq. ft., concrete block bldg., most recent use—trash house

Bldg. 7
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953
Landholding Agency: VA
Property Number: 97199810001
Status: Underutilized
Comments: 16,864 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Suitable/Available Properties

Building

Indiana

Bldg. 10
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953
Landholding Agency: VA
Property Number: 97199810002
Status: Underutilized
Comments: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 11
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953
Landholding Agency: VA
Property Number: 97199810003
Status: Underutilized
Comments: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 18
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953
Landholding Agency: VA
Property Number: 97199810004
Status: Underutilized
Comments: 13,802 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Suitable/Available Properties

Building

Indiana

Bldg. 25
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953
Landholding Agency: VA
Property Number: 97199810005
Status: Unutilized
Comments: 32,892 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 1
N. Indiana Health Care System
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97200310001
Status: Unutilized
Comments: 20,287 sq. ft., needs extensive repairs, presence of asbestos, most recent use—patient ward

Bldg. 3
N. Indiana Health Care System
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97200310002
Status: Unutilized
Comments: 20,550 sq. ft., needs extensive repairs, presence of asbestos, most recent use—patient ward

Suitable/Available Properties

Building

Indiana

Bldg. 4
N. Indiana Health Care System
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97200310003
Status: Unutilized
Comments: 20,550 sq .ft., needs extensive repairs, presence of asbestos, most recent use—patient ward

Bldg. 13
N. Indiana Health Care System
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97200310004
Status: Unutilized
Comments: 8971 sq. ft., needs extensive repairs, presence of asbestos, most recent use—office

Bldg. 19
N. Indiana Health Care System
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97200310005
Status: Unutilized
Comments: 12,237 sq. ft., needs extensive repairs, presence of asbestos, most recent use—office

Suitable /Available Properties

Building

Indiana

Bldg. 20
N. Indiana Health Care System
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97200310006
Status: Unutilized
Comments: 14,039 sq. ft., needs extensive repairs, presence of asbestos, most recent use—office/storage

Bldg. 42
N. Indiana Health Care System
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97200310007
Status: Unutilized
Comments: 5025 sq. ft., needs extensive repairs, presence of asbestos, most recent use—office

Bldg. 60
N. Indiana Health Care System
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97200310008
Status: Unutilized
Comments: 18,126 sq. ft., needs extensive repairs, presence of asbestos, most recent use—office

Suitable /Available Properties

Building

Indiana

Bldg. 122
N. Indiana Health Care System
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97200310009
Status: Unutilized
Comments: 37,135 sq. ft., needs extensive repairs, presence of asbestos, most recent use—dining hall/kitchen

Nebraska

Warehouse
Bldg. 1047–15–28–2
McCook Co: Red Willow NE 69001
Landholding Agency: GSA
Property Number: 54200740013
Status: Surplus
GSA Number: 7–I–NE–0533–AA
Comments: 5000 sq. ft., needs repair, off-site use only

New york

Bldg. 3
VA Medical Center
Batavia Co: Genesee NY 14020
Landholding Agency: VA
Property Number: 97200520001
Status: Unutilized
Comments: 5840 sq. ft., needs rehab, presence of asbestos, most recent use—offices, eligible for Natl Register of Historic Places

Suitable /Available properties

Building

Washington

Bldg. 127
Yakima Project 1917 Marsh Road
Yakima WA 98901
Landholding Agency: Interior
Property Number: 61200630015
Status: Excess
Comments: 1152 sq. ft., most recent use—office, off-site use only

Bldg. 133
Yakima Project 1917 Marsh Road
Yakima WA 98901
Landholding Agency: Interior
Property Number: 61200630016
Status: Excess
Comments: 1680 sq. ft., most recent use—office, off-site use only

Residence
Riverside Road
Yakima WA 98901
Landholding Agency: Interior
Property Number: 61200710010
Status: Unutilized
Comments: 756 sq. ft., off-site use only

Suitable /Available Properties

Building

Washington

Bldg. 1933
50 Acre Drive
Eltopia WA 99330
Landholding Agency: Interior

Property Number: 61200720006
Status: Unutilized
Comments: 709 sq. ft., most recent use—residence, possible asbestos/lead paint, off-site use only

Bldg. 1933g
50 Acre Drive
Eltopia WA 99330
Landholding Agency: Interior
Property Number: 61200720007
Status: Unutilized
Comments: 264 sq. ft., most recent use—garage, possible asbestos/lead paint, off-site use only

Bldg. 1934
40 Acre Drive
Eltopia WA
Landholding Agency: Interior
Property Number: 61200720008
Status: Unutilized
Comments: 709 sq. ft., most recent use—residence, possible asbestos/lead paint, off-site use only

Bldg. 1934g
40 Acre Drive
Eltopia WA 99330
Landholding Agency: Interior
Property Number: 61200720009
Status: Unutilized
Comments: 264 sq. ft., most recent use—garage, possible asbestos/lead paint, off-site use only

Suitable/Available Properties

Building

Wisconsin

Bldg. 8
VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660
Landholding Agency: VA
Property Number: 97199010056
Status: Underutilized
Comments: 2200 sq. ft., 2 story wood frame, possible asbestos, potential utilities, structural deficiencies, needs rehab.

Land

Alabama

VA Medical Center
VAMC
Tuskegee Co: Macon AL 36083
Landholding Agency: VA
Property Number: 97199010053
Status: Underutilized
Comments: 40 acres, buffer to VA Medical Center, potential utilities, undeveloped.

Suitable/Available Properties

Land

California

Land
4150 Clement Street
San Francisco Co: San Francisco CA 94121
Landholding Agency: VA
Property Number: 97199240001
Status: Underutilized
Comments: 4 acres; landslide area.

Colorado

Northgate Stockpile Storage
Jackson CO 80480
Landholding Agency: GSA
Property Number: 54200740011
Status: Surplus
GSA Number: 7–D–CO–0645
Comments: 16.11 acres, uneven terrain, no utilities, restrictions/covenants

Iowa

40.66 acres
VA Medical Center
1515 West Pleasant St.
Knoxville Co: Marion IA 50138
Landholding Agency: VA
Property Number: 97199740002
Status: Unutilized
Comments: golf course, easement requirements

Suitable/Available Properties

Land

Maryland

3.54 acres
Andrews AFB
Upper Marlboro MD
Landholding Agency: GSA
Property Number: 54200810005
Status: Surplus
GSA Number: MD(R–11)0598–1
Comments: strip parcel of land w/limited development potential

North Dakota

14 Former Launch
Control Facilities
Grand Forks AFB
Grand Forks ND
Landholding Agency: GSA
Property Number: 54200810006
Status: Surplus
GSA Number: 7–D–ND–0500
Comments: 10.17 acres each, contaminants, easements, farmland restrictions/wetland restrictions

South Dakota

40 Acres—N–2
Minuteman Missile Site
Butte SD
Landholding Agency: GSA
Property Number: 54200740008
Status: Surplus
GSA Number: 7–D–SD–0521–HA
Comments: restrictions & covenants

Suitable/Available Properties

Land

South Dakota

40 acres—Mike 4
Minuteman Missile Launch Facility
Butte SD 57706
Landholding Agency: GSA
Property Number: 54200740009
Status: Surplus
GSA Number: 7–D–SD–0521–GZ
Comments: restrictions & covenants

Texas

Land
Olin E. Teague Veterans Center
1901 South 1st Street
Temple Co: Bell TX 76504
Landholding Agency: VA
Property Number: 97199010079
Status: Underutilized
Comments: 13 acres, portion formerly landfill, portion near flammable materials, railroad crosses property, potential utilities.

Washington

Bremerton Lot
E. 16th & Trenton Ave
Kitsap WA 98310
Landholding Agency: GSA
Property Number: 54200740012
Status: Excess
GSA Number: 9–G–WA–1237
Comments: 1500 sq. ft., small size

Suitable/Available Properties

Land

Wisconsin

VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660
Landholding Agency: VA
Property Number: 97199010054
Status: Underutilized
Comments: 12.4 acres, serves as buffer between center and private property, no utilities.

Suitable/Unavailable Properties

Building

Alabama

SSA Building
201 College Street
Gadsden AL 35901
Landholding Agency: GSA
Property Number: 54200730013
Status: Surplus
GSA Number: 4–G–AL–0773
Comments: Single story structure w/parking, presence of asbestos, most recent use—office, to be vacant 11/2007

Suitable/Unavailable Properties

Building

California

Social Security Building
505 North Court Street
Visalia Co: Tulare CA 93291
Landholding Agency: GSA
Property Number: 54200610010
Status: Surplus
GSA Number: 9–G–CA–1643
Comments: 11,727 sq. ft., possible lead paint, most recent use—office

Old Customs House
12 Heffernan Avenue
Calexico CA 92231
Landholding Agency: GSA
Property Number: 54200710016
Status: Surplus
GSA Number: 9–G–CA–1658
Comments: 16,108 sq. ft., possible asbestos/lead paint, zoned commercial, major repairs for long term use, historic building

Colorado

Federal Building
1520 E. Willamette Street
Colorado Springs Co: El Paso CO 80909
Landholding Agency: GSA
Property Number: 54200640004
Status: Excess
GSA Number: 7–G–CO–0660
Comments: 50,363 sq. ft., needs major rehab, available in approx. 24 months, legal constraints

Suitable/Unavailable Properties

Building

Hawaii

Bldg. 2652
Navy Aloha Center
Pearl Harbor HI 96860
Landholding Agency: Navy
Property Number: 77200710039
Status: Underutilized
Comments: 9125 sq. ft., most recent use—office

Indiana

Former SSA
327 W. Marion Street
Elkhart IN 46516
Landholding Agency: GSA
Property Number: 54200630015
Status: Surplus
GSA Number: 1–GR–IN–05962A
Comments: 6636 sq. ft., most recent use—office

Fed. Bldg./Courthouse
507 State Street
Hammond IN 46320
Landholding Agency: GSA
Property Number: 54200710003
Status: Excess
GSA Number: 1–G–IN–590
Comments: 43,133 sq. ft., presence of asbestos, most recent use—office, National Register of Historic Places

Suitable/Unavailable Properties

Building

Iowa

Federal Bldg./P.O./Courthouse
8 South 6th Street
Council Bluffs Co: Pottawattamie IA 51501
Landholding Agency: GSA
Property Number: 54200640001
Status: Excess
GSA Number: 7–G–IA–0468–1
Comments: 67,298 sq. ft., to be vacant 12/31/08, needs rehab—estimated cost $2 million

Maine

Border Patrol Station
4 Heald Stream Road
Somerset ME 04945
Landholding Agency: GSA
Property Number: 54200730003
Status: Excess
GSA Number: 1–X–ME–0685–2A
Comments: 1717 sq. ft., office and garage, possible asbestos/lead paint

Maryland

Former USPO/Office Bldg.
2 West Montgomery Avenue
Rockville MD 20850
Landholding Agency: GSA
Property Number: 54200710018
Status: Surplus
GSA Number: MD–598–1
Comments: 7430 sq. ft., roof leaks, property use restrictions, groundwater use prohibition

Suitable/Unavailable Properties

Building

Massachusetts

Former Railroad Depot
240 Central Street
Lowell MA 01852
Landholding Agency: GSA
Property Number: 54200730015
Status: Excess
GSA Number: 1–I–MA–910
Comments: 11,200 sq. ft., estimated $1 million required for interior and mechanical systems, subject to Historic Preservation Standards

Federal Office Bldg.
Main & Bridge Street
Springfield MA 01101
Landholding Agency: GSA
Property Number: 54200740002
Status: Excess
GSA Number: MA–6262–1
Comments: 30,000 sq. ft., 27% occupied, recommend complete system upgrade

Michigan

Social Security Bldg.
929 Stevens Road
Flint MI 48503
Landholding Agency: GSA
Property Number: 54200720020
Status: Excess
GSA Number: 1–G–MI–822
Comments: 10,283 sq. ft., most recent use—office

Suitable/Unavailable Properties

Building

Minnesota

Memorial Army Rsv Ctr
1804 3rd Avenue
International Falls Co: Koochiching MN 56649
Landholding Agency: GSA
Property Number: 54200620002
Status: Excess
GSA Number: 1–D–MN–586
Comments: 8992 sq. ft., presence of asbestos/lead paint, most recent use—admin/storage

Mississippi

Federal Building
200 East Washington St.
Greenwood MS 38930
Landholding Agency: GSA
Property Number: 54200740006
Status: Underutilized
GSA Number: 4–G–MS–0562
Comments: 11134 sq. ft., presence of asbestos, reserve a 24 month period to relocate Federal tenants

Montana

Sonstelie Hall USARC
1110 2nd St.
Kalispell MT 59901–4202
Landholding Agency: GSA
Property Number: 54200740003
Status: Excess
GSA Number: 7–D–MT–0625
Comments: 14,635 sq ft., most recent use—admin/classrooms/storage, subject to easements

Suitable/Unavailable Properties

Building

Montana

VA MT Healthcare
210 S. Winchester
Miles City Co: Custer MT 59301
Landholding Agency: VA
Property Number: 97200030001
Status: Underutilized
Comments: 18 buildings, total sq. ft. = 123,851, presence of asbestos, most recent use—clinic/office/food production

Nevada

Young Fed Bldg/Courthouse
300 Booth Street
Reno NV 89502
Landholding Agency: GSA
Property Number: 54200620014
Status: Surplus
GSA Number: 9–G–NV–529–2
Comments: 85,637 sq. ft. available, presence of asbestos/lead paint, seismic issues

New Hampshire

Modular Offices 43006/43007
271 Mast Road
Durham NH 03824
Landholding Agency: GSA
Property Number: 54200730004
Status: Surplus
GSA Number: 1–A–NH–0497–1A
Comments: 684 sq. ft. each, most recent use—office space, off-site use only

Suitable/Unavailable Properties

Building

New Jersey

Camp Petricktown Sup. Facility
US Route 130
Pedricktown NJ 08067
Landholding Agency: GSA
Property Number: 54200740005
Status: Excess
GSA Number: 1–I–MA–910
Comments: 21 bldgs., need rehab, most recent use—barracks/mess hall/garages/quarters/admin., may be issues w/right of entry, utilities privately controlled, contaminants

New Mexico

Federal Building
1100 New York Ave.
Alamogordo Co: Otero NM 88310
Landholding Agency: GSA
Property Number: 54200630001
Status: Surplus
GSA Number: 7–G–NM–0569
Comments: 12,690 sq. ft., subject to Historic preservation covenants, occupied until 9/30/08

New York

Tappan USARC
335 Western Hwy
Tappan Co: Rockland NY 10983
Landholding Agency: GSA
Property Number: 21200510069
Status: Excess
GSA Number: 0000
Comments: 33,537 sq. ft., army reserve center

Suitable/Unavailable Properties

Building

New York

Fleet Mgmt. Center
5—32nd Street
Brooklyn NY 11232
Landholding Agency: GSA
Property Number: 54200620015
Status: Surplus
GSA Number: 1–G–NY–0872B

Comments: 12,693 sq. ft., most recent use—motor pool, heavy industrial

8 Family Apt. Bldgs.
Watervliet Arsenal Housing 325 Duanesburg Road
Rotterdam Co: Schenectady NY
Landholding Agency: GSA
Property Number: 54200630011
Status: Excess
GSA Number: 1–D–NY–0877
Comments: 8 multi family apt. bldgs. w/ garages and 1 maintenance shop, presence of asbestos/lead paint

North Carolina

USCG Station Bldgs.
Cape Hatteras
Buxton Co: Dare NC
Landholding Agency: GSA
Property Number: 54200720002
Status: Excess
GSA Number: 4–U–NC–0747A
Comments: 5 bldgs./11 Other structures, contamination

Suitable/Unavailable Properties

Building

North Dakota

Residence #1
Hwy 30/Canadian Border
St. John Co: Rolette ND 58369
Landholding Agency: GSA
Property Number: 54200620005
Status: Excess
GSA Number: 7–G–ND–0504
Comments: 1300 sq. ft., possible asbestos/lead paint, off-site use only

Residence #2
Hwy 30/Canadian Border
St. John Co: Rolette ND 58369
Landholding Agency: GSA
Property Number: 54200620006
Status: Excess
GSA Number: 7–G–ND–0505
Comments: 1300 sq. ft., possible asbestos/lead paint, off-site use only

Residence #1
Hwy 42/Canadian Border
Ambrose Co: Divide ND 58833
Landholding Agency: GSA
Property Number: 54200620012
Status: Excess
GSA Number: 7–G–ND–0510
Comments: 2010 sq. ft., possible lead paint, most recent use—residential/office/storage, off site use only

Suitable/Unavailable Properties

Building

North Dakota

Residence #2
Hwy 42/Canadian Border
Ambrose Co: Divide ND 58833
Landholding Agency: GSA
Property Number: 54200620013
Status: Excess
GSA Number: 7–G–ND–0509
Comments: 2010 sq. ft., possible lead paint, most recent use—residential/office/storage, off site use only

Sherwood Garage
Hwy 28
Sherwood Co: Renville ND 58782
Landholding Agency: GSA
Property Number: 54200630002
Status: Surplus
GSA Number: 7–G–ND–0512
Comments: 565 sq. ft., off-site use only

Noonan Garage
Hwy 40
Noonan Co: Divide ND 58765
Landholding Agency: GSA
Property Number: 54200630003
Status: Surplus
GSA Number: 7–G–ND–0511
Comments: 520 sq. ft., presence of asbestos, off-site use only

Suitable/Unavailable Properties

Building

North Dakota

Westhope Garage
Hwy 83
Westhope Co: Bottineau ND 58793
Landholding Agency: GSA
Property Number: 54200630004
Status: Surplus
GSA Number: 7–G–ND–0513
Comments: 515 sq. ft., off-site use only

North House
10951 County Road
Hannah Co: Cavalier ND 58239
Landholding Agency: GSA
Property Number: 54200720008
Status: Surplus
GSA Number: 7–X–ND–0515–1A
Comments: 1128 sq. ft. residence, off-site use only

South House
10949 County Road
Hannah Co: Cavalier ND 58239
Landholding Agency: GSA
Property Number: 54200720009
Status: Surplus
GSA Number: 7–X–ND–0515–1B
Comments: 1128 sq. ft. residence, off-site use only

Suitable/Unavailable Properties

Building

North Dakota

North House
Highway 40
Noonan Co: Divide ND 58765
Landholding Agency: GSA
Property Number: 54200720010
Status: Surplus
GSA Number: 7–X–ND–0517–1A
Comments: 1564 sq. ft. residence, off-site use only

South House
Highway 40
Noonan Co: Divide ND 58765
Landholding Agency: GSA
Property Number: 54200720011
Status: Surplus
GSA Number: 7–X–ND–0517–1B
Comments: 1564 sq. ft. residence, off-site use only

North House
Rt. 1, Box 66
Sarles Co: Cavalier ND 58372
Landholding Agency: GSA
Property Number: 54200720012
Status: Surplus
GSA Number: 7–X–ND–0516–1B
Comments: 1228 sq. ft. residence, off-site use only

Suitable/Unavailable Properties

Building

North Dakota

South House
Rt. 1, Box 67
Sarles Co: Cavalier ND 58372
Landholding Agency: GSA
Property Number: 54200720013
Status: Surplus
GSA Number: 7–X–ND–0516–1A
Comments: 1228 sq. ft. residence, off-site use only

House #1
10925 Hwy 28
Sherwood Co: Renville ND 58782
Landholding Agency: GSA
Property Number: 54200720014
Status: Surplus
GSA Number: 7–X–ND–0518–1B
Comments: 1228 sq. ft. residence, off-site use only

House #2
10927 Hwy 28
Sherwood Co: Renville ND 58782
Landholding Agency: GSA
Property Number: 54200720015
Status: Surplus
GSA Number: 7–X–ND–0518–1A
Comments: 1228 sq. ft. residence, off-site use only

Suitable/Unavailable Properties

Building

North Dakota

North House 10913 Hwy 83
Westhope Co: Bottineau ND 58793
Landholding Agency: GSA
Property Number: 54200720016
Status: Surplus
GSA Number: 7–X–ND–0519–1B
Comments: 1218 sq. ft. residence, off-site use only

South House
10909 Hwy 83
Westhope Co: Bottineau ND 58793
Landholding Agency: GSA
Property Number: 54200720017
Status: Surplus
GSA Number: 7–X–ND–0519–1A
Comments: 1218 sq. ft. residence, off-site use only

Ohio

Bldg. 116
VA Medical Center
Dayton Co: Montgomery OH 45428
Landholding Agency: VA
Property Number: 97199920002
Status: Unutilized
Comments: 3 floors, potential utilities, needs major rehab, presence of asbestos/lead paint, historic property

Suitable/Unavailable Properties

Building

Samoa

6 Housing Units
Lima & FA Streets
Tafuna AQ 96799
Landholding Agency: GSA
Property Number: 54200710001
Status: Surplus
GSA Number: 9–U–AS–002

Comments: 1722 or 1354 sq. ft., must negotiate long-term ground lease w/the Govt of American Samoa

Unit #25
Lima & FA Streets
Tafuna AQ
Landholding Agency: GSA
Property Number: 54200740001
Status: Surplus
GSA Number: 9–U–AS–002AB
Comments: 1722 sq. ft., presence of lead paint, most recent use—residential, off-site use only or negotiate ground lease with local govt.

Texas

Bldgs. 5, 6, 7
Federal Center
501 West Felix Street
Ft. Worth Co: Tarrant TX 76115
Landholding Agency: GSA
Property Number: 54200640002
Status: Excess
GSA Number: 7–G–TX–0767–3
Comments: 3 warehouses with concrete foundation, off-site use only

Suitable/Unavailable Properties

Building

Virginia

142.67 acres/7 Bldgs.
Pepermeir Hill Road
U.S. Geological Survey
Corbin VA 22446
Landholding Agency: GSA
Property Number: 54200630020
Status: Excess
GSA Number: 4–I–VA–0748
Comments: various sq. ft., most recent use—research/development/calibration lab/test measuring circuit

Wisconsin

Bldg. 2
VA Medical Center
5000 West National Ave.
Milwaukee WI 53295
Landholding Agency: VA
Property Number: 97199830002
Status: Underutilized
Comments: 133,730 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—storage

Suitable/Unavailable Properties

Land

Arizona

Parking Lot
322 n 2nd Ave.
Phoenix AZ 85003
Landholding Agency: GSA
Property Number: 54200740007
Status: Surplus
GSA Number: AZ–6293–1
Comments: approx. 21,000 sq. ft., parcel in OU3 study area for clean-up

Illinois

FAA Radar Communications
Link Repeater Site
11000 E Road
Momence IL 60954
Landholding Agency: GSA
Property Number: 54200710010
Status: Excess
GSA Number: 1–U–IL–0695
Comments: 3 acres, access to property via easement through adjacent landowner property

Iowa

Keokuk Radio Repeater Site
Tract 103
Lee IA 52632
Landholding Agency: GSA
Property Number: 54200730008
Status: Surplus
GSA Number: 7–D–IA–0507
Comments: 4.05 acres w/antenna tower, equipment shelter, subject to existing easements

Suitable/Unavailable Properties

Land

Iowa

Kingston Radio Repeater Site
Tract 102
Des Moines IA 52637
Landholding Agency: GSA
Property Number: 54200730009
Status: Surplus
GSA Number: 7–D–IA–0506
Comments: 4.05 acres w/antenna tower, equipment shelter, subject to existing easements

Saverton Radio Repeater Site
Tract 104
Ralls IA 63401
Landholding Agency: GSA
Property Number: 54200730010
Status: Surplus
GSA Number: 7–D–MO–0679
Comments: 4.05 acres w/antenna tower, equipment shelter, subject to existing easements

38 acres
VA Medical Center
1515 West Pleasant St.
Knoxville Co: Marion IA 50138
Landholding Agency: VA
Property Number: 97199740001
Status: Unutilized
Comments: Golf course

Suitable/Unavailable Properties

Land

Kentucky

Tract S–2
3301 Leestown Road
Lexington Co: Fayette KY 40511
Landholding Agency: GSA
Property Number: 54200630016
Status: Excess
GSA Number: 4–J–KY–0622
Comments: 40.2 acres/hayfield, potential of sinkholes, potential contamination from adjacent site

Tract V—Parcel B
3301 Leestown Road
Lexington KY 40511
Landholding Agency: GSA
Property Number: 54200730002
Status: Excess
GSA Number: 4–G–KY–0528–1B
Comments: 52 acres w/landfill monitored by Bureau of Prisons IAW Kentucky Dept. of Env. Protection regulations

Michigan

VA Medical Center
5500 Armstrong Road
Battle Creek Co: Calhoun MI 49016
Landholding Agency: VA
Property Number: 97199010015
Status: Underutilized
Comments: 20 acres, used as exercise trails and storage areas, potential utilities.

Suitable/Unavailable Properties

Land

New Hampshire

Blackburn Tract
Harding St.
Berlin NH 03246
Landholding Agency: GSA
Property Number: 54200730012
Status: Surplus
GSA Number: 1–A–NH–0498–1A
Comments: 0.11 acre

New Mexico

Portion/Medical Center
2820 Ridgecrest
Albuquerque Co: Bernalillo NM 87103
Landholding Agency: GSA
Property Number: 54200620003
Status: Unutilized
GSA Number: 7–GR–NM–04212A
Comments: 7.4 acres—vacant land

Oklahoma

Tracts 107, 202
Candy Lake Project
Osage OK
Landholding Agency: GSA
Property Number: 54200710004
Status: Surplus
GSA Number: 7–D–OK–0529–1–F, U
Comments: 604.92 acres, cattle grazing

Suitable/Unavailable Properties

Land

Pennsylvania

VA Medical Center
New Castle Road
Butler Co: Butler PA 16001
Landholding Agency: VA
Property Number: 97199010016
Status: Underutilized
Comments: Approx. 9.29 acres, used for patient recreation, potential utilities.

Land No. 645
VA Medical Center
Highland Drive
Pittsburgh Co: Allegheny PA 15206
Landholding Agency: VA
Property Number: 97199010080
Status: Unutilized
Directions:
Between Campania and Wiltsie Streets.
Comments: 90.3 acres, heavily wooded, property includes dump area and numerous site storm drain outfalls.

Land—34.16 acres
VA Medical Center
1400 Black Horse Hill Road
Coatesville Co: Chester PA 19320
Landholding Agency: VA
Property Number: 97199340001
Status: Underutilized
Comments: 34.16 acres, open field, most recent use—recreation/buffer

Suitable/Unavailable Properties

Land

Tennessee

Army Rsv Training Area
6510 Bonny Oaks Dr.
Chattanooga Co: Hamilton TN 37416
Landholding Agency: GSA
Property Number: 54200630006
Status: Surplus
GSA Number: 4–D–TN–05946A
Comments: 80+ acres, contains 5.6 acre retention pond, easements present, may flood periodically

Unsuitable Properties

Building

Alabama

Bldg. 7
VA Medical Center
Tuskegee Co: Macon AL 36083
Landholding Agency: VA
Property Number: 97199730001
Status: Underutilized
Reasons: Secured Area

Bldg. 8
VA Medical Center
Tuskegee Co: Macon AL 36083
Landholding Agency: VA
Property Number: 97199730002
Status: Underutilized
Reasons: Secured Area

Unsuitable Properties

Building

Alaska

Bldgs. B–1, B–2, B–3, B–4
McGrath Airport
McGrath AK 99627
Landholding Agency: Commerce
Property Number: 27200810003
Status: Excess
Reasons: Within airport runway clear zone

Admin. Site
624 Mill St.
Ketchikan Co: Gateway AK 99901
Landholding Agency: GSA
Property Number: 54200740004
Status: Excess
GSA Number: 9–I–AK–6296–1
Reasons: Within 2000 ft. of flammable or explosive material

Radar Tower
Potato Point Comm Site
Valdez AK
Landholding Agency: Coast Guard
Property Number: 88200710001
Status: Excess
Reasons: Secured Area
Within 2000 ft. of flammable or explosive material
Not accessible by road

Unsuitable Properties

Building

Alaska

Radar Tower
Spit Site Comm Site
Valdez AK
Landholding Agency: Coast Guard
Property Number: 88200710002
Status: Excess
Reasons: Secured Area

Bldgs. K07, K15
Air Station
Sitka AK 99835
Landholding Agency: Coast Guard
Property Number: 88200730001
Status: Unutilized
Reasons: Extensive deterioration

Arizona

Bldg. 1509
National Park
Grand Canyon AZ 86023
Landholding Agency: Interior
Property Number: 61200740002
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

California

Bldgs. M03, M014, M017
Sandia National Lab
Livermore Co: Alameda CA 94550
Landholding Agency: Energy
Property Number: 41200220001
Status: Excess
Reasons: Extensive deterioration

Bldgs. C920, C921, C922
Sandia Natl Laboratories
Livermore Co: Alameda CA 94551
Landholding Agency: Energy
Property Number: 41200540001
Status: Unutilized
Reasons: Secured Area
Extensive deterioration

Bldg. 175
Livermore National Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200630001
Status: Excess
Reasons: Secured Area
Within 2000 ft. of flammable or explosive material

Unsuitable Properties

Building

California

Trailer 1403
Livermore National Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200630003
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material
Secured Area

Trailer 3703
Livermore National Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200630004
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material
Secured Area

Bldg. 363
National Laboratory
Livermore CA
Landholding Agency: Energy
Property Number: 41200710001
Status: Excess
Reasons: Secured Area

Unsuitable Properties

Building

California

Bldgs. 436, 446
National Laboratory
Livermore CA
Landholding Agency: Energy
Property Number: 41200710002
Status: Excess
Reasons: Secured Area

Bldg. 3520
National Laboratory
Livermore CA
Landholding Agency: Energy
Property Number: 41200710003
Status: Excess
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

Bldgs. 4182, 4184, 4187
National Laboratory
Livermore CA
Landholding Agency: Energy
Property Number: 41200710004
Status: Excess
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

Unsuitable Properties

Building

California

Bldg. 5974
National Laboratory
Livermore CA
Landholding Agency: Energy
Property Number: 41200710005
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material Secured Area

Bldgs. 194A, 198
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200720007
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material Secured Area

Bldgs. 213, 280
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200720008
Status: Excess
Reasons: Secured Area Within 2000 ft. of flammable or explosive material

Unsuitable Properties

Building

California

Bldgs. 312, 345
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200720009
Status: Excess
Reasons: Secured Area Within 2000 ft. of flammable or explosive material

Bldgs. 2177, 2178
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200720010
Status: Excess

Reasons: Secured Area Within 2000 ft. of flammable or explosive material

Bldgs. 2687, 3777
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200720011
Status: Excess
Reasons: Secured Area Within 2000 ft. of flammable or explosive material

Unsuitable Properties

Building

California

Bldgs. 263, 419
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200720012
Status: Excess
Reasons: Secured Area Within 2000 ft. of flammable or explosive material

Bldgs. 1401, 1402, 1404
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200720013
Status: Excess
Reasons: Secured Area Within 2000 ft. of flammable or explosive material

Bldgs. 1405, 1406, 1407
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200720014
Status: Excess
Reasons: Secured Area Within 2000 ft. of flammable or explosive material

Unsuitable Properties

Building

California

Bldgs. 1408, 1413, 1456
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200720015
Status: Excess
Reasons: Secured Area Within 2000 ft. of flammable or explosive material

Bldg. 2684
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200720016
Status: Excess
Reasons: Secured Area Within 2000 ft. of flammable or explosive material

Bldg. CM46A
Sandia Natl Lab
Livermore CA 94551
Landholding Agency: Energy
Property Number: 41200730005
Status: Excess
Reasons: Secured Area

Unsuitable Properties

Building

California

Bldgs. 445, 534
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200740001
Status: Excess
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

4 Bldgs.
Lawrence Livermore Natl Lab 802A, 811, 830, 854A
Livermore CA
Landholding Agency: Energy
Property Number: 41200740002
Status: Excess
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

Bldgs. 8806, 8710, 8711
Lawrence Livermore Natl Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200740003
Status: Excess
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

Unsuitable Properties

Building

California

Bldgs. 1492, 1526, 1579
Lawrence Livermore
National Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200740005
Status: Excess
Reasons: Secured Area

Bldgs. 1601, 1632
Lawrence Livermore
National Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200740006
Status: Excess
Reasons: Secured Area

Bldgs. 2552, 2685, 2728
Lawrence Livermore
National Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200740007
Status: Excess
Reasons: Secured Area

Unsuitable Properties

Building

California

Bldgs. 2801, 2802
Lawrence Livermore
National Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200740008
Status: Excess
Reasons: Secured Area

Bldgs. 3175, 3751, 3775
Lawrence Livermore
National Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200740009
Status: Excess
Reasons: Secured Area

4 Bldgs.
Lawrence Livermore
National Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200740010
Status: Excess
Directions: 4161, 4316, 4384, 4388
Reasons: Secured Area

Unsuitable Properties

Building

California

Bldgs. 4406, 4475
Lawrence Livermore
National Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200740011
Status: Excess
Reasons: Secured Area

Bldgs. 4905, 4906, 4926
Lawrence Livermore
National Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200740012
Status: Excess
Reasons: Secured Area

Bldg. 5425
Lawrence Livermore
National Lab
Livermore CA
Landholding Agency: Energy
Property Number: 41200740013
Status: Excess
Reasons: Secured Area

Unsuitable Properties

Building

California

Bldg. 358
Sequoia National Park
Three Rivers CA 93271
Landholding Agency: Interior
Property Number: 61200710003
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 800
National Park
Yosemite CA 95389
Landholding Agency: Interior
Property Number: 61200740003
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 2533
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200520005
Status: Excess
Reasons: Extensive deterioration Secured Area

Unsuitable Properties

Building

California

Bldg. 13111
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200520006
Status: Excess
Reasons: Extensive deterioration Secured Area

Bldgs. 53325, 53326
Marine Corps Base

Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200520007
Status: Excess
Reasons: Extensive deterioration Secured Area

5 Bldgs.
Marine Corps Base
53421, 53424 thru 53427
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200520008
Status: Excess
Reasons: Extensive deterioration Secured Area

Unsuitable Properties

Building

California

Bldgs. 61311, 61313, 61314
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200520009
Status: Excess
Reasons: Extensive deterioration Secured Area

Bldgs. 61320–61324, 61326
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200520010
Status: Excess
Reasons: Extensive deterioration Secured Area

Bldgs. 62711 thru 62717
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200520011
Status: Excess
Reasons: Extensive deterioration Secured Area

Unsuitable Properties

Building

California

Bldgs. 4
Naval Submarine Base
Point Loma CA
Landholding Agency: Navy
Property Number: 77200520014
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 8915, 8931
Naval Weapons Station
Seal Beach CA 90740
Landholding Agency: Navy
Property Number: 77200530004
Status: Excess
Reasons: Extensive deterioration

Bldgs. 11, 112
Naval Weapons Station
Seal Beach CA 90740
Landholding Agency: Navy
Property Number: 77200530005
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 805
Naval Weapons Station
Seal Beach CA 90740
Landholding Agency: Navy
Property Number: 77200530006
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

California

Bldgs. 810 thru 823
Naval Weapons Station
Seal Beach CA 90740
Landholding Agency: Navy
Property Number: 77200530007
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 851, 859, 864
Naval Weapons Station
Seal Beach CA 90740
Landholding Agency: Navy
Property Number: 77200530008
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 1146
Naval Base
Port Hueneme Co: Ventura CA 93042
Landholding Agency: Navy
Property Number: 77200530009
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 1370, 1371, 1372
Naval Base
Port Hueneme Co: Ventura CA 93042
Landholding Agency: Navy
Property Number: 77200530011
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

California

Bldg. 115
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200530012
Status: Excess
Reasons: Extensive deterioration

Bldg. 1674
Marine Corps Base
Camp Pendleton, CA 92055
Landholding Agency: Navy
Property Number: 77200530027
Status: Excess
Reasons: Extensive deterioration, Secured Area

Bldgs. 2636, 2651, 2658
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200530028
Status: Excess
Reasons: Extensive deterioration, Secured Area

Unsuitable Properties

Building

California

4 Bldgs.
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200530029
Status: Excess
Directions: 26053, 26054, 26056, 26059
Reasons: Extensive deterioration, Secured Area

Bldgs. 53333, 53334
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200530030
Status: Excess
Reasons: Extensive deterioration, Secured Area

Bldgs. 53507, 53569
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200530031
Status: Excess
Reasons: Secured Area, Extensive deterioration

Unsuitable Properties

Building

California

Bldg. 170111
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200530032
Status: Excess
Reasons: Extensive deterioration, Secured Area

Bldg. PM4–3
Naval Base
Oxnard Co: Ventura CA 93042
Landholding Agency: Navy
Property Number: 77200530033
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 1781
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200540001
Status: Excess
Reasons: Extensive deterioration, Secured Area

Unsuitable Properties

Building

California

Bldgs. 398, 399, 404
Naval Base Point Loma
San Diego CA
Landholding Agency: Navy
Property Number: 77200540003
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 388, 389, 390, 391
Naval Base Point Loma
San Diego CA
Landholding Agency: Navy
Property Number: 77200540004
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 16
Naval Submarine Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200540017
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Extensive deterioration, Secured Area

Unsuitable Properties

Building

California

Bldg. 325
Naval Base
Port Hueneme Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200610001
Status: Unutilized
Reasons: Within airport runway clear zone, Extensive deterioration, Secured Area

Bldgs. 1647, 1648
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200610010
Status: Excess
Reasons: Extensive deterioration

Bldg. 1713
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200610011
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

California

Bldg. 220189
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200610014
Status: Excess
Reasons: Extensive deterioration

Bldg. 2295
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200610015
Status: Excess
Reasons: Extensive deterioration

Bldgs. 22115, 22116, 22117
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200610016
Status: Excess
Reasons: Extensive deterioration

Bldg. 143
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200610017
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

California

Bldgs. 213, 243, 273
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200610018
Status: Excess
Reasons: Extensive deterioration

Bldg. 303
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200610019
Status: Excess
Reasons: Extensive deterioration

Bldg. 471
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200610020
Status: Excess
Reasons: Extensive deterioration

Bldgs. 979, 928, 930
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200610021
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

California

Bldgs. 999, 1000
Naval Air Station
Lemoore CA
Landholding Agency: Navy
Property Number: 77200610022
Status: Excess
Reasons: Extensive deterioration

Bldgs. 305, 353
Naval Base Point Loma
San Diego CA
Landholding Agency: Navy
Property Number: 77200610023
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 358, 359, 360, 361
Naval Base Point Loma
San Diego CA
Landholding Agency: Navy
Property Number: 77200610024
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 581
Naval Base Point Loma
San Diego CA
Landholding Agency: Navy
Property Number: 77200610026
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

California

Bldgs. A25, A27
Naval Base Point Loma
San Diego CA
Landholding Agency: Navy
Property Number: 77200610027
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 31926, 31927, 31928
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200610058
Status: Excess
Reasons: Extensive deterioration

Bldg. 41326
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200610059
Status: Excess
Reasons: Extensive deterioration

Bldg. 41816
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200610060
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

California

Bldgs. 1468, 1469
Naval Base
Port Hueneme Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200630002
Status: Unutilized
Reasons: Secured Area

Bldg. 30869
Naval Air Weapons Station
China Lake CA 93555
Landholding Agency: Navy
Property Number: 77200630005
Status: Excess
Reasons: Extensive deterioration, Secured Area

Bldgs. 2–8, 3–10
Naval Base
Port Mugu Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200630009
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Unsuitable Properties

Building

California

Bldgs. 6–11, 6–12, 6–819
Naval Base
Port Mugu Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200630010
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Bldg. 85
Naval Base
Port Mugu Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200630011
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Bldgs. 120, 123
Naval Base
Port Mugu Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200630012
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Unsuitable Properties

Building

California

Bldg. 724
Naval Base
Port Mugu Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200630013
Status: Unutilized

Reasons: Extensive deterioration, Secured Area

Bldg. 764
Naval Base
Port Mugu Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200630014
Status: Unutilized
Reasons: Secured Area

Bldg. 115
Naval Base
Port Hueneme Co: Ventura CA 93042
Landholding Agency: Navy
Property Number: 77200630015
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Unsuitable Properties

Building

California

Bldg. 323
Naval Base
Port Hueneme Co: Ventura CA 93042
Landholding Agency: Navy
Property Number: 77200630016
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Bldg. 488
Naval Base
Port Hueneme Co: Ventura CA 93042
Landholding Agency: Navy
Property Number: 77200630017
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Bldg. 842
Naval Base
Port Hueneme Co: Ventura CA 93042
Landholding Agency: Navy
Property Number: 77200630018
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Unsuitable Properties

Building

California

Bldg. 927
Naval Base
Port Hueneme Co: Ventura CA 93042
Landholding Agency: Navy
Property Number: 77200630019
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Bldg. 1150
Naval Base
Port Hueneme Co: Ventura CA 93042
Landholding Agency: Navy
Property Number: 77200630020
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Bldg. 1361
Naval Base
Port Hueneme Co: Ventura CA 93042
Landholding Agency: Navy
Property Number: 77200630021
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Unsuitable Properties

Building

California

Bldg. PH546
Naval Base
Port Hueneme Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200640027
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Bldg. PH425
Naval Base
Port Hueneme Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200710001
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Bldg. PM 134
Naval Base
Point Mugu Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200710023
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Unsuitable Properties

Building

California

Bldgs. PH837, PH1372
Naval Base
Port Hueneme Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200710024
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Bldg. 523107
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200710025
Status: Excess
Reasons: Extensive deterioration

6 Bldgs.
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200710026
Status: Excess
Directions: 523112, 523113, 523114, 523115, 523116, 523117
Reasons: Extensive deterioration

Unsuitable Properties

Building

California

6 Bldgs.
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200710027
Status: Excess
Directions: 523122, 523123, 523124, 523125, 523126, 523127
Reasons: Extensive deterioration

6 Bldgs.
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200710028
Status: Excess
Directions: 523132, 523133, 523134, 523135, 523136, 523137
Reasons: Extensive deterioration

6 Bldgs.
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200710029
Status: Excess
Directions: 523142, 523143, 523144, 523145, 523146, 523147
Reasons: Extensive deterioration

Unsuitable Properties

Building

California

Bldgs. 523156, 523157
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200710030
Status: Excess
Reasons: Extensive deterioration

Bldg. 30726
Naval Air Weapons
China Lake CA 93555
Landholding Agency: Navy
Property Number: 77200710047
Status: Excess
Reasons: Secured Area

Bldgs. PH284, PH339
Naval Base
Port Hueneme Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200720001
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Unsuitable Properties

Building

California

Bldgs. PH805, PH1179
Naval Base
Port Hueneme Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200720002
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldgs. PH1207, PH1264, PH1288
Naval Base
Port Hueneme Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200720003
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldgs. PM 3–53, PM129, PM402
Naval Base
Port Mugu Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200720004
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Unsuitable Properties

Building

California

Bldg. LP908

Naval Base
Laguna Peak
Port Mugu Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200720005
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. PM790
Naval Base
Oxnard CA 93043
Landholding Agency: Navy
Property Number: 77200720006
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 53402
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200720007
Status: Excess
Reasons: Secured Area, Extensive deterioration

Unsuitable Properties

Building

California

Bldg. 307
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200720009
Status: Excess
Reasons: Secured Area

Bldg. 3135
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200720010
Status: Excess
Reasons: Secured Area

Bldgs. 30727, 31409
Naval Air Weapons Station
China Lake CA 93555
Landholding Agency: Navy
Property Number: 77200720011
Status: Excess
Reasons: Secured Area

Bldgs. 60142, 60158
Naval Base Coronado
San Clemente Island CA
Landholding Agency: Navy
Property Number: 77200720012
Status: Unutilized
Reasons: Not accessible by road, Extensive deterioration

Unsuitable Properties

Building

California

Bldgs. 60160, 60162, 60164
Naval Base Coronado
San Clemente Island CA
Landholding Agency: Navy
Property Number: 77200720013
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 60203, 60210, 60211
Naval Base Coronado
San Clemente Island CA
Landholding Agency: Navy
Property Number: 77200720014
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 60214, 60215
Naval Base Coronado
San Clemente Island CA
Landholding Agency: Navy
Property Number: 77200720015
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 60227, 60243, 60250
Naval Base Coronado
San Clemente Island CA
Landholding Agency: Navy
Property Number: 77200720016
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

California

Bldg. 60313
Naval Base Coronado
San Clemente Island CA
Landholding Agency: Navy
Property Number: 77200720017
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 404
Naval Air Station
North Island CA
Landholding Agency: Navy
Property Number: 77200720032
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 3267
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200720039
Status: Unutilized
Reasons: Secured Area

Bldgs. 11090, 98033
Naval Air Weapons
China Lake CA 93555
Landholding Agency: Navy
Property Number: 77200720054
Status: Excess
Reasons: Secured Area
Extensive deterioration

Unsuitable Properties

Building

California

Bldgs. 41314, 41362
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200720055
Status: Excess
Reasons: Extensive deterioration

Bldgs. 192, 193, 410
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200720063
Status: Excess
Reasons: Secured Area

Bldg. 415
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200730013
Status: Unutilized
Reasons: Secured Area

Bldgs. 3363, 3364
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200730014
Status: Unutilized
Reasons: Secured Area

Unsuitable Properties

Building

California

4 Bldgs.
Naval Base 3185D, 3222, 3251, 3309
San Diego CA
Landholding Agency: Navy
Property Number: 77200730015
Status: Unutilized
Reasons: Secured Area

Portion/Bldg. T17
Naval Base Point Loma
San Diego CA
Landholding Agency: Navy
Property Number: 77200730016
Status: Underutilized
Reasons: Secured Area

Bldg. 297
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200730017
Status: Unutilized
Reasons: Secured Area

Unsuitable Properties

Building

California

Bldgs. 13, 87
Naval Air Station
Coronado Co: San Diego CA
Landholding Agency: Navy
Property Number: 77200730022
Status: Excess
Reasons: Extensive deterioration, Secured Area

Bldg. 243
Naval Air Station
Coronado Co: San Diego CA
Landholding Agency: Navy
Property Number: 77200730023
Status: Excess
Reasons: Secured Area, Extensive deterioration

Bldg. 381
Naval Air Station
Coronado Co: San Diego CA
Landholding Agency: Navy
Property Number: 77200730024
Status: Excess
Reasons: Secured Area

Unsuitable Properties

Building

California

4 Bldgs.
Naval Air Station 493, 663, 682, 784
Coronado Co: San Diego CA
Landholding Agency: Navy
Property Number: 77200730025
Status: Excess
Reasons: Extensive deterioration, Secured Area

Bldg. 809

Naval Air Station
Landholding Agency: Navy
Property Number: 77200730026
Status: Excess
Reasons: Secured Area

Bldg. 983
Naval Air Station
Coronado Co: San Diego CA
Landholding Agency: Navy
Property Number: 77200730027
Status: Excess
Reasons: Secured Area

Unsuitable Properties

Building

California

Bldg. 1459
Naval Air Station
Landholding Agency: Navy
Property Number: 77200730028
Status: Excess
Reasons: Extensive deterioration, Secured Area

Bldg. 334
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200730029
Status: Excess
Reasons: Secured Area

Bldgs. 124, 148
Naval Air Station
North Island CA
Landholding Agency: Navy
Property Number: 77200740002
Status: Excess
Reasons: Secured Area

Bldgs. 314, 341, 636
Naval Air Station
North Island CA
Landholding Agency: Navy
Property Number: 77200740003
Status: Excess
Reasons: Secured Area

Unsuitable Properties

Building

California

Bldgs. 710, 802, 826
Naval Air Station
North Island CA
Landholding Agency: Navy
Property Number: 77200740004
Status: Excess
Reasons: Secured Area

Bldgs. 60139, 60180
Naval Air Station
San Clemente CA
Landholding Agency: Navy
Property Number: 77200740005
Status: Excess
Reasons: Secured Area

Bldgs. 41313, 41314
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200740006
Status: Excess
Reasons: Extensive deterioration, Secured Area

Unsuitable Properties

Building

California

4 Bldgs.
Marine Corps Base
41359, 41362, 41365, 41366
Camp Pendleton, CA 92055
Landholding Agency: Navy
Property Number: 77200740007
Reasons: Secured Area, Extensive deterioration

Bldg. 43976
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200740008
Status: Excess
Reasons: Extensive deterioration, Secured Area

Bldgs. 53440, 53831
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200740009
Status: Excess
Reasons: Extensive deterioration, Secured Area

Unsuitable Properties

Building

California

Bldg. 410365
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200740010
Status: Excess
Reasons: Extensive deterioration, Secured Area

Bldg. 259
Naval Air Station
North Island CA
Landholding Agency: Navy
Property Number: 77200740015
Status: Excess
Reasons: Secured Area, Extensive deterioration

Bldg. 41356
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200740017
Status: Excess
Reasons: Secured Area, Extensive deterioration

Unsuitable Properties

Building

California

Bldg. 84
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200740018
Status: Excess
Reasons: Secured Area

Bldgs. 2537, 2538
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200810009
Status: Excess
Reasons: Extensive deterioration

Bldgs. 43286, 43287
Marine Corps Base
Camp Pendleton CA 92055
Landholding Agency: Navy
Property Number: 77200810010
Status: Excess
Reasons: Extensive deterioration

Bldg. 33007
Naval Air Weapons Station
China Lake CA
Landholding Agency: Navy
Property Number: 77200810011
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Unsuitable Properties

Building

California

Quarters/Garages
Lighthouse Station
Trinidad CA 95570
Landholding Agency: Coast Guard
Property Number: 88200720001
Status: Unutilized
Reasons: Extensive deterioration

Connecticut

Bldgs. 25 and 26
Prospect Hill Road
Windsor Co: Hartford CT 06095
Landholding Agency: Energy
Property Number: 41199440003
Status: Excess
Reasons: Secured Area

9 Bldgs.
Knolls Atomic Power Lab, Windsor Site
Windsor Co: Hartford CT 06095
Landholding Agency: Energy
Property Number: 41199540004
Status: Excess
Reasons: Secured Area

Bldg. 8, Windsor Site
Knolls Atomic Power Lab
Windsor Co: Hartford CT 06095
Landholding Agency: Energy
Property Number: 41199830006
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

District of Columbia

Bldg. 396
Naval Support Facility
Anacostia Annex DC 20373
Landholding Agency: Navy
Property Number: 77200630008
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Florida

Tract 105–07
Peter Heebner Home
New Smyrna Beach FL
Landholding Agency: Interior
Property Number: 61200710004
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 421, 422
Everglades National Park
Flamingo District

Monroe FL
Landholding Agency: Interior
Property Number: 61200720012
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Florida

Bldg. 701
Everglades National Park
Chekika
Monroe FL
Landholding Agency: Interior
Property Number: 61200720018
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 714A, 717
Everglades National Park
Chekika
Monroe FL
Landholding Agency: Interior
Property Number: 61200720019
Status: Unutilized
Reasons: Extensive deterioration

Waste Water Treatment Plant
Everglades National Park
Chekika
Monroe FL
Landholding Agency: Interior
Property Number: 61200720020
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Florida

Bldg. U–150
Naval Air Station
Key West Co: Monroe FL 33040
Landholding Agency: Navy
Property Number: 77200520044
Status: Excess
Reasons: Secured Area, Extensive deterioration

Bldgs. V1221 A
Naval Air Station
Sigsbee Park
Key West Co: Monroe FL 33040
Landholding Agency: Navy
Property Number: 77200530013
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Bldg. 969
Naval Air Station
Jacksonville Co: Duval FL 32212
Landholding Agency: Navy
Property Number: 77200540014
Status: Unutilized
Reasons: Secured Area

Unsuitable Properties

Building

Florida

Bldgs. 1759, 1760
Naval Air Station
Jacksonville Co: Duval FL
Landholding Agency: Navy
Property Number: 77200540015
Status: Unutilized
Reasons: Secured Area

Bldg. 1917
Naval Air Station
Jacksonville Co: Duval FL 32212
Landholding Agency: Navy
Property Number: 77200540016
Status: Unutilized
Reasons: Secured Area

Bldgs. 1, 2
Naval Station
Mayport Co: Duval FL 32228
Landholding Agency: Navy
Property Number: 77200540018
Status: Excess
Reasons: Floodway, Secured Area, Extensive deterioration

Unsuitable Properties

Building

Florida

Bldg. 24
Naval Station
Mayport Co: Duval FL 32228
Landholding Agency: Navy
Property Number: 77200540019
Status: Excess
Reasons: Secured Area, Floodway, Extensive deterioration

Bldg. 66
Naval Station
Mayport Co: Duval FL 32228
Landholding Agency: Navy
Property Number: 77200540020
Status: Excess
Reasons: Extensive deterioration, Floodway, Secured Area

Bldg. 216
Naval Station
Mayport Co: Duval FL 32228
Landholding Agency: Navy
Property Number: 77200540021
Status: Excess
Reasons: Floodway, Secured Area, Extensive deterioration

Unsuitable Properties

Building

Florida

Bldgs. 437, 450
Naval Station
Mayport Co: Duval FL 32228
Landholding Agency: Navy
Property Number: 77200540022
Status: Excess
Reasons: Extensive deterioration, Floodway, Secured Area

Bldgs. 1234, 1235
Naval Station
Mayport Co: Duval FL 32228
Landholding Agency: Navy
Property Number: 77200540023
Status: Excess
Reasons: Floodway, Secured Area, Extensive deterioration

Bldg. 212
Naval Station
Mayport Co: Duval FL 32228
Landholding Agency: Navy
Property Number: 77200620011
Status: Unutilized
Reasons: Floodway, Extensive deterioration, Secured Area

Unsuitable Properties

Building

Florida

Bldg. 508
Naval Station
Mayport FL 32228
Landholding Agency: Navy
Property Number: 77200620035
Status: Unutilized
Reasons: Floodway, Secured Area

Bldg. 834
Naval Air Station
Pensacola Co: Escambia FL 32508
Landholding Agency: Navy
Property Number: 77200630022
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 2658
Naval Air Station
Pensacola Co: Escambia FL 32508
Landholding Agency: Navy
Property Number: 77200630023
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 3483
Naval Air Station
Pensacola Co: Escambia FL 32508
Landholding Agency: Navy
Property Number: 77200630024
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Florida

Bldg. 6144
Naval Air Station
Pensacola Co: Escambia FL 32508
Landholding Agency: Navy
Property Number: 77200630025
Status: Unutilized
Reasons: Extensive deterioration

Bldg. F11
Naval Air Station
Key West FL 33040
Landholding Agency: Navy
Property Number: 77200630026
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Bldgs. A225, A409
Naval Air Station
Key West FL 33040
Landholding Agency: Navy
Property Number: 77200630027
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Unsuitable Properties

Building

Florida

Bldg. A515
Naval Air Station
Key West FL 33040
Landholding Agency: Navy
Property Number: 77200630028
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Bldg. A635
Naval Air Station

Key West FL 33040
Landholding Agency: Navy
Property Number: 77200630029
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Bldgs. A993, A994
Naval Air Station
Key West FL 33040
Landholding Agency: Navy
Property Number: 77200630030
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Unsuitable Properties

Building

Florida

Bldg. A1068
Naval Air Station
Key West FL 33040
Landholding Agency: Navy
Property Number: 77200630031
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Bldg. A4021
Naval Air Station
Key West FL 33040
Landholding Agency: Navy
Property Number: 77200630032
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Bldg. 4080
Naval Air Station
Key West FL 33040
Landholding Agency: Navy
Property Number: 77200630033
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Unsuitable Properties

Building

Florida

88 Facilities
Saufley Field
Pensacola FL 32508
Landholding Agency: Navy
Property Number: 77200740016
Status: Unutilized
Reasons: Within airport runway clear zone

Georgia

Bldg. 5101
Naval Submarine Base
Kings Bay Co: Camden GA 31547
Landholding Agency: Navy
Property Number: 77200520004
Status: Unutilized
Reasons: Secured Area, Floodway, Extensive deterioration

Bldg. 0038
Naval Submarine Base
Kings Bay GA 31547
Landholding Agency: Navy
Property Number: 77200620036
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Unsuitable Properties

Building

Georgia

7 Bldgs.
Marine Logistics Base
Albany GA
Landholding Agency: Navy
Property Number: 77200720040
Status: Excess
Directions: 7100, 7106, 7108, 7110, 5584, 7964, 7966
Reasons: Secured Area

Guam

Bldg. B–32
Naval Forces
Marianas GU
Landholding Agency: Navy
Property Number: 77200520023
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 76, 77, 79
Naval Forces
Marianas GU
Landholding Agency: Navy
Property Number: 77200520024
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Guam

4 Bldgs.
Naval Forces 261, 262, 263, 269
Marianas GU
Landholding Agency: Navy
Property Number: 77200520025
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 404NM
Naval Forces
Marianas GU
Landholding Agency: Navy
Property Number: 77200520026
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 3150, 3268
Naval Forces
Marianas GU
Landholding Agency: Navy
Property Number: 77200520030
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 5409, 5412, 5413
Naval Forces
Marianas GU
Landholding Agency: Navy
Property Number: 77200520031
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Guam

Bldg. 5500
Naval Forces
Marianas GU
Landholding Agency: Navy
Property Number: 77200520032
Status: Unutilized
Reasons: Extensive deterioration

73 Bldgs.
Naval Computer Station
Marianas GU
Landholding Agency: Navy
Property Number: 77200520045
Status: Excess
Directions: A700–A716, A725, A728, A735, A741–A784, A803–A805, A811–A813, A829–A831
Reasons: Secured Area, Extensive deterioration

Bldgs. 2006, 2009
Naval Ship Repair Facility
Marianas GU
Landholding Agency: Navy
Property Number: 77200520048
Status: Excess
Reasons: Extensive deterioration, Secured Area

Unsuitable Properties

Building

Guam

Bldgs. 2014, 2916
Naval Ship Repair Facility
Marianas GU
Landholding Agency: Navy
Property Number: 77200520049
Status: Excess
Reasons: Extensive deterioration, Secured Area

Bldgs. 277, 308
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200610028
Status: Excess
Reasons: Secured Area

Bldgs. 1686, 1689, 1690
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200610029
Status: Excess
Reasons: Secured Area

Bldgs. 1714, 1767, 1768
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200610030
Status: Excess
Reasons: Secured Area

Unsuitable Properties

Building

Guam

Bldgs. 1771, 1772, 1773
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200610031
Status: Excess
Reasons: Secured Area

Bldgs. 1791, 1792
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200610032
Status: Excess
Reasons: Secured Area

Bldgs. 3000, 3001
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200610033

Status: Excess
Reasons: Secured Area

Bldgs. 3002, 3004, 3005
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200610034
Status: Excess
Reasons: Secured Area

Unsuitable Properties

Building

Guam

Bldgs. 3006, 3007
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200610035
Status: Excess
Reasons: Secured Area

Steam Plant
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200610036
Status: Excess
Reasons: Secured Area

Bldgs. 403, 404
Marianas Support Activity
Santa Rita Co: Naval Magazine GU
Landholding Agency: Navy
Property Number: 77200620013
Status: Unutilized
Reasons: Secured Area

Bldgs. 464, 729
Marianas Support Activity
Santa Rita Co: Naval Magazine GU
Landholding Agency: Navy
Property Number: 77200620014
Status: Unutilized
Reasons: Secured Area

Unsuitable Properties

Building

Guam

Bldgs. 836, 837
Marianas Support Activity
Santa Rita Co: Naval Magazine GU
Landholding Agency: Navy
Property Number: 77200620015
Status: Unutilized
Reasons: Extensive deterioration Secured Area

Bldg. 11XC7
Marianas Support Activity
Santa Rita Co: Naval Magazine GU
Landholding Agency: Navy
Property Number: 77200620016
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldgs. 23YC1, 23YC2, 23YC3
Marianas Support Activity
Santa Rita Co: Naval Magazine GU
Landholding Agency: Navy
Property Number: 77200620017
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Unsuitable Properties

Building

Guam

Bldgs. 23YC4, 23YC5
Marianas Support Activity
Santa Rita Co: Naval Magazine GU
Landholding Agency: Navy
Property Number: 77200620018
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldgs. 24YC7, 24YC8
Marianas Support Activity
Santa Rita Co: Naval Magazine GU
Landholding Agency: Navy
Property Number: 77200620019
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldgs. 26YC3, 26YC5
Marianas Support Activity
Santa Rita Co: Naval Magazine GU
Landholding Agency: Navy
Property Number: 77200620020
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Unsuitable Properties

Building

Guam

Old Bus Stop
Marianas Support Activity
Santa Rita Co: Naval Magazine GU
Landholding Agency: Navy
Property Number: 77200620021
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

2 Guard Houses
Marianas Support Activity
Santa Rita Co: Naval Magazine GU
Landholding Agency: Navy
Property Number: 77200620022
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

9 Magazines
Marianas Support Activity
Santa Rita Co: Naval Magazine GU
Landholding Agency: Navy
Property Number: 77200620023
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Unsuitable Properties

Building

Guam

Bldgs. 151, 152, 153
Naval Forces Marianas
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200630001
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 4
Naval Base
Barrigada GU
Landholding Agency: Navy
Property Number: 77200710002
Status: Unutilized
Reasons: Extensive deterioration

Bldg. C115
Naval Base
Barrigada GU
Landholding Agency: Navy
Property Number: 77200710003
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 160
Naval Base
Barrigada GU
Landholding Agency: Navy
Property Number: 77200710004
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Guam

Bldg. 176
Naval Base
Barrigada GU
Landholding Agency: Navy
Property Number: 77200710005
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 33
Naval Base
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200710006
Status: Excess
Reasons: Extensive deterioration

Bldg. 219
Naval Base
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200710007
Status: Excess
Reasons: Extensive deterioration

Bldg. 950
Naval Base
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200710008
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Guam

Bldg. 1769
Naval Base
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200710009
Status: Excess
Reasons: Extensive deterioration

Bldgs. 3186, 3187, 3188
Naval Base
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200710010
Status: Excess
Reasons: Extensive deterioration

Bldgs. 4408, 4409
Naval Base
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200710011
Status: Excess
Reasons: Extensive deterioration

Hazmat Storage

Naval Base
Polaris Point
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200710012
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Guam

Storage Bldg.
Naval Base
Polaris Point
Santa Rita Co: Apra Harbor GU
Landholding Agency: Navy
Property Number: 77200710013
Status: Excess
Reasons: Extensive deterioration

Hawaii

Bldg. 346
Naval Station
Pearl Harbor HI 96860
Landholding Agency: Navy
Property Number: 77200610002
Status: Excess
Reasons: Extensive deterioration

Bldg. 1428
Naval Station
Pearl Harbor HI
Landholding Agency: Navy
Property Number: 77200810013
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Idaho

Bldg. CPP–691
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41199610003
Status: Unutilized
Reasons: Secured Area

Bldg. TRA–669
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41199610013
Status: Unutilized
Reasons: Secured Area

Bldg. TRA–673
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41199610018
Status: Unutilized
Reasons: Secured Area

Bldg. PBF–620
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41199610019
Status: Unutilized
Reasons: Secured Area

Unsuitable Properties

Building

Idaho

Bldg. PBF–619
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41199610022
Status: Unutilized
Reasons: Secured Area

Bldg. TRA–641
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41199610034
Status: Unutilized
Reasons: Secured Area

Bldg. CF–606
Idaho National Engineering Laboratory
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41199610037
Status: Unutilized
Reasons: Secured Area

Bldgs. CPP638, CPP642
Idaho Natl Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200410014
Status: Excess
Reasons: Secured Area

Unsuitable Properties

Building

Idaho

Bldg. CPP 743
Idaho Natl Eng Lab
Scoville Co: Butte ID 83–415
Landholding Agency: Energy
Property Number: 41200410020
Status: Excess
Reasons: Secured Area

Bldgs. CPP1647, 1653
Idaho Natl Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200410022
Status: Excess
Reasons: Secured Area

Bldg. CPP1677
Idaho Natl Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200410023
Status: Excess
Reasons: Secured Area

Bldg. 694
Idaho Natl Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200410034
Status: Excess
Reasons: Secured Area

Unsuitable Properties

Building

Idaho

Bldgs. CPP1604–CPP1608
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430071
Status: Excess
Reasons: Secured Area

Bldgs. CPP1617-CPP1619
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430072
Status: Excess
Reasons: Secured Area

6 Bldgs.
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430073
Status: Excess
Directions: CPP1631, CPP1634, CPP1635, CPP1636, CPP1637, CPP1638
Reasons: Secured Area

Unsuitable Properties

Building

Idaho

5 Bldgs.
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430074
Status: Excess
Directions: CPP1642, CPP1643, CPP1644, CPP1646, CPP1649
Reasons: Secured Area

3 Bldgs.
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430075
Status: Excess
Directions: CPP1650, CPP1651, CPP1656
Reasons: Secured Area

5 Bldgs.
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430076
Status: Excess
Directions: CPP1662, CPP1663, CPP1671, CPP1673, CPP1674
Reasons: Secured Area

Unsuitable Properties

Building

Idaho

5 Bldgs.
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430077
Status: Excess
Directions: CPP1678, CPP1682, CPP1683, CPP1684, CPP1686
Reasons: Secured Area

5 Bldgs.
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430078
Status: Excess
Directions: CPP1713, CPP1749, CPP1750, CPP1767, CPP1769
Reasons: Secured Area

5 Bldgs.
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430079
Status: Excess
Directions: CPP1770, CPP1771, CPP1772, CPP1774, CPP1776
Reasons: Secured Area

Unsuitable Properties

Building

Idaho

4 Bldgs.
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430081
Status: Excess
Directions: CPP1789, CPP1790, CPP1792, CPP1794
Reasons: Secured Area

Bldgs. CPP2701, CPP2706
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430082
Status: Excess
Reasons: Secured Area

3 Bldgs.
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430089
Status: Excess
Directions: TRA603, TRA604, TRA610
Reasons: Secured Area

Unsuitable Properties

Building

Idaho

Bldg. TAN611
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430090
Status: Excess
Reasons: Secured Area

5 Bldgs.
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430091
Status: Excess
Directions: TRA626, TRA635, TRA642, TRA648, TRA654
Reasons: Secured Area

Bldg. TAN655
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430092
Status: Excess
Reasons: Secured Area

Unsuitable Properties

Building

Idaho

3 Bldgs.
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430093
Status: Excess
Directions: TRA657, TRA661, TRA668
Reasons: Secured Area

Bldg. TAN711
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430094
Status: Excess
Reasons: Secured Area

6 Bldgs.
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430095
Status: Excess
Directions: CPP602–CPP606, CPP609
Reasons: Secured Area

Unsuitable Properties

Building

Idaho

5 Bldgs.
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430096
Status: Excess
Directions: CPP611–CPP614, CPP616
Reasons: Secured Area

4 Bldgs.
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430097
Status: Excess
Directions: CPP621, CPP626, CPP630, CPP639
Reasons: Secured Area

4 Bldgs.
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430098
Status: Excess
Directions: CPP641, CPP644, CPP645, CPP649
Reasons: Secured Area

Unsuitable Properties

Building

Idaho

Bldgs. CPP651–CPP655
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200430099
Status: Excess
Reasons: Secured Area

Bldgs. CPP659–CPP663
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440001
Status: Excess
Reasons: Secured Area

Bldgs. CPP666, CPP668
Idaho Naitonal Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440002
Status: Excess
Reasons: Secured Area

Unsuitable Properties

Building

Idaho

1 Bldgs.
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440004
Status: Excess
Directions: CPP684
Reasons: Secured Area

5 Bldgs.
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440005
Status: Excess
Directions: CPP692, CPP694, CPP697–CPP699
Reasons: Secured Area

3 Bldgs.
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440006
Status: Excess
Directions: CPP701, CPP701A, CPP708
Reasons: Secured Area

Unsuitable Properties

Building

Idaho

Bldgs. 711, 719A
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440007
Status: Excess
Reasons: Secured Area

4 Bldgs.
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440008
Status: Excess
Directions: CPP724–CPP726, CPP728
Reasons: Secured Area

Bldg. CPP729/741
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440012
Status: Excess
Reasons: Secured Area

Unsuitable Properties

Building

Idaho

Bldgs. CPP733, CPP736
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440013
Status: Excess
Reasons: Secured Area

Bldgs. CPP740, CPP742
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440014
Status: Excess
Reasons: Secured Area

Bldgs. CPP746, CPP748
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440015
Status: Excess
Reasons: Secured Area

3 Bldgs.
Idaho National Eng Lab

CPP750, CPP751, CPP752
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440016
Status: Excess
Reasons: Secured Area

Unsuitable Properties

Building

Idaho

3 Bldgs.
Idaho National Eng Lab
CPOP753, CPP753A, CPP754
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property number: 41200440017
Status: Excess
Reasons: Secured Area

Bldgs. CPP760, CPP763
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440018
Status: Excess
Reasons: Secured Area

Bldgs. CPP764, CPP765
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440019
Status: Excess
Reasons: Secured Area

Bldgs. CPP767, CPP768
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440020
Status: Excess
Reasons: Secured Area

Unsuitable Properties

Building

Idaho

Bldgs. CPP791, CPP795
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440021
Status: Excess
Reasons: Secured Area

3 Bldgs.
Idaho National Eng Lab
CPP796, CPP797, CPP799
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440022
Status: Excess
Reasons: Secured Area

Bldgs. CPP701B, CPP719
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440023
Status: Excess
Reasons: Secured Area

Bldgs. CPP720A, CPP720B
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440024
Status: Excess
Reasons: Secured Area

Unsuitable Properties

Building

Idaho

Bldg. CPP1781
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440025
Status: Excess
Reasons: Secured Area

2 Bldgs.
Idaho National Eng Lab
CPP0000VES–UTI–111, VES–UTI–112
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440026
Status: Excess
Reasons: Secured Area

Bldgs. TAN704, TAN733
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440028
Status: Excess
Reasons: Secured Area

Bldgs. TAN1611, TAN1614
Idaho National Eng Lab
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200440029
Status: Excess
Reasons: Secured Area

Unsuitable Properties

Building

Idaho

Bldg. CF633
Idaho Natl Laboratory
Scoville Co: Butte ID 83415
Landholding Agency: Energy
Property Number: 41200520005
Status: Excess
Reasons: Extensive deterioration

8 Buildings
Palmer Residence
Montour ID
Landholding Agency: Interior
Property Number: 61200730004
Status: Unutilized
Reasons: Extensive deterioration

Illinois

Bldgs. 306A, B, C, TR–5
Argonne National Lab
Argonne IL 60439
Landholding Agency: Energy
Property Number: 41200720017
Status: Excess
Reasons: Secured Area

Trailers 092, 120, 121, 143
Fermi Natl Accelerator lab
Batavia IL 60510
Landholding Agency: Energy
Property Number: 41200740004
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Illinois

Bldg. 42
Naval Station
Great Lakes IL 60088
Landholding Agency: Navy
Property Number: 77200520055
Status: Excess
Reasons: Extensive deterioration, Secured Area

Bldgs. 25
Naval Station
Great Lakes IL 60088
Landholding Agency: Navy
Property Number: 77200530001
Status: Excess
Reasons: Extensive deterioration

Bldg. 42
Naval Station
Great Lakes IL 60088
Landholding Agency: Navy
Property Number: 77200530014
Status: Excess
Reasons: Secured Area, Extensive deterioration

Unsuitable Properties

Building

Illinois

Bldg. 2C
Naval Station
Great Lakes IL 60088–2900
Landholding Agency: Navy
Property Number: 77200540005
Status: Excess
Reasons: Secured Area

Bldg. 3312
Naval Station
Great Lakes IL 60085
Landholding Agency: Navy
Property Number: 77200640028
Status: Excess
Reasons: Secured Area

Bldg. 220
Naval Station
Great Lakes IL 60085
Landholding Agency: Navy
Property Number: 77200640029
Status: Excess
Reasons: Secured Area

Bldg. B–912
Naval Station
Great Lakes IL 60088
Landholding Agency: Navy
Property Number: 77200710042
Status: Excess
Reasons: Secured Area

Unsuitable Properties

Building

Indiana

Bldgs. 1871, 2636
Naval Support Activity
Crane Co: Martin IN 47522
Landholding Agency: Navy
Property Number: 77200530015
Status: Unutilized
Reasons: Extensive deterioration, Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 1820
Naval Support Activity
Crane Co: Martin IN 47522
Landholding Agency: Navy
Property Number: 77200540028
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 2694

Naval Support Activity
Crane Co: Martin IN 47522
Landholding Agency: Navy
Property Number: 77200540029
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Indiana

Bldg. 2796
Naval Support Activity
Crane Co: Martin IN 47522
Landholding Agency: Navy
Property Number: 77200620001
Status: Unutilized
Reasons: Extensive deterioration, Secured Area, Within 2000 ft. of flammable or explosive material

Bldg. 21, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97199230001
Status: Excess
Reasons: Extensive deterioration

Bldg. 22, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97199230002
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Indiana

Bldg. 62, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952
Landholding Agency: VA
Property Number: 97199230003
Status: Excess
Reasons: Extensive deterioration

Maryland

Bldg. 84NS
Naval Support Activity
Annapolis Co: Anne Arundel MD 21402
Landholding Agency: Navy
Property Number: 77200610038
Status: Unutilized
Reasons: Floodway, Within 2000 ft. of flammable or explosive material

Bldg. 2075
Naval Surface Warfare
Indian Head MD
Landholding Agency: Navy
Property Number: 77200630043
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Massachusetts

Bldg. 5202
USCG Air Station
Bourne MA 02540
Landholding Agency: Coast Guard
Property Number: 88200810002
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Westview Street Wells
Lexington MA 02173
Landholding Agency: VA
Property Number: 97199920001
Status: Unutilized
Reasons: Extensive deterioration

Michigan

Admin. Bldg.
Station Saginaw River
Essexville Co: Bay MI 48732
Landholding Agency: Coast Guard
Property Number: 88200510001
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Unsuitable Properties

Building

Minnesota

House
Glacial Ridge 13997 Hwy 2W
Red Lake Falls MN
Landholding Agency: Interior
Property Number: 61200720004
Status: Excess
Reasons: Extensive deterioration

Mississippi

Bldg. 9
Construction Battalion Center
Gulfport MS
Landholding Agency: Navy
Property Number: 77200610039
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldgs. 22, 27, 41
Construction Battalion Center
Gulfport MS
Landholding Agency: Navy
Property Number: 77200610040
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Unsuitable Properties

Building

Mississippi

Bldgs. 108, 181, 183
Construction Battalion Center
Gulfport MS
Landholding Agency: Navy
Property Number: 77200610041
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 201
Construction Battalion Center
Gulfport MS
Landholding Agency: Navy
Property Number: 77200610042
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Bldgs. 270, 270A–1, 270A–2
Construction Battalion Center
Gulfport MS
Landholding Agency: Navy
Property Number: 77200610043
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Unsuitable Properties

Building

Mississippi

Bldgs. 375, 420
Construction Battalion Center
Gulfport MS
Landholding Agency: Navy
Property Number: 77200610044
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Bldgs. 95, 96
Naval Air Station
Meridian MS 39309
Landholding Agency: Navy
Property Number: 77200720046
Status: Unutilized
Reasons: Within airport runway clear zone, Secured Area, Within 2000 ft. of flammable or explosive material

Bldg. 167
Naval Air Station
Meridian MS 39309
Landholding Agency: Navy
Property Number: 77200720047
Status: Unutilized
Reasons: Secured Area

Unsuitable Properties

Building

Mississippi

Bldgs. 212, 228
Naval Air Station
Meridian MS 39309
Landholding Agency: Navy
Property Number: 77200720048
Status: Unutilized
Reasons: Secured Area

Bldgs. 266, 267
Naval Air Station
Meridian MS 39309
Landholding Agency: Navy
Property Number: 77200720049
Status: Unutilized
Reasons: Secured Area

Bldgs. 351, 445
Naval Air Station
Meridian MS 39309
Landholding Agency: Navy
Property Number: 77200720050
Status: Unutilized
Reasons: Secured Area

Bldgs. 182, 183
Naval Air Station
Meridian MS 39309
Landholding Agency: Navy
Property Number: 77200810014
Status: Unutilized
Reasons: Secured Area

Unsuitable Properties

Building

Mississippi

Bldgs. 222, 230, 326
Naval Air Station
Meridian MS 39309
Landholding Agency: Navy
Property Number: 77200810015
Status: Unutilized
Reasons: Secured Area

Bldg. 6, Boiler Plant
Biloxi VA Medical Center

Gulfport Co: Harrison MS 39531
Landholding Agency: VA
Property Number: 97199410001
Status: Unutilized
Reasons: Floodway

Bldg. 67
Biloxi VA Medical Center
Gulfport Co: Harrison MS 39531
Landholding Agency: VA
Property Number: 97199410008
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 68
Biloxi VA Medical Center
Gulfport Co: Harrison MS 39531
Landholding Agency: VA
Property Number: 97199410009
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Missouri

Bldg. 3
VA Medical Center
Jefferson Barracks Division
St. Louis MO 63125
Landholding Agency: VA
Property Number: 97200340001
Status: Underutilized
Reasons: Secured Area

Bldg. 4
VA Medical Center
Jefferson Barracks Division
St. Louis MO
Landholding Agency: VA
Property Number: 97200340002
Status: Underutilized
Reasons: Secured Area

Bldg. 27
VA Medical Center
Jefferson Barracks Division
St. Louis MO 63125
Landholding Agency: VA
Property Number: 97200340003
Status: Underutilized
Reasons: Secured Area

Unsuitable Properties

Building

Missouri

Bldg. 28
VA Medical Center
Jefferson Barracks Division
St. Louis MO 63125
Landholding Agency: VA
Property Number: 97200340004
Status: Underutilized
Reasons: Secured Area

Bldg. 29
VA Medical Center
Jefferson Barracks Division
St. Louis MO 63125
Landholding Agency: VA
Property Number: 97200340005
Status: Underutilized
Reasons: Secured Area

Bldg. 50
VA Medical Center
Jefferson Barracks Division
St. Louis MO 63125
Landholding Agency: VA
Property Number: 97200340006
Status: Underutilized
Reasons: Secured Area

Unsuitable Properties

Building

Nevada

28 Facilities
Nevada Test Site
Mercury Co: Nye NV 89023
Landholding Agency: Energy
Property Number: 41200310018
Status: Excess
Reasons: Other—contamination, Secured Area

31 Bldgs./Facilities
Nellis AFB
Tonopah Test Range
Tonopah Co: Nye NV 89049
Landholding Agency: Energy
Property Number: 41200330003
Status: Unutilized
Reasons: Secured Area

42 Bldgs.
Nellis Air Force Base
Tonopah Co: Nye NV 89049
Landholding Agency: Energy
Property Number: 41200410029
Status: Unutilized
Directions: 49–01, NM104, NM105, 03–35A–H, 03–35J–N, 03–36A–C, 03–36E–H, 03–36J–N, 03–36R, 03–37, 15036, 03–44A–D, 03–46, 03–47, 03–49, 03–88, 03–89, 03–90
Reasons: Secured Area

Unsuitable Properties

Building

Nevada

241 Bldgs.
Tonopah Test Range
Tonopah Co: Nye NV 89049
Landholding Agency: Energy
Property Number: 41200440036
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

10 Bldgs.
Nevada Test Site
Mercury Co: Nye NV 89023
Landholding Agency: Energy
Property Number: 41200610003
Status: Excess
Reasons: Secured Area

3 Bldgs.
Nevada Test Site
23–790, 06–CP50, 26–2107
Mercury Co: Nye NV 89023
Landholding Agency: Navy
Property Number: 77200510025
Status: Excess
Reasons: Other—contamination, Secured Area

Unsuitable Properties

Building

Nevada

Units 501–521
Naval Air Station
Fallon NV
Landholding Agency: Navy
Property Number: 77200710017
Status: Excess
Reasons: Secured Area

New Jersey

Bldgs. 475, 476
Naval Weapons Station
Colts Neck NJ 07722
Landholding Agency: Navy
Property Number: 77200810016
Status: Unutilized
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

Bldgs. D–1A, D–3, D–4
Naval Weapons Station
Colts Neck NJ 07722
Landholding Agency: Navy
Property Number: 77200810017
Status: Unutilized
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

Unsuitable Properties

Building

New Jersey

Bldgs. EA–1, EA–2, HA–1A
Naval Weapons Station
Colts Neck NJ 07722
Landholding Agency: Navy
Property Number: 77200810018
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. R–30, S–31, S–219
Naval Weapons Station
Colts Neck NJ 07722
Landholding Agency: Navy
Property Number: 77200810019
Status: Unutilized
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

New Mexico

Bldgs. 9252, 9268
Kirtland Air Force Base
Albuquerque Co: Bernalillo NM 87185
Landholding Agency: Energy
Property Number: 41199430002
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

New Mexico

Tech Area II
Kirtland Air Force Base
Albuquerque Co: Bernalillo NM 87105
Landholding Agency: Energy
Property Number: 41199630004
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 26, TA–33
Los Alamos National Laboratory
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41199810004
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Bldg. 2, TA–21
Los Alamos National Laboratory
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41199810004
Status: Unutilized
Reasons: Secured Area

Unsuitable Properties

Building

New Mexico

Bldg. 5, TA–21
Los Alamos National Laboratory
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41199810011
Status: Unutilized
Reasons: Secured Area

Bldg. 116, TA–21
Los Alamos National Laboratory
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41199810013
Status: Unutilized
Reasons: Secured Area

Bldg. 286, TA–21
Los Alamos National Laboratory
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41199810016
Status: Unutilized
Reasons: Secured Area

Unsuitable Properties

Building

New Mexico

Bldg. 516, TA–16
Los Alamos National Laboratory
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41199810021
Status: Unutilized
Reasons: Extensive deterioration, Secured Area, Within 2000 ft. of flammable or explosive material

Bldg. 517, TA–16
Los Alamos National Laboratory
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41199810022
Status: Unutilized
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material, Extensive deterioration

Bldg. 31
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41199930003
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Unsuitable Properties

Building

New Mexico

Bldg. 38, TA–14
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41199940004
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Bldg. 9, TA–15
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41199940006
Status: Unutilized
Reasons: Secured Area

Bldg. 141, TA–15
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41199940008
Status: Unutilized
Reasons: Secured Area

Bldg. 44, TA–15
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41199940009
Status: Unutilized
Reasons: Secured Area

Unsuitable Properties

Building

New Mexico

Bldg. 2, TA–18
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41199940010
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Bldg. 5, TA–18
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41199940011
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Bldg. 186, TA–18
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41199940012
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Unsuitable Properties

Building

New Mexico

Bldg. 188, TA–18
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41199940013
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Bldg. 44, TA–36
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41199940015
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 45, TA–36
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41199940016
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Unsuitable Properties

Building

New Mexico

Bldg. 258, TA–46
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41199940019
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

TA–3, Bldg. 208
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200010010
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

TA–14, Bldg. 5
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200010019
Status: Unutilized
Reasons: Secured Area

Unsuitable Properties

Building

New Mexico

TA–21, Bldg. 150
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200010020
Status: Unutilized
Reasons: Secured Area

Bldg. 149, TA–21
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200010024
Status: Unutilized
Reasons: Secured Area

Bldg. 312, TA–21
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200010025
Status: Unutilized
Reasons: Secured Area

Bldg. 313, TA–21
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200010026
Status: Unutilized
Reasons: Secured Area

Unsuitable Properties

Building

New Mexico

Bldg. 314, TA–21
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200010027
Status: Unutilized
Reasons: Secured Area

Bldg. 315, TA–21
Los Alamos National Lab
Los Alamos NM 87545

Landholding Agency: Energy
Property Number: 41200010028
Status: Unutilized
Reasons: Secured Area

Bldg. 1, TA–8
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200010029
Status: Unutilized
Reasons: Secured Area

Bldg. 2, TA–8
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200010030
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Unsuitable Properties

Building

New Mexico

Bldg. 3, TA–8
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200020001
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Bldg. 51, TA–9
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200020002
Status: Unutilized
Reasons: Secured Area

Bldg. 30, TA–14
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200020003
Status: Unutilized
Reasons: Secured Area

Bldg. 16, TA–3
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200020009
Status: Unutilized
Reasons: Secured Area

Unsuitable Properties

Building

New Mexico

Bldg. 48, TA–55
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200020017
Status: Unutilized
Reasons: Secured Area

Bldg. 125, TA–55
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200020018
Status: Unutilized
Reasons: Secured Area

Bldg. 162, TA–55
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200020019
Status: Unutilized
Reasons: Secured Area

Bldg. 22, TA–33
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200020022
Status: Unutilized
Reasons: Secured Area
Extensive deterioration

Unsuitable Properties

Building

New Mexico

Bldg. 23, TA–49
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200020023
Status: Unutilized
Reasons: Secured Area

Bldg. 37, TA–53
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200020024
Status: Unutilized
Reasons: Secured Area

Bldg. 121, TA–49
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200020025
Status: Unutilized
Reasons: Secured Area

Bldg. B117
Kirtland Operations
Albuquerque Co: Bernalillo NM 87117
Landholding Agency: Energy
Property Number: 41200220032
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

New Mexico

Bldg. B118
Kirtland Operations
Albuquerque Co: Bernalillo NM 87117
Landholding Agency: Energy
Property Number: 41200220033
Status: Excess
Reasons: Extensive deterioration

Bldg. B119
Kirtland Operations
Albuquerque Co: Bernalillo NM 87117
Landholding Agency: Energy
Property Number: 41200220034
Status: Excess
Reasons: Extensive deterioration

Bldg. 2, TA–11
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200240004
Status: Unutilized
Reasons: Secured Area

Bldg. 4, TA–41
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200240005
Status: Unutilized
Reasons: Secured Area

Unsuitable Properties

Building

New Mexico

Bldg. 116, TA–21
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200310003
Status: Unutilized
Reasons: Secured Area

Bldgs. 1, 2, 3, 4, 5, TA–28
Los Alamos National Lab
Los Alamos NM 87545
Landholding Agency: Energy
Property Number: 41200310004
Status: Unutilized
Reasons: Secured Area

Bldgs. 447, 1483
Los Alamos Natl Laboratory
Los Alamos NM
Landholding Agency: Energy
Property Number: 41200410002
Status: Excess
Reasons: Extensive deterioration
Secured Area

Bldg. 99650
Sandia National Laboratory
Albuquerque Co: Bernalillo NM 87185
Landholding Agency: Energy
Property Number: 41200510004
Status: Unutilized
Reasons: Secured Area

Unsuitable Properties

Building

New Mexico

Bldgs. 807, 6017 CAMU2&CAMU3
Sandia Natl Laboratories
Albuquerque NM 87185
Landholding Agency: Energy
Property Number: 41200730001
Status: Unutilized
Reasons: Secured Area

New York

Bldgs. 0087, 0100
Brookhaven Natl Laboratory
Upton NY 11973
Landholding Agency: Energy
Property Number: 41200720002
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 0134A, 0179A
Brookhaven Natl Laboratory
Upton NY 11973
Landholding Agency: Energy
Property Number: 41200720003
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Unsuitable Properties

Building

New York

Bldgs. 0210, 0211
Brookhaven Natl Laboratory
Upton NY 11973
Landholding Agency: Energy

Property Number: 41200720004
Status: Excess
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

Bldgs. 0475, 0481
Brookhaven Natl Laboratory
Upton NY 11973
Landholding Agency: Energy
Property Number: 41200720005
Status: Excess
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

Bldgs. 0629, 0952
Brookhaven Natl Laboratory
Upton NY 11973
Landholding Agency: Energy
Property Number: 41200720006
Status: Excess
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

Unsuitable Properties

Building

New York

Bldg. 0096
Brookhaven National Lab
Upton NY 11973
Landholding Agency: Energy
Property Number: 41200730004
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Bldgs. 0491, 0650
Brookhaven Natl Lab
Upton Co: Suffolk NY 11973
Landholding Agency: Energy
Property Number: 41200810003
Status: Excess
Reasons: Secured Area

Bldgs. 0810, 0811, 0901W
Brookhaven Natl Lab
Upton Co: Suffolk NY 11973
Landholding Agency: Energy
Property Number: 41200810004
Status: Excess
Reasons: Secured Area

Kussius House & Shed
Saratoga Natl Historic Park
Stillwater NY 12170
Landholding Agency: Interior
Property Number: 61200710005
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

North Carolina

Trailer
81 Carl Sandburg Lane
Flat Rock Co: Henderson NC 28731
Landholding Agency: Interior
Property Number: 61200710006
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 82
Marine Corps Air Station
Cherry Point Co: Craven NC 28533
Landholding Agency: Navy
Property Number: 77200510009
Status: Underutilized
Reasons: Secured Area

Bldg. 4314
Marine Corps Air Station
Cherry Point Co: Craven NC 28533
Landholding Agency: Navy
Property Number: 77200510010
Status: Underutilized
Reasons: Secured Area

Bldg. 124
Marine Corps Air Station
Cherry Point Co: Craven NC 28533
Landholding Agency: Navy
Property Number: 77200510023
Status: Underutilized
Reasons: Secured Area

Unsuitable Properties

Building

North Carolina

Bldgs. 73, 95, 1018
Marine Corps Air Station
Cherry Point NC
Landholding Agency: Navy
Property Number: 77200620003
Status: Unutilized
Reasons: Secured Area

Bldg. 499
Marine Corps Air Station
Cherry Point NC
Landholding Agency: Navy
Property Number: 77200620038
Status: Unutilized
Reasons: Secured Area

Bldgs. 3177, 3885
Marine Corps Air Station
Cherry Point NC
Landholding Agency: Navy
Property Number: 77200620039
Status: Unutilized
Reasons: Secured Area

Bldg. 4473
Marine Corps Air Station
Cherry Point NC
Landholding Agency: Navy
Property Number: 77200620040
Status: Unutilized
Reasons: Secured Area

Unsuitable Properties

Building

North Carolina

Bldg. 4523
Marine Corps Air Station
Cherry Point NC
Landholding Agency: Navy
Property Number: 77200620041
Status: Unutilized
Reasons: Secured Area
RPFN 0S1

Group Cape Hatteras
Buxton Co: Dare NC 27902
Landholding Agency: Coast Guard
Property Number: 88200540001
Status: Unutilized
Reasons: Secured Area
Extensive deterioration
RPFN 053

Sector N.C.
Atlantic Beach Co: Carteret NC 28512
Landholding Agency: Coast Guard
Property Number: 88200540002
Status: Unutilized
Reasons: Extensive deterioration
Secured Area

Unsuitable Properties

Building

North Carolina

Equip. Bldg.
Coast Guard Station 11101 Station St.
Emerald Isle NC
Landholding Agency: Coast Guard
Property Number: 88200630001
Status: Unutilized
Reasons: Secured Area

Bldg. 9
VA Medical Center 1100 Tunnel Road
Asheville Co: Buncombe NC 28805
Landholding Agency: VA
Property Number: 97199010008
Status: Unutilized
Reasons: Extensive deterioration

Ohio

Naval Reserve Center
Cleveland OH 44114
Landholding Agency: Coast Guard
Property Number: 88200740002
Status: Unutilized
Reasons: Secured Area
Within 2000 ft. of flammable or explosive material within airport runway clear zone

Unsuitable Properties

Building

Ohio

Bldg. 105
VA Medical Center
Dayton Co: Montgomery OH 45428
Landholding Agency: VA
Property Number: 97199920005
Status: Unutilized
Reasons: Extensive deterioration

Pennsylvania

Z-Bldg.
Bettis Atomic Power Lab
West Mifflin Co: Allegheny PA 15122–0109
Landholding Agency: Energy
Property Number: 41199720002
Status: Excess
Reasons: Extensive deterioration

Puerto Rico

Bldgs. 59, C–48, B–6A
National Historic Site
San Juan Co: La Perla PR
Landholding Agency: Interior
Property Number: 61200710007
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Puerto Rico

Sectors #42, #44
Natl Historic Site
San Miguel PR
Landholding Agency: Interior
Property Number: 61200740004
Status: Unutilized
Reasons: Extensive deterioration

South Carolina

Bldg. 701–6G
Jackson Barricade
Jackson SC
Landholding Agency: Energy
Property Number: 41200420010

Status: Unutilized
Reasons: Secured Area

Bldg. 211–000F
Nuclear Materials Processing Facility
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200420011
Status: Excess
Reasons: Secured Area

Bldg. 221–001F
Nuclear Materials Processing Facility
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200420015
Status: Excess
Reasons: Secured Area

Unsuitable Properties

Building

South Carolina

Bldg. 190–K
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200420030
Status: Unutilized
Reasons: Secured Area

Bldg. 710–015N
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430002
Status: Excess
Reasons: Secured Area

Bldg. 713–000N
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430003
Status: Excess
Reasons: Secured Area

Bldgs. 80–9G, 10G
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430006
Status: Excess
Reasons: Secured Area

Unsuitable Properties

Building

South Carolina

Bldgs. 105–P, 105–R
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430007
Status: Excess
Reasons: Secured Area

Bldg. 183–003L
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430009
Status: Excess
Reasons: Secured Area

Bldg. 221–016F
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430014
Status: Excess
Reasons: Secured Area

Bldgs. 221–053F, 054F
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430016
Status: Excess
Reasons: Secured Area

Unsuitable Properties

Building

South Carolina

Bldgs. 252–003F, 005F
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430017
Status: Excess
Reasons: Secured Area

Bldg. 315–M
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430030
Status: Excess
Reasons: Secured Area

Bldg. 716–002A
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430040
Status: Excess
Reasons: Secured Area

Bldgs. 221–21F, 22F
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430042
Status: Excess
Reasons: Secured Area

Unsuitable Properties

Building

South Carolina

Bldg. 221–033F
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430043
Status: Excess
Reasons: Secured Area

Bldg. 254–007F
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430044
Status: Excess
Reasons: Secured Area

Bldg. 281–001F
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430045
Status: Excess
Reasons: Secured Area

Bldg. 281–004F
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430046
Status: Excess
Reasons: Secured Area

Unsuitable Properties

Building

South Carolina

Bldg. 281–006F
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430047
Status: Excess
Reasons: Secured Area

Bldg. 703–045A
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430050
Status: Excess
Reasons: Secured Area

Bldg. 703–071A
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430051
Status: Excess
Reasons: Secured Area

Bldg. 754–008A
Savannah River Operations
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430058
Status: Excess
Reasons: Secured Area

Unsuitable Properties

Building

South Carolina

Bldg. 186-R
Savannah River Site
Aiken SC
Landholding Agency: Energy
Property Number: 41200430063
Status: Unutilized
Reasons: Secured Area

4 Bldgs.
Savannah River Site
#281–2F, 281–5F, 285–F, 285–5F
Aiken SC
Landholding Agency: Energy
Property Number: 41200430066
Status: Unutilized
Reasons: Secured Area

Bldg. 701–000M
Savannah River Site
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200430084
Status: Unutilized
Reasons: Secured Area

Bldg. 690–000N
Savannah River Site
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200440032
Status: Underutilized
Reasons: Secured Area

Unsuitable Properties

Building

South Carolina

Facility 701–5G
Savannah River Site
New Ellenton SC
Landholding Agency: Energy

Property Number: 41200530003
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 714–000A
Savannah River Site
Aiken SC
Landholding Agency: Energy
Property Number: 41200620014
Status: Underutilized
Reasons: Secured Area

Bldg. 777–018A
Savannah River Site
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200620022
Status: Excess
Reasons: Secured Area

Bldgs. 108–1P, 108–2P
Savannah River Site
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200630007
Status: Unutilized
Reasons: Secured Area

Unsuitable Properties

Building

South Carolina

Bldg. 701–001P
Savannah River Site
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200640002
Status: Unutilized
Reasons: Secured Area

Bldgs. 151–1P, 151–2P
Savannah River site
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200640004
Status: Unutilized
Reasons: Secured Area

Bldg. 191-P
Savannah River Site
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200640005
Status: Unutilized
Reasons: Secured Area

Bldg. 710-P
Savannah River Site
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200640006
Status: Unutilized
Reasons: Secured Area

Unsuitable Properties

Building

South Carolina

Bldg. 614–63G
Savannah River Site
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200710006
Status: Unutilized
Reasons: Secured Area

Bldgs. 701–2G, –905–117G
Savannah River Site
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200710007
Status: Unutilized
Reasons: Secured Area

Bldgs. 108–1R, 108–2R
Savannah River Site
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200710010
Status: Unutilized
Reasons: Secured Area

Bldgs. 717–003S, 717–010S
Savannah River Site
Aiken SC 29802
Landholding Agency: Energy
Property Number: 41200710011
Status: Unutilized
Reasons: Secured Area

Unsuitable Properties

Building

South Carolina

Bldgs. 1000 thru 1021
Naval Weapons Station
Goose Creek Co: Berkeley SC 29445
Landholding Agency: Navy
Property Number: 77200440018
Status: Unutilized
Reasons: Secured Area

Bldg. 102
Marine Corps Recruit Depot
Parris Island Co: Beaufort SC 29905
Landholding Agency: Navy
Property Number: 77200530017
Status: Unutilized
Reasons: Extensive deterioration, Floodway, Secured Area

21 Bldgs.
Naval Weapons Station
Goose Creek Co: Berkely SC 29445
Landholding Agency: Navy
Property Number: 77200620034
Status: Unutilized
Directions: 4, 167C, 174, 180, 350, 383, 400, 410, 769, 790, 823, 824, 904, 930, 930A, 953, 953A, 971, 975, 2305, 3526
Reasons: Secured Area Within 2000 ft. of flammable or explosive material

Unsuitable Properties

Building

South Carolina

Bldg. 1148
Naval Weapons Station
Goose Creek Co: Berkeley SC 29445
Landholding Agency: Navy
Property Number: 77200630044
Status: Excess
Reasons: Extensive deterioration

Bldg. 200
Marine Corps Recruit Depot
Parris Island SC 29905
Landholding Agency: Navy
Property Number: 77200720018
Status: Unutilized
Reasons: Floodway, Secured Area

Tennessee

Bldg. 9418–1
Y–12 Plant
Oak Ridge Co: Anderson TN 37831
Landholding Agency: Energy
Property Number: 41199810026
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Unsuitable Properties

Building

Tennessee

Bldg. 2010
Oak Ridge Natl Laboratory
Oak Ridge TN 37831
Landholding Agency: Energy
Property Number: 41200710009
Status: Excess
Reasons: Extensive deterioration, Secured Area

3 Bldgs.
Y–12 Natl Nuclear Security Complex
Oak Ridge TN 37831
Landholding Agency: Energy
Property Number: 41200720001
Status: Unutilized
Directions: 9104–01, 9104–02, 9104–03
Reasons: Secured Area

Bldgs. 1035, 1058, 1061
E. Tennessee Technology Park
Oak Ridge TN
Landholding Agency: Energy
Property Number: 41200730002
Status: Unutilized
Reasons: Contamination, Secured Area, Extensive deterioration

Unsuitable Properties

Building

Tennessee

Bldgs. 1231, 1416
E. Tennessee Technology Park
Oak Ridge TN 37831
Landholding Agency: Energy
Property Number: 41200730003
Status: Unutilized
Reasons: Extensive deterioration, Contamination, Secured Area

Bldgs. 413, 1059
E. TN Tech Park
Oak Ridge TN 37831
Landholding Agency: Energy
Property Number: 41200730006
Status: Excess
Reasons: Secured Area, Contamination

Bldgs. 1000, 1008F, 1028
E. TN Technology Park
Oak Ridge TN 37831
Landholding Agency: Energy
Property Number: 41200810005
Status: Excess
Reasons: Secured Area

Unsuitable Properties

Building

Tennessee

Bldgs. 1101, 1201, 1501
E. TN Technology Park
Oak Ridge TN 37831
Landholding Agency: Energy
Property Number: 41200810006
Status: Excess
Reasons: Within airport runway clear zone, Secured Area

Bldg. 142
Big South Fork
Oneida TN 37841
Landholding Agency: Interior
Property Number: 61200730003
Status: Unutilized
Reasons: Extensive deterioration

17 Buildings
Naval Support Activity
Mid-South
Millington TN 38054
Landholding Agency: Navy
Property Number: 77200520012
Status: Excess
Directions: 892–893, 1704, 1487, 2020, 2035, 2044–2045, 2071, 2074, 2079–2082, 2094, 2096, 2063
Reasons: Secured Area

Unsuitable Properties

Building

Tennessee

Bldgs. 2, 3, 5
Naval/Marine Corps Rsv Ctr
Knoxville Co: Knox TN 37920
Landholding Agency: Navy
Property Number: 77200530018
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldgs. 9720–03, 9720–06
Y–12 Natl Nuclear Security Complex
Oak Ridge TN 37831
Landholding Agency: Navy
Property Number: 77200720038
Status: Unutilized
Reasons: Secured Area

Texas

Zone 12, Bldg. 12–20
Pantex Plant
Amarillo Co: Carson TX 79120
Landholding Agency: Energy
Property Number: 41200220053
Status: Unutilized
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

Unsuitable Properties

Building

Texas

Bldgs. 12–017E, 12–019E
Pantex Plant
Amarillo Co: Carson TX 79120
Landholding Agency: Energy
Property Number: 41200320010
Status: Unutilized
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

4 Bldgs.
NNSA Pantex Plant
Amarillo Co: Carson TX 79120
Landholding Agency: Energy
Property Number: 41200540002
Status: Unutilized
Directions: 12–009, 12–009A, 12–R–009A, 12–R–009B
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

Bldg. 12–011A
NNSA Pantex Plant
Amarillo Co: Carson TX 79120
Landholding Agency: Energy
Property Number: 41200540003
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Unsuitable Properties

Building

Texas

Bldg. 12–097
NNSA Pantex Plant
Amarillo Co: Carson TX 79120
Landholding Agency: Energy
Property Number: 41200540004
Status: Unutilized
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

Bldgs. 11–54, 11–54A
Zone 11
Plantex Plant
Amarillo Co: Carson TX 79120
Landholding Agency: Energy
Property Number: 41200630008
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 12–002B
Zone 12
Pantex Plant
Amarillo Co: Carson TX 79120
Landholding Agency: Energy
Property Number: 41200630009
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Unsuitable Properties

Building

Texas

4 Bldgs.
12–003, 12–R–003, 12–003L
Zone 12, Pantex Plant
Amarillo Co: Carson TX 79120
Landholding Agency: Energy
Property Number: 41200630010
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 12–014
Zone 12
Pantex Plant
Amarillo Co: Carson TX 79120
Landholding Agency: Energy
Property Number: 41200630011
Status: Unutilized
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

Bldg. 12–24E
Zone 12
Pantex Plant
Amarillo Co: Carson TX 79120
Landholding Agency: Energy
Property Number: 41200630012
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Unsuitable Properties

Building

Texas

Bldg. 11–029, Zone 11
Pantex Plant
Amarillo Co: Carson TX 79120
Landholding Agency: Energy
Property Number: 41200640007
Status: Unutilized
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

Bldg. 1732
Naval Air Station
Corpus Christi Co: Nueces TX
Landholding Agency: Navy
Property Number: 77200540007
Status: Excess
Reasons: Secured Area, Extensive deterioration

Bldg. 243
Naval Air Station Joint Reserve Base
Ft. Worth Co: Tarrant TX 76127
Landholding Agency: Navy
Property Number: 77200640035
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Unsuitable Properties

Building

Texas

Bldg. 1430
Naval Air Station Joint Reserve Base
Ft. Worth Co: Tarrant TX 76127
Landholding Agency: Navy
Property Number: 77200640036
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Bldg. 1500
Naval Air Station Joint Reserve Base
Ft. Worth Co: Tarrant TX 76127
Landholding Agency: Navy
Property Number: 77200640037
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Bldg. 4151
Naval Air Station Joint Reserve Base
Ft. Worth Co: Tarrant TX 76127
Landholding Agency: Navy
Property Number: 77200640038
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Unsuitable Properties

Building

Utah

5 Bldgs.
Naval Industrial Ordinance Plant
Magna UT 84044
Landholding Agency: Navy
Property Number: 77200720033
Status: Unutilized
Directions: 4D, 6A, 6C, 8C, 10B
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

4 Bldgs.
Naval Industrial Ordinance Plant
Magna UT 84044
Landholding Agency: Navy
Property Number: 77200720034
Status: Unutilized
Directions: 11, 15, 16, 19
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

Bldgs. 22A, 22B, 22C
Naval Industrial Ordinance Plant
Magna UT 84044
Landholding Agency: Navy
Property Number: 77200720035
Status: Unutilized
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

Unsuitable Properties

Building

Utah

Bldgs. 23A, 23B, 23C
Naval Industrial Ordinance Plant
Magna UT 84044
Landholding Agency: Navy
Property Number: 77200720036
Status: Unutilized
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

4 Bldgs.
Naval Industrial Ordinance Plant
Magna UT 84044
Landholding Agency: Navy
Property Number: 77200720037
Status: Unutilized
Directions: 33, 45B, 45C, 46D
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

Virgin Islands

Estate Wintberg
Nos. 1–143–47 & 48
St. Thomas VI 00801
Landholding Agency: GSA
Property Number: 54200810008
Status: Excess
GSA Number: 1–X–VI–0436–1AB
Reasons: Extensive deterioration

Unsuitable Properties

Building

Virginia

Bldgs. 325, 321
Skyline Drive
Luray Co: Page VA 22835
Landholding Agency: Interior
Property Number: 61200710008
Status: Excess
Reasons: Extensive deterioration

Bldgs. 500, 501
Naval Weapon Station
Yorktown VA 23691
Landholding Agency: Navy
Property Number: 77200640012
Status: Excess
Reasons: Extensive deterioration

Bldg. 628
Naval Weapon Station
Yorktown VA 23691
Landholding Agency: Navy
Property Number: 77200640013
Status: Excess
Reasons: Extensive deterioration

Bldg. 2398
Naval Station
Norfolk VA
Landholding Agency: Navy
Property Number: 77200730021
Status: Excess
Reasons: Secured Area

Unsuitable Properties

Building

Virginia

Training Bldg.
USCG Integrated Support Ctr
Portsmouth Co: Norfolk VA 43703
Landholding Agency: Coast Guard
Property Number: 88200530001
Status: Excess
Reasons: Secured Area

Bldg. 011
Integrated Support Center
Portsmouth Co: Norfolk VA 43703
Landholding Agency: Coast Guard
Property Number: 88200620002
Status: Excess
Reasons: Secured Area

9 Bldgs.
USCG Cape Charles Station
Winters Quarters
Northampton VA 23310
Landholding Agency: Coast Guard
Property Number: 88200740001
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Washington

79 Structures
Hanford Site 100, 300, 400
Richland Co: Benton WA 99352
Landholding Agency: Energy
Property Number: 41200620010
Status: Excess
Directions: Infrastructure Facilities
Reasons: Secured Area

87 Structures
Hanford Site 100, 300, 400
Richland Co: Benton WA 99351
Landholding Agency: Energy
Property Number: 41200620011
Status: Excess
Directions: Mobile Offices
Reasons: Secured Area

139 Structures
Hanford Site 100, 300, 400
Richland Co: Benton WA 99352
Landholding Agency: Energy
Property Number: 41200620012
Status: Excess
Directions: Offices Facilities
Reasons: Secured Area

Unsuitable Properties

Building

Washington

122 Structures
Hanford Site 100, 300, 400
Richland Co: Benton WA 99352
Landholding Agency: Energy
Property Number: 41200620013
Status: Excess
Directions: Process Facilities
Reasons: Secured Area

Bldg. 128
Yakima Project
Yakima WA 98901
Landholding Agency: Interior
Property Number: 61200630018
Status: Excess
Reasons: Extensive deterioration

Bldgs. 0304, 0305
22416 Road F NE
Soap Lake Co: Grant WA 98851
Landholding Agency: Interior
Property Number: 61200640003
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Washington

Bldgs. 0801, 0804
Frontage Road
West Quincy Co: Grant WA 98848
Landholding Agency: Interior
Property Number: 61200640004
Status: Excess
Reasons: Extensive deterioration

Bldgs. 1202, 1203
S. Maple
Warden Co: Grant WA 98857
Landholding Agency: Interior
Property Number: 61200640005
Status: Excess
Reasons: Extensive deterioration

Bldgs. 1702, 1707
Highway Heights
Mesa Co: Franklin WA 99343
Landholding Agency: Interior
Property Number: 61200640006
Status: Excess
Reasons: Extensive deterioration

Bldg. 1806
Klamath Road
Mesa Co: Franklin WA 99343
Landholding Agency: Interior
Property Number: 61200640007
Status: Excess
Reasons: Extensive deterioration

Unsuitable Properties

Building

Washington

Bldg. 134
North Cascades Natl Park
Stehekin Co: Chelan WA 98852
Landholding Agency: Interior
Property Number: 61200710009
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 9470–0009
North Cascades Natl Park
Stehekin Co: Chelan WA
Landholding Agency: Interior
Property Number: 61200720003
Status: Unutilized
Reasons: Extensive deterioration

Bldgs. 62, 63
Yakima WA 98944
Landholding Agency: Interior
Property Number: 61200740005
Status: Unutilized
Reasons: Extensive deterioration

5 Bldgs.
74, 75, 77, 78, 79
Yakima WA 98944
Landholding Agency: Interior
Property Number: 61200740006
Status: Unutilized
Reasons: Extensive deterioration

Unsuitable Properties

Building

Washington

Bldg. 529
Puget Sound Naval Shipyard
Bremerton WA 98314–5000
Landholding Agency: Navy
Property Number: 77200040020
Status: Excess

Reasons: Secured Area

Bldg. 8
Naval Reserve Center
Spokane WA 99205
Landholding Agency: Navy
Property Number: 77200430025
Status: Excess
Reasons: Extensive deterioration, Secured Area

Bldgs. 10, 11
Naval Reserve Center
Spokane WA 99205
Landholding Agency: Navy
Property Number: 77200430026
Status: Excess
Reasons: Extensive deterioration, Secured Area

Unsuitable Properties

Building

Washington

Bldgs. 2656–2658
Naval Air Station
Lake Hancock
Coupeville Co: Island WA 98239
Landholding Agency: Navy
Property Number: 77200430027
Status: Unutilized
Reasons: Secured Area

Bldgs. 2652, 2705
Naval Air Station
Whidbey
Oak Harbor WA 98277
Landholding Agency: Navy
Property Number: 77200440010
Status: Unutilized
Reasons: Secured Area

Bldgs. 79, 884
NAS Whidbey Island
Seaplane Base
Oak Harbor WA 98277
Landholding Agency: Navy
Property Number: 77200440011
Status: Unutilized
Reasons: Secured Area

Unsuitable Properties

Building

Washington

Bldg. 121
NAS Whidbey Island
Ault Field
Oak Harbor WA 98277
Landholding Agency: Navy
Property Number: 77200440012
Status: Unutilized
Reasons: Secured Area

Bldg. 419
NAS Whidbey Island
Ault Field
Oak Harbor WA 98277
Landholding Agency: Navy
Property Number: 77200440013
Status: Unutilized
Reasons: Secured Area

Bldgs. 2609, 2610
NAS Whidbey Island
Ault Field
Oak Harbor WA 98277
Landholding Agency: Navy
Property Number: 77200440014
Status: Unutilized
Reasons: Secured Area

Unsuitable Properties

Building

Washington

Bldg. 2753
NAS Whidbey Island
Ault Field
Oak Harbor WA 98277
Landholding Agency: Navy
Property Number: 77200440015
Status: Unutilized
Reasons: Secured Area

Bldg. 108
Naval Magazine
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200510015
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Bldg. 351
Puget Sound Naval Shipyard
Bremerton WA 98314
Landholding Agency: Navy
Property Number: 77200530026
Status: Unutilized
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

Unsuitable Properties

Building

Washington

Bldg. 1032
Naval Base
Bangor Tower Site
Silverdale WA 98315
Landholding Agency: Navy
Property Number: 77200630045
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 71
Naval Magazine
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200640007
Status: Unutilized
Reasons:
Extensive deterioration, Secured Area

Bldgs. 82, 83
Naval Magazine
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200640008
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Unsuitable Properties

Building

Washington

Bldgs. 168, 188
Naval Magazine
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200640009
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Bldg. 729
Naval Magazine
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200640010
Status: Unutilized
Reasons:
Extensive deterioration, Secured Area

Bldgs. 910, 921
Naval Magazine
Port Hadlock Co: Jefferson WA 98339–9723
Landholding Agency: Navy
Property Number: 77200640011
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Unsuitable Properties

Building

Washington

Bldgs. 407, 447
Naval Base
Bremerton Co: Kitsap WA 98310
Landholding Agency: Navy
Property Number: 77200640014
Status: Excess
Reasons: Secured Area

Bldg. 867
Naval Base
Bremerton Co: Kitsap WA 98310
Landholding Agency: Navy
Property Number: 77200640015
Status: Excess
Reasons: Secured Area

Bldgs. 937, 975
Naval Base
Bremerton Co: Kitsap WA 98310
Landholding Agency: Navy
Property Number: 77200640016
Status: Excess
Reasons: Secured Area

Bldg. 1449
Naval Base
Silverdale Co: Kitsap WA 98315
Landholding Agency: Navy
Property Number: 77200640017
Status: Unutilized
Reasons: Secured Area

Unsuitable Properties

Building

Washington

Bldg. 1670
Naval Base
Silverdale Co: Kitsap WA 98315
Landholding Agency: Navy
Property Number: 77200640018
Status: Unutilized
Reasons: Secured Area

Bldgs. 2007, 2801
Naval Base
Silverdale Co: Kitsap WA 98315
Landholding Agency: Navy
Property Number: 77200640019
Status: Unutilized
Reasons: Secured Area

Bldgs. 6021, 6095
Naval Base
Silverdale Co: Kitsap WA 98315
Landholding Agency: Navy
Property Number: 77200640020
Status: Unutilized
Reasons: Secured Area

Bldgs. 6606, 6661

Naval Base
Silverdale Co: Kitsap WA 98315
Landholding Agency: Navy
Property Number: 77200640021
Status: Unutilized
Reasons: Secured Area

Unsuitable Properties

Building

Washington

Bldgs. 726, 727, 734
Naval Undersea Warfare
Keyport Co: Kitsap WA 98345
Landholding Agency: Navy
Property Number: 77200640022
Status: Unutilized
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

Bldgs. 901, 911
Naval Undersea Warfare
Keyport Co: Kitsap WA 98345
Landholding Agency: Navy
Property Number: 77200640023
Status: Unutilized
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

Bldgs. 925, 938
Naval Undersea Warfare
Keyport Co: Kitsap WA 98345
Landholding Agency: Navy
Property Number: 77200640024
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Unsuitable Properties

Building

Washington

Bldg. 1020
Naval Undersea Warfare
Keyport Co: Kitsap WA 98345
Landholding Agency: Navy
Property Number: 77200640025
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Fisher Transit Site
Easement
Jefferson WA
Landholding Agency: Navy
Property Number: 77200710015
Status: Excess
Reasons: Other—Remote Location

Bldgs. 437, 853
Naval Base
Bremerton Co: Kitsap WA 98310
Landholding Agency: Navy
Property Number: 77200710018
Status: Unutilized
Reasons: Secured Area

Unsuitable Properties

Building

Washington

Bldg. 1039
Naval Base
Bremerton Co: Kitsap WA 98310
Landholding Agency: Navy
Property Number: 77200710019
Status: Unutilized
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

Bldgs. 1400, 1461
Naval Base
Bremerton Co: Kitsap WA 98310
Landholding Agency: Navy
Property Number: 77200710020
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 6026
Naval Base
Bremerton Co: Kitsap WA 98310
Landholding Agency: Navy
Property Number: 77200710021
Status: Unutilized
Reasons: Secured Area, Within 2000 ft. of flammable or explosive material

Unsuitable Properties

Building

Washington

Bldgs. 6608, 6609, 6904
Naval Base
Bremerton Co: Kitsap WA 98310
Landholding Agency: Navy
Property Number: 77200710022
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. 110, 116
Naval Air Station
Oak Harbor WA 98278
Landholding Agency: Navy
Property Number: 77200740013
Status: Excess
Reasons: Secured Area

Bldg. 839
Puget Sound Naval Shipyard
Bremerton WA 98314
Landholding Agency: Navy
Property Number: 77200740014
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Unsuitable Properties

Building

Washington

Bldgs. 402, 403, 2634
Naval Air Station
Oak Harbor Co: Whidbey Island WA 96278
Landholding Agency: Navy
Property Number: 77200810020
Status: Excess
Reasons: Extensive deterioration

Garage
Browns Point Light Station
Tacoma WA 99207
Landholding Agency: Coast Guard
Property Number: 88200730002
Status: Unutilized
Reasons: Extensive deterioration

Wisconsin

Bldg. OV1
USCG Station
Bayfield WI 54814
Landholding Agency: Coast Guard
Property Number: 88200620001
Status: Excess
Reasons: Secured Area

Unsuitable Properties

Land

Arizona

58 acres
VA Medical Center
500 Highway 89 North
Prescott Co: Yavapai AZ 86313
Landholding Agency: VA
Property Number: 97190630001
Status: Unutilized
Reasons: Floodway

20 acres
VA Medical Center
500 Highway 89 North
Prescott Co: Yavapai AZ 86313
Landholding Agency: VA
Property Number: 97190630002
Status: Underutilized
Reasons: Floodway

California

0.038 acre
Ortega Reservoir
Summerland CA 93067
Landholding Agency: Interior
Property Number: 61200710012
Status: Unutilized
Reasons: Other—inaccessible

Unsuitable Properties

Land

California

Trailer Space
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77200520013
Status: Unutilized
Reasons: Secured Area

Parcels 1, 2, 3, 4
Naval Base
Port Hueneme Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200630003
Status: Underutilized
Reasons: Secured Area

Parcels 11, 12, 13, 14, 15
Naval Base
Port Hueneme Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200630004
Status: Underutilized
Reasons: Secured Area

Sand Spit
Naval Base
Port Hueneme Co: Ventura CA 93043
Landholding Agency: Navy
Property Number: 77200720008
Status: Underutilized
Reasons: Floodway

Unsuitable Properties

Land

Colorado

0.04 acres
Vega Reservoir
Collbran CO 81624
Landholding Agency: Interior
Property Number: 61200720001
Status: Excess
Reasons: Other—right-of-way

Connecticut

Approx. 1 acre
Naval Submarine Base
Groton CT 06349
Landholding Agency: Navy
Property Number: 77200810012

Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Florida

Encroachment No. GB–35
Perdido Key Co: Escambia FL 32507
Landholding Agency: GSA
Property Number: 54200810007
Status: Excess
GSA Number: 4–D–FL–6208AA
Reasons: Floodway, Not accessible by road

Unsuitable Properties

Land

Florida

Encroachment No. GB–37
Perdido Key Co: Escambia FL
Landholding Agency: GSA
Property Number: 54200810009
Status: Excess
GSA Number: 4–D–FL–6208AB
Reasons: Floodway

Wildlife Sanctuary, VAMC
10,000 Bay Pines Blvd.
Bay Pines Co: Pinellas FL 33504
Landholding Agency: VA
Property Number: 97199230004
Status: Underutilized
Reasons: Other—Inaccessible

Minnesota

3.85 acres (Area #2)
VA Medical Center
4801 8th Street
St. Cloud Co: Stearns MN 56303
Landholding Agency: VA
Property Number: 97199740004
Status: Unutilized
Reasons: Other—landlocked

Unsuitable Properties

Land

Minnesota

7.48 acres (Area #1)
VA Medical Center
4801 8th Street
St. Cloud Co: Stearns MN 56303
Landholding Agency: VA
Property Number: 97199740005
Status: Underutilized
Reasons: Secured Area

Montana

Sewage Lagoons/40 acres
VA Center
Ft. Harrison MT 59639
Landholding Agency: VA
Property Number: 97200340007
Status: Excess
Reasons: Floodway

New York

Tract 1
VA Medical Center
Bath Co: Steuben NY 14810
Landholding Agency: VA
Property Number: 97199010011
Status: Unutilized
Directions: Exit 38 off New York State Route 17.
Reasons: Secured Area

Unsuitable Properties

Land

New York

Tract 2
VA Medical Center
Bath Co: Steuben NY 14810
Landholding Agency: VA
Property Number: 97199010012
Status: Underutilized
Directions: Exit 38 off New York State Route 17.
Reasons: Secured Area

Tract 3
VA Medical Center
Bath Co: Steuben NY 14810
Landholding Agency: VA
Property Number: 97199010013
Status: Underutilized
Directions: Exit 38 off New York State Route 17.
Reasons: Secured Area

Tract 4
VA Medical Center
Bath Co: Steuben NY 14810
Landholding Agency: VA
Property Number: 97199010014
Status: Unutilized
Directions: Exit 38 off New York State Route 17.
Reasons: Secured Area

Unsuitable Properties

Land

Utah

0.47 acre
Feeder Canal
Hyrum UT 84319
Landholding Agency: Interior
Property Number: 61200740007
Status: Excess
Reasons: Other—landlocked

Washington

405 sq. ft./Land
Naval Base Kitsap
Bangor WA
Landholding Agency: Navy
Property Number: 77200520060
Status: Unutilized
Reasons: Secured Area

230 sq. ft. land
Naval Magazine
Indian Island WA
Landholding Agency: Navy
Property Number: 77200620037
Status: Underutilized
Reasons: Secured Area, Within 200 ft. of flammable or explosive material

Unsuitable Properties

Land

Washington

Tabook Transit Site
Easement
Jefferson WA
Landholding Agency: Navy
Property Number: 77200710016
Status: Excess
Reasons: Other—Remote Location

[FR Doc. E8–5105 Filed 3–14–08; 8:45 am]

BILLING CODE 4210–67–P

Federal Register

Monday,
March 17, 2008

Part III

Department of Health and Human Services

Centers for Medicare & Medicaid Services
42 CFR Part 423
Medicare Program; Application of Certain Appeals Provisions to the Medicare Prescription Drug Appeals Process; Proposed Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 423

[CMS–4127–P]

RIN 0938–AO87

Medicare Program; Application of Certain Appeals Provisions to the Medicare Prescription Drug Appeals Process

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Proposed rule.

SUMMARY: This rule proposes the procedures that the Department of Health and Human Services would follow at the Administrative Law Judge and Medicare Appeals Council levels in deciding appeals brought by individuals who have enrolled in the Medicare prescription drug benefit program and the reopening procedures that would be followed at all levels of appeal.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on May 16, 2008.

ADDRESSES: In commenting, please refer to file code CMS–4127–P. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

You may submit comments in one of four ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to *http://www.regulations.gov*. Follow the instructions for ''Comment or Submission'' and enter the filecode to find the document accepting comments.

2. *By regular mail.* You may mail written comments (one original and two copies) to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–4127–P, P.O. Box 8016, Baltimore, MD 21244–8016.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments (one original and two copies) to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–4127–P, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

4. *By hand or courier.* If you prefer, you may deliver (by hand or courier) your written comments (one original and two copies) before the close of the comment period to either of the following addresses:

a. Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

(Because access to the interior of the HHH Building is not readily available to persons without Federal Government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

b. 7500 Security Boulevard, Baltimore, MD 21244–1850.

If you intend to deliver your comments to the Baltimore address, please call telephone number (410) 786–9994 in advance to schedule your arrival with one of our staff members.

Comments mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period. For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT:

Arrah Tabe-Bedward, (410) 786–7129 (for issues related to reopenings and expedited access to judicial review).

Michael Lipinski, (216) 615–4084 (for issues related to ALJ level appeals policies).

Mary Peltzer, (202) 565–0169 (for issues related to MAC level appeals).

SUPPLEMENTARY INFORMATION:

Submitting Comments: We welcome comments from the public on all issues set forth in this rule to assist us in fully considering issues and developing policies. You can assist us by referencing the file code 4127–P and the specific ''issue identifier'' that precedes the section on which you choose to comment.

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following Web site as soon as possible after they have been received: *http://www.cms.hhs.gov/eRulemaking*. Click on the link ''Electronic Comments on CMS Regulations'' on that Web site to view public comments.

Comments received timely will also be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, phone 1–800–743–3951.

Abbreviations

Because of the many terms to which we refer by abbreviation in this proposed rule, we are listing these abbreviations and their corresponding terms in alphabetical order below:

ALJ Administrative Law Judge
CMS Centers for Medicare & Medicaid Services
DAB Departmental Appeals Board
EAJR Expedited Access to Judicial Review
IRE Independent Review Entity
LCD Local Coverage Determination
MAC Medicare Appeals Council
NCD National Coverage Determination
QIC Qualified Independent Contractor

I. Background

[If you choose to comment on issues in this section, please include the caption ''BACKGROUND'' at the beginning of your comments.]

The voluntary prescription drug benefit program (''Part D'') was enacted into law by section 101 of Title I of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) (Pub. L. 108–173). The MMA specified that the prescription drug benefit would become available on January 1, 2006 for individuals entitled to benefits under Medicare Part A or enrolled under Medicare Part B. On January 28, 2005, the final rule (70 FR 4194) implementing the Part D program appeared in the **Federal Register** (hereinafter ''Part D rule''). This rule became effective on March 22, 2005.

Section 1860D–4(h) of the Social Security Act (the Act) provides that Part D plan sponsors follow appeals procedures specified in § 1852(g)(5) of the Act in a manner similar to the manner such requirements apply to Medicare Advantage (MA) organizations for Part C appeals. Part D plan sponsors include a prescription drug plan sponsor, an MA organization offering a Medicare Advantage prescription drug plan (MA–PD plan), a Program of All-Inclusive Care for Elderly (PACE) organization offering a PACE plan, and a cost plan offering qualified prescription drug coverage.

Section 1852(g)(5) of the Act provides that enrollees in MA plans who are dissatisfied with determinations regarding their Part C benefits are

entitled, if they meet the amount in controversy requirement, to a hearing before the Secretary to the same extent as is provided in section 205(b) of the Act and judicial review of the Secretary's final decision as provided in section 205(g) of the Act.

Section 1869(b)(1)(A) of the Act, which sets forth the requirements for Part A and Part B appeals, contains similar language to that set forth in section 1852(g)(5) of the Act and also refers to section 205(b) and (g) of the Act.

These statutory concepts are reflected in the Part D rule and a closely related rule concerning MA organizations that also appeared in the **Federal Register** on January 28, 2005 (70 FR 4588), and became effective March 22, 2005 (hereinafter ''Part C rule''). The Part D rule is codified at 42 CFR part 423, and addresses grievances, coverage determinations, reconsiderations, and appeals in subpart M. The Part C rule is codified at 42 CFR part 422, and similarly addresses grievances, organization determinations, and appeals in subpart M. The Part D rule states that, unless otherwise provided, the Part C rules regarding appeals and reopenings will apply ''to the extent they are appropriate.'' (See 42 CFR 423.562(c).) Likewise, the Part C rule governing appeals at the Administrative Law Judge (ALJ) and Medicare Appeals Council (MAC) levels of appeal provides that adjudicators apply the Part A and Part B appeals and reopening procedures specified in 42 CFR part 405 ''to the extent they are appropriate.'' (see 42 CFR 422.562(d)).

Based on this statutory and regulatory framework, CMS stated in the preamble to the interim final rule entitled ''Changes to the Medicare Claims Appeal Procedures,'' which established new procedures for appeals under Medicare Part A and Part B, that differences in the appeals procedures for Part D enrollees would be addressed in a future Part D rulemaking document (70 FR 11420), (hereinafter, ''Part 405, subpart I rule''). The purpose of this rule is to provide guidance on the differences in appeals procedures for Part D enrollees by proposing more detailed regulations to govern Part D appeals (requests for drug benefits and payment) to the ALJ, MAC, and Federal District Court and reopenings of determinations and decisions.

II. Highlights and Organization of the Proposed Rule

[If you choose to comment on issues in this section, please include the caption ''HIGHLIGHTS AND ORGANIZATION'' at the beginning of your comments.]

This proposed rule contains revisions to Part 423, subpart M of title 42 of the CFR. We are proposing to rename, reorganize, and consolidate similar requirements into one section, and add a new subpart ''U''. We believe that these changes will maintain or clarify our original intent, making the revised regulation easier to read and understand. Specifically, we are proposing to rename subpart M, ''Grievances, Coverage Determinations, Redeterminations, and Reconsiderations''. This subpart will continue to set forth the requirements for Part D sponsors with respect to grievances, coverage determinations, and redeterminations. We are also proposing to add a new subpart U, ''Reopenings, ALJ Hearings, MAC review, and Judicial Review'' that will set forth the requirements for Part D plan sponsors, the Part D Independent Review Entity (IRE), ALJs, and the MAC with respect to reopenings, ALJ hearings, and MAC review of Part D appeals. In addition, we are proposing to redesignate and reserve § 423.610, § 423.612, § 423.620, § 423.630, and § 423.634. We note that while we are proposing to make conforming changes to the language of some of the redesignated sections, we are not proposing to make any substantive changes to the policies established by those provisions.

Below we are providing a crosswalk table that will enable the reader to easily determine where the requirements will be relocated. The crosswalk lists the current subpart, current section, proposed subpart, and proposed section. For any discussion of the changes we are proposing to make in this rule, we are providing both the current section and the proposed redesignated section and paragraph.

TABLE—CROSSWALK

Current subpart	Current section	Proposed subpart	Proposed section
Subpart M—Grievances, Coverage Determinations, and Appeals.	423.610 Right to an ALJ hearing	Subpart U—Reopening, ALJ Hearings, MAC review, and Judicial Review.	423.1970 Right to an ALJ hearing.
Subpart M—Grievances, Coverage Determinations, and Appeals.	423.612 Request for an ALJ hearing.	Subpart U—Reopening, ALJ Hearings, MAC review, and Judicial Review.	423.1972 Request for an ALJ hearing.
Subpart M—Grievances, Coverage Determinations, and Appeals.	423.620 Medicare Appeals Council (MAC) review.	Subpart U—Reopening, ALJ Hearings, MAC review, and Judicial Review.	423.1974 Medicare Appeals Council (MAC) review.
Subpart M—Grievances, Coverage Determinations, and Appeals.	43.630 Judicial review	Subpart U—Reopening, ALJ Hearings, MAC review, and Judicial Review.	423.1976 Judicial review.
Subpart M—Grievances, Coverage Determinations, and Appeals.	423.634 Reopening and revising determinations and decisions.	Subpart U—Reopening, ALJ Hearings, MAC review, and Judicial Review.	423.1978 Reopening and revising determinations and decisions.

III. Provisions of the Proposed Regulations

A. General Appeals Provisions

[If you choose to comment on issues in this section, please include the caption ''GENERAL APPEALS PROVISIONS'' at the beginning of your comments.]

Section 1860D–4(h)(1) of the Act, which sets forth the statutory requirements for Part D appeals, requires the Secretary to establish an appeals process that is ''similar'' to the process used for MA organizations under section 1852(g)(4) and (5) of the Act. Section 1852(g)(5) of the Act provides the right to a hearing ''before the Secretary to the same extent as is provided in section 205(b) of the Act,'' and to judicial review ''of the Secretary's final decision as provided in section 205(g)'' of the Act. Thus, an enrollee dissatisfied by reason of the enrollee's failure to receive a Part D

drug to which the enrollee believes he or she is entitled, and at no greater charge than the enrollee believes he or she is required to pay is entitled to a hearing and may also request judicial review of the final decision of the Secretary.

Section 1852(g)(5) of the Act also specifies the amount in controversy needed to pursue a hearing and judicial review. Like section 1852(g)(5) of the Act, section 1869(b)(1)(A) of the Act, which sets forth the statutory requirements for Part A and Part B appeals, provides the right to a hearing ''by the Secretary to the same extent as is provided in section 205(b)'' and the right to judicial review ''of the Secretary's final decision after such hearing as is provided in section 205(g) of the Act.'' Under this authority, we believe that Congress gave us discretion in designing procedural rules for appeals under Part D.

Section 423.562(c) of the Part D rule states that ''[u]nless this subpart provides otherwise, the regulations in part 422, subpart M of this chapter (concerning administrative review and hearing processes under titles II and XVIII, and representation of parties under title XVIII of the Act) and any interpretive rules or CMS rulings issued under these regulations, apply under this subpart to the extent they are appropriate.'' Section 422.562(d) of the Part C rule states that ''[u]nless this subpart provides otherwise, the regulations in part 405 of this chapter (concerning the administrative review and hearing processes and representation of parties under titles II and XVIII of the Act), apply under this subpart to the extent they are appropriate.'' Therefore, as discussed in the preamble to the Part D rule, since § 423.562(c) incorporates part 422, and since part 422 incorporates part 405, the provisions of part 405 apply to Part D appeals to the extent that they are appropriate. (70 FR at 4343).

For these reasons, we propose to provide a similar appeals process for Part D appeals at the ALJ, MAC and judicial review levels as applies to Part A and Part B appeals, to the extent it is appropriate.

The Part 405 regulations at subparts G and H, which continue to apply to certain pending Medicare claims appeals under Medicare Part A and Part B, respectively, were issued before the enactment of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA), Pub. L. 106–554. BIPA made significant changes to Medicare claims appeals procedures. The MMA made further changes to these procedures. Part 405, subpart I, contains the new BIPA and MMA appeals procedures. Part 405, subpart I, applies to initial determinations issued by Medicare fiscal intermediaries on or after May 1, 2005, and to initial determinations issued by carriers on or after January 1, 2006. Part 405, subpart I, is tailored to the Medicare Part A and Part B claims appeals process, unlike the provisions in subparts G and H, which, in large part, follow the Social Security Administration's procedures for disability claims. For this reason, we have concluded that it is appropriate to apply the provisions of Part 405, subpart I, to Part D appeals at the ALJ and MAC levels with appropriate modifications to meet the needs of Part D appeals.

B. Parties to the ALJ Hearing and MAC Review

Section 1860D–4(h) of the Act largely incorporates section 1852(g)(5) of the Act. We interpret that section as providing the right to a hearing and to judicial review for an enrollee dissatisfied by reason of the enrollee's failure to receive a Part D drug to which the enrollee believes he or she is entitled, and at no greater charge than the enrollee believes he or she is required to pay. Section 1860D–4(h)(1) of the Act specifies that ''only the Part D eligible individual'' is entitled to bring an appeal. Section 423.560 of the Part D rule states that an enrollee is a Part D eligible individual who has elected or has been enrolled in a Part D plan.

Current § 423.610 (proposed § 423.1970) and current § 423.612 (proposed § 423.1972) explain that, if an enrollee is dissatisfied with the reconsideration determination by an IRE, the enrollee may request a hearing before an ALJ, if the amount remaining in controversy meets the threshold requirement established annually by the Secretary. Similarly, under current § 423.620 (proposed § 423.1974), if an enrollee is dissatisfied with the ALJ's action, the enrollee may request that the MAC review the ALJ's decision or dismissal. Having the enrollee as the only party to an appeal differs from the Part A and B processes where the term ''party'' includes a beneficiary, a provider, a supplier, a Medicaid State agency, and CMS and/or its contractors, and from the Part C appeals process where the term ''party'' includes an enrollee, a provider, an entity with rights with respect to the organization determination, or an MA organization. In light of the Part D statutory and regulatory provisions, this proposed rule makes clear that only the enrollee may request and be a party to an ALJ hearing or MAC review. (We note that an enrollee may appoint a representative to act on his or her behalf as discussed in § 423.560 and as set forth in § 422.561 and § 405.910. A representative could include an enrollee's physician).

We are proposing not to make the Part D plan sponsor, the IRE, or CMS a party to an ALJ hearing or the MAC review in a Part D case. The statute and Part D rule do not explicitly provide these entities with party status, unlike Part C where the statute provides that the Secretary shall make an MA organization a party to ALJ hearings. Further, the preamble to the Part D rule (70 FR 4360) states that ''[t]he plan is not a party to the ALJ hearing.'' As discussed later in the preamble, we recognize that the involvement of CMS, the IRE, and/or the Part D plan sponsor may be necessary to resolve the issue(s) on appeal and we propose to allow these entities to participate in ALJ hearings at the ALJ's discretion. The participation of Part D plan sponsors in ALJ hearings was also contemplated in the preamble to the proposed Part D rule (69 FR 46632, 46722), which noted that ''[a]lthough a PDP sponsor generally is not a party to the IRE appeal and may not request a hearing before an ALJ, the sponsor is considered a party to the ALJ hearing for the limited purpose of participation in the hearing.'' We welcome comments on this proposed approach.

C. Timeframes for Deciding Appeals at the ALJ and MAC Levels

[If you choose to comment on issues in this section, please include the caption ''TIMEFRAMES FOR DECIDING APPEALS AT THE ALJ AND MAC LEVELS'' at the beginning of your comments.]

Part 405, subpart I implements the provisions of section 1869 of the Act that require ALJs and the MAC to complete their actions within 90 days of the date an appeal is timely filed. The Part D statute and rule do not establish timeframes for an ALJ or the MAC to issue a decision. However, we recognize the need to ensure that Part D enrollees receive timely actions on their requests for hearing and review, particularly in cases where the enrollee has not obtained the drug and a delayed decision may seriously jeopardize the enrollee's life or health or ability to regain maximum function.

We propose to apply a 90-day adjudicatory timeframe to Part D appeals with an expedited process for certain types of appeals. Specifically, we propose that an ALJ and the MAC must provide an expedited decision in situations where the appeal involves one of the issues specified in

§ 423.566(b), but does not include solely a request for payment of Part D drugs already furnished, and when the enrollee's prescribing physician indicates, or the ALJ or the MAC determines that applying the standard timeframe for making a decision may seriously jeopardize the enrollee's life or health or ability to regain maximum function. In these situations, the ALJ and the MAC must issue a decision, dismissal order, or remand as expeditiously as the enrollee's health condition requires, but no later than the end of the 10-day period beginning on the date the request for hearing or request for review is received.

This process is similar to the expedited process established at the coverage determination, redetermination, and reconsideration levels under the Part D rule at § 423.570, § 423.584, and § 423.600. As discussed in applicable sections below, in order to meet this shortened timeframe, we propose to allow certain requests, objections, decisions, orders, and notices to be conducted orally with written follow-up or documentation and to shorten certain timeframes for receiving certain notices, such as the notice of hearing. All time periods in this proposed rule refer to calendar days.

The statutory and regulatory provisions for appeals under Parts A and B provide appellants the opportunity to request that the appeal be transferred (or ''escalated'') to the next level of appeal, if the Qualified Independent Contractor (QIC), ALJ, or the MAC do not complete their actions within the statutory deadlines. The Part C and D statutory provisions do not provide for escalation of an appeal to the ALJ, MAC, or Federal District Court levels. We propose to not include provisions regarding escalation in this rule, but instead we are proposing to address the timeliness concerns of Part D enrollees by providing for an expedited process, discussed in greater detail below.

D. Evidence

[If you choose to comment on issues in this section, please include the caption ''EVIDENCE'' at the beginning of your comments.]

We are proposing to provide enrollees with as much flexibility as possible concerning the evidence that may be presented for an ALJ hearing and MAC review. We also are proposing that the entity that is best suited to review and evaluate the evidence be the entity that receives the evidence for review. Therefore, we are proposing that an enrollee may submit any written evidence about his or her condition at the time of the coverage determination that he or she wishes to have considered at the hearing. However, we propose where an enrollee wishes to have evidence on changes in his or her condition since the coverage determination considered in the appeal, an ALJ or the MAC will instead remand the case to the Part D plan sponsor. The Part D plan sponsor is in a better position to evaluate the impact of evidence on change in condition because it has the technical expertise needed to review such evidence. This proposal differs from the Part 405, subpart I, rule, because Part A and Part B appeals are retrospective; that is, the service or item at issue was provided or received before the claim is filed. In these situations, evidence of medical necessity is not relevant unless it relates to the beneficiary's medical condition and needs at the time that the beneficiary received the service or obtained the medical product or device. In contrast, some Part D appeals involve an enrollee requesting that the Part D plan sponsor provide him or her with a particular drug (''drug benefit appeals''). In these cases, the enrollee's condition may change during the course of the appeal, and evidence of such a change in condition may impact a Part D plan sponsor's determination regarding whether the enrollee should receive a certain Part D drug.

We considered allowing an enrollee in such circumstances to withdraw a pending appeal and seek a new coverage determination from the Part D plan sponsor. However, we believe a remand would streamline the process for the enrollee by eliminating the need for the enrollee to both withdraw a pending appeal and to file a new coverage determination request. Additionally, on remand the Part D plan sponsor would have access to an already developed case file when reviewing newly submitted evidence on change in condition, allowing for a more efficient and effective review by reducing possible delays from developing a new case file. We also note that under our proposal, the enrollee would have the option to continue with his or her appeal at the ALJ or MAC level if he or she did not wish to have change in condition evidence considered.

We do not propose to follow the full and early presentation of evidence provisions in Part 405, subpart I, including § 405.1028. Section 1869(b)(3) of the Act requires the full and early presentation of evidence at the reconsideration level by providers and suppliers absent good cause. Part 405, subpart I, extends this requirement to beneficiaries represented by providers or suppliers in an effort to ensure that providers or suppliers do not attempt to circumvent the full and early presentation of evidence rules by offering to represent beneficiaries. For Part D appeals, we propose that only the enrollee would be a party to the appeal and because the enrollee would not be represented by a provider or supplier attempting to circumvent this rule we propose to not include any provisions from Part 405, subpart I, on the full and early presentation of evidence. We propose, as discussed above, that an enrollee may present new evidence at any time during the appeal. However, we propose that the ALJ or MAC will not consider evidence on change in condition occurring after the coverage determination is made but will remand the appeal to the Part D plan sponsor if an enrollee wishes to have such evidence examined and considered in the appeal.

E. Claims and Overpayment

[If you choose to comment on issues in this section, please include the caption ''CLAIMS AND OVERPAYMENT'' at the beginning of your comments.]

The Part A and Part B appeals process may involve claims for reimbursement from the Medicare Trust Fund made by parties to the appeal and issues of over- or underpayment by the Federal Government. In contrast, Part D appeals do not involve claims against the Medicare Trust Fund by enrollees, and, therefore, the Part D appeals process does not involve overpayments or underpayments. Rather, an enrollee may request payment from the Part D plan sponsor in situations where the enrollee has paid for a drug out-of-pocket (''payment appeals''). Therefore, we do not include any references to claims, overpayment, or underpayment in this proposed rule.

F. Other General Comments

[If you choose to comment on issues in this section, please include the caption ''OTHER GENERAL COMMENTS'' at the beginning of your comments.]

The Part D rule already contains provisions in current § 423.610 (proposed § 423.1970), current § 423.612 (proposed § 423.1972), and current § 423.630 (proposed § 423.1976) regarding the amount in controversy requirements for ALJ hearings and judicial review. Therefore, we see no reason to include language similar to that in § 405.990(j) and § 405.1006 regarding amount in controversy

requirements for Part A and Part B appeals.

Part 405, subpart I, references the applicability of national coverage determinations (NCDs) and local coverage determinations (LCDs). Because neither of these types of coverage policies applies to Part D, we propose not to include any reference to NCDs and LCDs and not to include any provision that applies solely to the application of NCDs and/or LCDs from Part 405, subpart I (for example, language from § 405.1060).

Part 405, subpart I, also refers to the Social Security Administration (SSA) rules for entitlement and enrollment appeals performed by SSA. We are not including similar references to SSA in this proposed rule because SSA does not perform appeals regarding enrollment in or entitlement to Part D.

Finally, Part 405, subpart I includes a provision at § 405.1064 regarding ALJ decisions involving statistical samples. We are not including similar language for Part D appeals because, as discussed above, Part D appeals do not involve overpayment issues. Therefore, statistical samples will not be used in reaching a decision.

IV. Specific Provisions of the Proposed Rule

A. Reopenings (§ 423.1980 Through § 423.1986)

[If you choose to comment on issues in this section, please include the caption ''REOPENINGS'' at the beginning of your comments.]

Current § 423.634(a) (proposed § 423.1978(a)) states that a coverage determination, a redetermination, a reconsideration or a decision of an ALJ or the MAC ''that is otherwise final and binding may be reopened and revised by the entity that made the determination or decision, under the rules in part 422, subpart M of this chapter.'' Section 422.616 of subpart M discusses reopenings and states that a determination or decision ''that is otherwise final and binding may be reopened and revised by the entity that made the determination or decision, under the rules in part 405 of this chapter.'' Therefore, we propose reopening regulations that generally track the Part A and Part B reopening provisions in § 405.980, § 405.982, § 405.984, and § 405.986. These regulations define reopening, explain who may initiate and revise determinations and decisions and when, and the effect of a revised determination or decision.

We believe that it is appropriate to follow the general process set forth in Part 405, subpart I with additional language proposed at § 423.1980(a)(1), (a)(3), and (a)(4), and § 423.1984(g) that is consistent with current § 423.634 (proposed § 423.1978) on Part D reopenings. Since Part D appeals differ in part from Part A and Part B appeals, we propose not to include several provisions from § 405.980, § 405.982, and § 405.986.

1. Reopenings of Coverage Determinations, Redeterminations, Reconsiderations, Hearings, and Reviews (§ 423.1980)

[If you choose to comment on issues in this section, please include the caption ''REOPENINGS OF COVERAGE DETERMINATIONS, REDETERMINATIONS, RECONSIDERATIONS, HEARINGS, AND REVIEWS'' at the beginning of your comments.]

This section proposes to track the language of § 405.980 on the general rules and timeframes for reopening determinations and decisions, except as discussed above and below. We are proposing to define reopenings in § 423.1980(a)(1), without referring to overpayments and underpayments because these terms do not apply to Part D appeals, as discussed above. We also are proposing in § 423.1980 not to include the provision in § 405.980(a)(2) that involves situations where a fiscal intermediary or carrier denies a claim because it did not receive information that it requested about a claim during medical review. In addition, we are proposing not to include § 405.980(a)(3), (b)(4), and (c)(3) in this proposed rule. These subsections refer to clerical errors related to claim submissions by providers to fiscal intermediaries and carriers. In Part D, as discussed above, there are no claim submissions, as the beneficiary is not electronically submitting a claim to the Part D plan sponsor or to CMS. Therefore, we do not believe these provisions apply to Part D reopenings. Further, to the extent a clerical error arises (for example, miscalculations or missing information), an enrollee should use the grievance process established by the Part D plan sponsor.

Furthermore, we are not including in § 423.1980 language similar to § 405.980(b)(5) because this provision refers to the NCD/LCD appeals process, and NCDs and LCDs do not apply to Part D.

2. Notice of a Revised Determination or Decision (§ 423.1982)

[If you choose to comment on issues in this section, please include the caption ''NOTICE OF A REVISED DETERMINATION OR DECISION'' at the beginning of your comments.]

We are proposing in § 423.1982 to follow the process established for Part A and Part B reopenings regarding notification of revised determinations or decisions. However, unlike § 405.982, proposed § 423.1982 does not refer to revised electronic or paper remittance for full or partial reversals. We are not incorporating this language because revised electronic or paper remittance advice notices are not issued for Part D appeals. Further, we propose language requiring the IRE, ALJ, or the MAC to mail revised determinations or decisions to the Part D plan sponsor.

3. Good Cause for Reopening (§ 423.1986)

[If you choose to comment on issues in this section, please include the caption ''GOOD CAUSE FOR REOPENING'' at the beginning of your comments.]

Section 423.1986 proposes language similar to § 405.986 regarding good cause for reopening a determination or decision. We believe it is appropriate where possible for Part D reopenings to have the same good cause standards as Part A and Part B reopenings. We are proposing in § 423.1986(b)(1), to include the requirement in § 405.986(b) regarding good cause for reopening a determination or decision based on a change in substantive law or interpretive policy for appeals. However, many Part D appeals involve drug benefit appeals, where an enrollee has not received the drug. With respect to these appeals, we are proposing in § 423.1986(b)(2) that an adjudicator may reopen a determination or decision to apply the current law or CMS or Part D plan sponsor policy (rather than the law or CMS or Part D plan sponsor policy at the time the original coverage determination was made). Because the enrollee has not received the drug, any change to the law or CMS or Part D plan sponsor policies since the initial coverage determination may affect whether the drug should be received.

B. Expedited Access to Judicial Review (EAJR) (§ 423.990)

[If you choose to comment on issues in this section, please include the caption ''EXPEDITED ACCESS TO JUDICIAL REVIEW'' at the beginning of your comments.]

Section 1869(b)(2) of the Act requires the Secretary to establish a process for Part A and Part B appeals where a provider, supplier or a beneficiary may obtain expedited access to judicial review in situations where the Departmental Appeals Board (DAB)

does not have authority to decide the question of law or regulation relevant to the matters in controversy and where there is no material issue of fact in dispute.

Unlike Part A and Part B appeals, there is no statutory requirement for enrollees to have access to an EAJR process for Part D appeals. However, we believe that it is appropriate to provide Part D enrollees with an EAJR process that mirrors the process established for Part A and Part B appeals. Under the Part A and Part B appeal process, a review entity determines whether the DAB has the authority to decide the question of law or regulation relevant to the matters in controversy after finding that there is no material issue of fact in dispute.

If the review entity certifies that the requirements for expedited access to judicial review are met, a party may appeal directly to the United States District Court. Even though the Part D statute does not require this process for Part D, we believe that Part D enrollees would benefit from this process because it provides access to judicial review more quickly in cases where the DAB does not have the authority to decide the question of law or regulation relevant to the matters in controversy and there is no material issue of fact in dispute, resulting in a more efficient appeals process. Therefore, we are proposing in § 423.990 to provide Part D enrollees the opportunity to seek EAJR. We welcome comments on this proposal.

C. Appeals to an ALJ (§ 423.1000 Through § 423.1063)

[If you choose to comment on issues in this section, please include the caption ''APPEALS TO AN ALJ'' at the beginning of your comments.]

1. General

The Part D rule contains two specific provisions that apply to appeals before an ALJ. Current § 423.610 (proposed § 423.1970) describes an enrollee's right to an ALJ hearing and explains how the amount in controversy requirements may be satisfied. Current § 423.612 (proposed § 423.1972) describes when and where to file a request for hearing, specifies that the time and place of the hearing will be set in accordance with the regulation governing Part A and Part B appeals at § 405.1020, and explains when the ALJ will dismiss a request for hearing because it does not meet the amount in controversy requirement.

We are proposing to follow the process set forth under Part A and Part B for appeals to an ALJ, except as noted above and below. We have tracked the language in the Part 405 rule for proposed § 423.2000, § 423.2004, § 423.2008, § 423.2030, § 423.2032, § 423.2042, § 423.2044, § 423.2048, § 423.2050, § 423.2054, § 423.2062, and § 423.2063. We believe that it is appropriate for Part D appeals to follow the Part A and Part B appeals procedures set forth in these provisions.

2. Right to an ALJ Hearing (§ 423.2002)

[If you choose to comment on issues in this section, please include the caption ''RIGHT TO AN ALJ HEARING'' at the beginning of your comments.]

The Part D rule currently at § 423.610(a) (proposed § 423.1970(a)) provides that an enrollee who is dissatisfied with the IRE reconsideration and meets the remaining amount in controversy threshold has a right to a hearing before an ALJ. We are proposing to include this provision in § 423.2002. We are also proposing to include in this section language similar to that in § 405.1002 on how to request an ALJ hearing, what is the date of receipt of the reconsideration, and when a request is considered filed.

We believe it is appropriate to include this information in proposed § 423.2002 because it would be helpful to the enrollee and any representative of the enrollee to understand how to file a request, how we would determine the date of receipt of the reconsideration, and when a request would be considered filed. An enrollee must have a written IRE reconsideration notice before filing a request for an ALJ hearing because the administrative record cannot be forwarded to the ALJ level until the written IRE reconsideration is completed, and the appeal cannot proceed at the ALJ level without the administrative record. We are also proposing in § 423.2002(b) that an enrollee may request an expedited ALJ hearing, if the enrollee meets the amount in controversy threshold and submits a request for an ALJ hearing within 60 days after receipt of the written notice of the IRE's reconsideration where the appeal involves an issue specified in § 423.566(b) but is not solely a request for payment of Part D drugs already furnished, as discussed previously. However, we are also proposing in § 423.2016(b) that the ALJ grant the request only if the enrollee's prescribing physician indicates or the ALJ determines that applying the standard timeframe for making a decision may seriously jeopardize the enrollee's life or health or ability to regain maximum function.

As discussed above, we believe that an expedited process, similar to the expedited process provided at the lower levels of appeal would benefit enrollees who need quick decisions about Part D drugs due to their health status. We propose at § 423.2002(b)(3) a more informal process for requesting an expedited hearing by proposing to permit an enrollee to make a request for hearing orally. We believe that the oral request would make the initiation of the ALJ appeals process faster and easier for the enrollee. However, for the reasons stated above, an enrollee may only file an oral request for an expedited hearing after receiving the written IRE reconsideration notice. We also are proposing in § 423.2002(b)(4), to require the ALJ hearing office to document and maintain documentation of any oral request.

3. Participation in an ALJ Hearing (§ 423.2010)

[If you choose to comment on issues in this section, please include the caption ''PARTICIPATION IN AN ALJ HEARING'' at the beginning of your comments.]

In an effort to reduce the administrative burden and to assist the ALJ in resolving the issue(s) in an appeal more appropriately, we introduced specific procedures in Part 405, subpart I, to allow CMS and/or its contractors to participate in, or be a party to, an ALJ hearing. As explained in the preamble to the Part 405, subpart I rule (70 FR 11459–11460), if CMS and/or its contractors participate in an appeal, ALJs may be able to resolve issues of fact and law more quickly and reduce the need for remands for additional factual development.

CMS participation would provide significant benefit to the appeals process, and would assist in creating a more complete record. Section 1860D–4(h) of the Act and the Part D rule neither require nor prohibit participation by CMS and/or its contractors in an ALJ hearing. We recognize that an ALJ may determine that it is appropriate to request additional information from CMS, the IRE, and/or the Part D plan sponsor in order to resolve an appeal. Thus, we are proposing in § 423.2010, to allow CMS, the IRE, and/or the Part D plan sponsor to participate in an ALJ hearing at the ALJ's discretion, in a manner similar to § 405.1010 for Part A and Part B appeals. Participation in an ALJ hearing does not give the entities ''party'' status. Proposed § 423.2010(c) would give the ALJ discretion about whether to allow CMS, the IRE, and/or the Part D plan sponsor to participate in situations where any of these entities requests participation. The ALJ would be

precluded from drawing any adverse inference if CMS, the IRE, and/or the Part D plan sponsor elected not to participate under proposed § 423.2010(g).

We believe that this proposal would allow an ALJ to decide when an appeal would benefit from participation by one or more of these entities. An ALJ, however, would have the flexibility to balance the interests of the enrollee with the interests of these other entities and to deny a request to participate. We believe this proposal is consistent with the preamble language to the Part D rule (70 FR 4360, 4361), with respect to the role of the Part D plan sponsor, which states, ''[t]he plan is not considered a party to the ALJ hearing, but may participate in the hearing at the discretion of the ALJ * * * [u]nlike under MA, the plans do not have the right to request an appeal of an ALJ decision with which the plan disagrees.'' We noted in the Part D rule that ''[e]ven though plans are not parties to ALJ hearings, we continue to believe that it is important to give plans the ability to participate in ALJ hearings. Therefore, plans may participate in hearings at the ALJ's discretion.''

Further, if these entities do wish to participate, we propose in § 423.2010(b) to require that the request to participate be made within a shorter timeframe. For expedited appeals, any request by CMS, the IRE, and/or the Part D plan sponsor to participate must be made within 1 day of receipt of the notice of hearing (5 days for non-expedited hearings). The ALJ must then notify the entity, the enrollee, and the Part D sponsor, if applicable, of his or her decision on the request to participate within 1 day of receipt of the request (5 days for non-expedited appeals). We propose these limitations due to the very tight timeframes for expedited appeals.

In Part D appeals all requests for an ALJ hearing are brought by enrollees. Even if an enrollee is represented by a provider or supplier, that provider or supplier will not have a direct financial interest in the appeal. Therefore, we are proposing that CMS, the IRE, and the Part D plan sponsor not be a party with a right to request a hearing under Part D. As noted above, this proposed policy is consistent with the applicable statutory and regulatory provisions. Moreover, this proposal is consistent with the preamble to the Part D rule (70 FR at 4360) where we explicitly state that the Part D plan sponsor is not a party to the appeal.

4. Request for an ALJ Hearing (§ 423.2014)

[If you choose to comment on issues in this section, please include the caption ''REQUEST FOR AN ALJ HEARING'' at the beginning of your comments.]

The Part D rule currently at § 423.612(a) and (b) (proposed § 423.1972(a) and (b)) describes how, where, and when to file a request for an ALJ hearing. We are proposing to include this requirement in § 423.2014. We are also proposing to include in this section language similar to that in § 405.1014 on requests for an ALJ hearing, including the content of a request, where and when to file a request and any extension of time to request a hearing. We believe these provisions appropriately apply to Part D appeals.

Current § 423.612(b) (proposed § 423.1978(b)) states that ''[e]xcept when an ALJ extends the timeframe as provided in part 422, subpart M of this chapter, the enrollee must file a request for a hearing within 60 days of the date of the notice of an IRE reconsideration determination.'' Similarly, § 422.602(b) of the Part C rule states that ''[e]xcept when an ALJ extends the timeframe as provided in part 405 of this chapter, a party must file a request for a hearing within 60 days of the date of the notice of a reconsidered determination.'' Therefore, in proposed § 423.2014, we closely track the language of § 405.1014 regarding the time in which to request a hearing. Additionally, we are proposing in § 423.2014(a)(1) and (a)(2) to require the telephone number of the enrollee and the designated representative, if any, in any request for an ALJ hearing. This information would assist the ALJ in quickly contacting the enrollee or the designated representative, particularly for expedited appeals. Because we are proposing to adopt a specific provision to govern requests for ALJ hearings in Part D appeals, we propose to revise current § 423.612 (proposed § 423.1972) to replace the reference to the regulations in part 422, subpart M, with a cross reference to proposed § 423.2014.

Furthermore, we are proposing to require the plan name and the enrollee's Medicare health insurance claim number. This information would assist the ALJ in identifying the relevant plan and formulary involved in the appeal. We also are proposing in § 423.2014(a)(7) that an enrollee who seeks an expedited hearing indicate that in his or her request.

As discussed previously, we are proposing in § 423.2014(b), a more informal process for requesting an expedited hearing by proposing to permit an enrollee to make a request for an expedited hearing orally. We believe that the oral request would make the initiation of the ALJ appeals process faster and easier for the enrollee. However, as explained above in the discussion of § 423.2002(b)(3), an enrollee may only file an oral request for an expedited hearing after receiving the written IRE reconsideration notice. This requirement is reflected in § 423.2014(b). A prescribing physician may also provide oral or written support for an enrollee's request for expedited hearing by an ALJ. In the same section, we also propose to require the ALJ hearing office to document and maintain documentation of this oral request.

Similarly, in § 423.2014(d)(2), we are proposing that an enrollee requesting an expedited hearing be permitted to request orally an extension of time for filing the hearing request and that such request be documented in writing and maintained in the case file by the ALJ hearing office.

5. Timeframes for Deciding an Appeal Before an ALJ (§ 423.2016)

[If you choose to comment on issues in this section, please include the caption ''TIMEFRAMES FOR DECIDING AN APPEAL BEFORE AN ALJ'' at the beginning of your comments.]

As discussed above, we are proposing to apply a 90-day adjudicatory timeframe to Part D appeals with an expedited process for certain types of appeals. Specifically, we are proposing in § 423.2016(b)(1), that an ALJ would provide an expedited decision in situations where the enrollee requests an expedited hearing, the appeal involves an issue specified in § 423.566(b), but does not include solely a request for payment of Part D drugs already furnished and the enrollee's prescribing physician indicates, or the ALJ determines that applying the standard timeframe for making a decision may seriously jeopardize the enrollee's life or health or ability to regain maximum function. We also are proposing that the ALJ may consider this standard as met if a lower level adjudicator has granted a request for an expedited appeal. The expedited appeals process is similar to the process established at the Part D plan sponsor and IRE levels under the Part D rule at § 423.570, § 423.584, and § 423.600.

In § 423.2016(b), we are proposing that the ALJ rule on a request for expedited hearing within 5 days of

receiving the request. We also are proposing in this section that the ALJ give the enrollee prompt oral notice of this decision. If the ALJ denies a request for an expedited hearing, the ALJ will explain that the appeal would be processed using the 90-day timeframe, and send an equivalent written notice within 3 days of issuance of the oral notice to the enrollee and to the Part D plan sponsor. We propose in § 423.2016(b)(4), that a decision on a request for an expedited hearing cannot be appealed to the MAC. If the ALJ accepts the request for expedited hearing, we propose in § 423.2016(b)(5), that the ALJ issue a written decision, dismissal order, or remand as expeditiously as the enrollee's health condition requires, but no later than the end of the 10-day period beginning on the date the request for hearing is received.

Although the timeframe for the issuance of a written decision is somewhat longer than at the lower levels, we believe this is appropriate. The ALJ hearing is more complicated than an IRE reconsideration because it involves the scheduling and conducting of a hearing. The hearing entails the presentation of evidence including testimony by parties and witnesses, necessitates a longer adjudication period.

6. Submitting Evidence Before the ALJ Hearing (§ 423.2018)

[If you choose to comment on issues in this section, please include the caption ''SUBMITTING EVIDENCE BEFORE THE ALJ HEARING'' at the beginning of your comments.]

We are proposing in § 423.2018 to adopt concepts from § 405.1018 regarding when an enrollee must submit written evidence. However, we also propose in this section to permit an enrollee to submit any written evidence about his or her condition at the time of the coverage determination but require the ALJ to remand a case to the Part D plan sponsor where an enrollee wishes to have evidence considered on changes in his or her condition since the coverage determination.

Additionally, we are proposing in § 423.2018(b) and (c) that an enrollee must submit all written evidence that he or she wishes to have considered at the hearing within 2 days of receiving the notice of hearing for expedited appeals and 10 days for non-expedited appeals. We believe that requiring evidence to be submitted within these timeframes provides the adjudicator sufficient time to review all evidence submitted before the hearing.

7. Time and Place for a Hearing Before an ALJ (§ 423.2020)

[If you choose to comment on issues in this section, please include the caption ''TIME AND PLACE FOR A HEARING BEFORE AN ALJ'' at the beginning of your comments.]

The Part D rule currently at § 423.612(b) (proposed § 423.1972(a)) describes the time and place for a hearing before an ALJ and requires that it be set in accordance with § 405.1020. Therefore, we are proposing to include in § 423.2020 language similar to that set forth in § 405.1020, including information on the determination of how appearances are made, the notice of a hearing, an enrollee's right to waive a hearing, an enrollee's objection to the time and place of hearing, good cause for changing the time and place of the hearing, the effect of rescheduling a hearing, and an enrollee's request for an in-person hearing.

As discussed previously, we propose a more informal process for expedited hearings by proposing in § 423.2020(e)(3) and (i)(3) to allow objections to the time and place for a hearing and requests for in-person hearings to be made orally, and to require the ALJ hearing office to document all oral objections or requests and maintain such documentation in the case files. We are also proposing in § 423.2020(i)(4) to not waive the adjudication period for expedited hearings when an enrollee's request for an in-person hearing is granted because a waiver of the adjudication period under the circumstances of an expedited appeal could be detrimental to the enrollee's health condition.

8. Notice of a Hearing Before an ALJ (§ 423.2022)

[If you choose to comment on issues in this section, please include the caption ''NOTICE OF A HEARING BEFORE AN ALJ'' at the beginning of your comments.]

We are proposing to mirror the language in § 405.1022 regarding notice of hearing before an ALJ in § 423.2022. We believe that it is appropriate to apply to Part D appeals procedures similar to the Part A and Part B procedures regarding notice of a hearing. Additionally, as discussed previously, we propose a more informal process with respect to expedited hearings by proposing in § 423.2022(a) to allow ALJs to transmit the notice of the hearing to the enrollee and other potential participants orally followed by an equivalent written notice within one day of the oral notice. Additionally, we are proposing in the same provision that expedited hearing notices be mailed or served at least 3 days before the hearing.

9. Objections to the Issues and Disqualification of the ALJ (§ 423.2024 and § 423.2026)

[If you choose to comment on issues in this section, please include the caption ''OBJECTIONS TO THE ISSUES AND DISQUALIFICATION OF THE ALJ'' at the beginning of your comments.]

We are proposing to follow in § 423.2024 and § 423.2026 the language in § 405.1024 and § 405.1026, which discusses the process for objecting to issues in the notice of hearing and disqualification of the ALJ. We believe it is appropriate to allow enrollees to object to the issues described in the notice of hearing and to maintain the processes set forth for Part A and Part B appeals for disqualification of the ALJ for Part D appeals.

Additionally, for expedited hearings, we are proposing in § 423.2024(a) and § 423.2026(b), that an enrollee may submit oral or written notice of objections to issues described in the notice of hearing no later than 2 days before the hearing and orally notify the ALJ no later than 2 days after the date of the notice of hearing about any objections to the ALJ who will conduct the hearing. Further, in the same proposed sections, we are proposing that the ALJ document all objections or requests in writing and maintain the documentation in the case files.

10. When an ALJ May Remand a Case (§ 423.2034)

[If you choose to comment on issues in this section, please include the caption ''WHEN AN ALJ MAY REMAND A CASE'' at the beginning of your comments.]

We are proposing to include language in § 423.2034 similar to that in § 405.1034 regarding when an ALJ may remand a case. This language is appropriate for Part D appeals because, like Part A and Part B appeals, it may be necessary for an ALJ to remand a case to a lower level. However, for the reasons stated above, we are proposing at § 423.2034(c), to require the ALJ to remand a case to the Part D plan sponsor if the ALJ determines that the enrollee wishes to have evidence on his or her change in condition after the coverage determination considered in the appeal. As stated previously, if the enrollee submits this type of evidence but wishes not to have it considered, the ALJ would be able to proceed with the appeal without considering the evidence on the enrollee's change in condition.

11. Description of an ALJ Hearing Process (§ 423.2036)

[If you choose to comment on issues in this section, please include the caption ''DESCRIPTION OF AN ALJ HEARING PROCESS'' at the beginning of your comments.]

We reviewed the language in § 405.1036 to determine whether to incorporate similar language in proposed § 423.2036. In general, we follow the procedures set forth for Part A and Part B appeals regarding the right to appear and present evidence, waiver of the right to appear, presenting written statements and oral arguments, waiver of the adjudication period, what evidence is admissible at a hearing, and witnesses at a hearing. With respect to waiver of the right to appear for expedited hearings, we propose at § 423.2036(b), to allow an enrollee to indicate orally that he or she does not wish to appear at a hearing (with appropriate documentation of this request and maintenance of this documentation by the ALJ hearing office). At § 423.2036(b)(2), we propose to allow an enrollee to withdraw his or her waiver in writing. We also propose that by withdrawing his or her waiver, the enrollee agrees to an extension of the adjudication period as specified in § 423.2016 that may be necessary to schedule and hold a hearing. For the reasons discussed above, we are proposing in § 423.2036(e) (what evidence is admissible at a hearing) that an ALJ may not consider evidence on any change in condition of the enrollee after the coverage determination by the plan sponsor.

We are proposing not to include language similar to that in § 405.1036(f) on requests for subpoenas by a party. In Part 405, subpart I, requests for subpoena by a party are limited to instances where discovery has been sought. Discovery is permissible under Part 405, subpart I only when CMS and/or its contractors participate in an ALJ hearing as a party, because it is appropriate to permit discovery when an ALJ hearing is adversarial (that is, whenever CMS and/or its contractor is a party).

For Part D appeals, however, we propose that only an enrollee may be a party, and therefore, Part D appeals will not be adversarial in nature. Thus, we are proposing not to apply to Part D appeals the provisions in § 405.1036(f), which discuss subpoenas at the request of a party, and § 405.1037, which discuss discovery. However, we propose to allow an ALJ to issue a subpoena on his or her own initiative, as under § 405.1036(f) for Part A and Part B appeals, because an ALJ may need to obtain additional information in order to resolve an issue(s) in a Part D appeal.

In instances when an ALJ issues a subpoena, we intend to follow similar procedures regarding the reviewability and enforcement of subpoenas as outlined in 405.1036(f).

12. Deciding a Case Without a Hearing Before an ALJ and Prehearing and Posthearing Conferences (§ 423.2038 and § 423.2040)

[If you choose to comment on issues in this section, please include the caption ''DECIDING A CASE WITHOUT A HEARING BEFORE AN ALJ AND PREHEARING AND POSTHEARING CONFERENCES'' at the beginning of your comments.]

We are proposing in § 423.2038 and § 423.2040 to follow the language set forth in § 405.1038 and § 405.1040, which discusses the process for deciding a case without a hearing before an ALJ and prehearing and posthearing conferences. We believe it is appropriate to use these processes for Part D appeals. Additionally, for expedited hearings, we are proposing in § 423.2038(b)(1)(i) and § 423.2040(c), that an enrollee may orally notify the ALJ that he or she does not wish to appear before the ALJ at a hearing and may also orally indicate that he or she does not wish to receive a written notice of the conference.

Further, we are proposing that the ALJ document all objections or requests in writing and maintain the documentation in the case files.

Finally, we are proposing in § 423.2040(c) that, for expedited hearings, the ALJ inform the enrollee of the time, place, and purpose of the conference within a shorter timeframe (at least 2 days before the conference date) than for non-expedited appeals (at least 7 days before the conference date).

13. Notice of an ALJ Decision (§ 423.2046)

[If you choose to comment on issues in this section, please include the caption ''NOTICE OF AN ALJ DECISION'' at the beginning of your comments.]

We are proposing in § 423.2046 to follow the procedures in § 405.1046 regarding notice of an ALJ decision. We believe it is appropriate to provide a similar notice process in Part D appeals. We are not proposing to include language from § 405.1046(a) regarding overpayment cases involving multiple beneficiaries because Part D appeals do not involve overpayments. We also are proposing in § 423.2046(d), that an ALJ issue a decision, as expeditiously as the enrollee's health condition requires, but no later than the end of the 10-day period for expedited hearings.

14. Dismissal of a Request for Hearing Before an ALJ (§ 423.2052)

[If you choose to comment on issues in this section, please include the caption ''DISMISSAL OF A REQUEST FOR HEARING BEFORE AN ALJ'' at the beginning of your comments.]

We are proposing in § 423.2052, to follow the language in § 405.1052 regarding dismissal of a request for an ALJ hearing because we believe that it is appropriate for an ALJ to dismiss Part D appeals for the same reasons as an ALJ would dismiss Part A and Part B appeals. We also are proposing to shorten the timeframes for expedited appeals in two instances.

First, we propose at § 423.2052(a)(2)(ii), that an ALJ may dismiss a request for expedited hearing when the enrollee (or his or her representative) does not appear at the time and place set for the hearing and has not contacted the ALJ hearing office within 2 days (instead of the standard 10 days for non-expedited appeals) and provided good cause (as determined by the ALJ) for not appearing.

Second, we propose at § 423.2052(a)(2)(iii), that an ALJ may dismiss a request for hearing when the enrollee (or his or her representative) does not appear at the time and place set for the hearing and if the ALJ sends a notice to the enrollee asking why the enrollee did not appear, the ALJ does not receive a response to the notice from the enrollee within 2 days for expedited hearings (and 10 days for non-expedited hearings) or the enrollee does not provide good cause for failing to appear.

We also are proposing at § 423.2052(a)(5), that a request for hearing may be dismissed if the enrollee dies while the request for hearing is pending and the enrollee's representative has no remaining financial interest in the case and does not continue the appeal. Unlike Medicaid State agencies in Part A and Part B appeals, State Pharmaceutical Assistance Programs (SPAPs) do not have an independent right to appeal. While a SPAP may have a financial interest and may wish to pursue an appeal, the SPAP would have authority to do so only if the SPAP was appointed as the enrollee's representative. Therefore, we are proposing that if an SPAP has been appointed as the enrollee's representative, the SPAP could continue an appeal after an enrollee dies provided that the appointment continues to be valid.

Additionally, we are proposing at § 423.2052(b) to follow the language of § 405.1052(b), which requires the ALJ to mail a written notice of dismissal to the enrollee.

D. Appeals to the MAC (§ 423.2100 Through § 423.2134)

[If you choose to comment on issues in this section, please include the caption ''APPEALS TO THE MAC'' at the beginning of your comments.]

1. General

The Part D rule includes one provision concerning MAC review. Current § 423.620 (proposed § 423.1974) provides that an enrollee who is dissatisfied with an ALJ's hearing decision may request that the MAC review the ALJ decision or dismissal. Further, it states that ''[t]he regulations under part 422, subpart M of this chapter regarding MAC review apply to matters addressed by this subpart, to the extent applicable.'' Section 422.608 of the Part C rule states that ''[t]he regulations under part 405 of this chapter regarding MAC review apply to matters addressed by this subpart to the extent that they are appropriate.'' Therefore, we propose in the provisions regarding MAC review to follow the language in Part 405, subpart I, as appropriate and have tracked the language in the Part 405, subpart I, for proposed § 423.2106, § 423.2116, § 423.2118, § 423.2120, § 423.2128, and § 423.2130. In addition, because we are proposing to adopt a specific provision to govern requests for MAC review in Part D appeals, we propose to revise current § 423.620 (proposed § 423.1974) to replace the reference to the regulations in part 405, subpart I, with a cross reference to proposed § 423.2102.

2. Medicare Appeals Council Review: General (§ 423.2100)

The Part D rule currently at § 423.620 (proposed § 423.1970) provides that an enrollee who is dissatisfied with an ALJ's hearing decision may request that the MAC review the ALJ decision or dismissal. We are proposing to include this requirement in § 423.2100. We are also proposing in § 423.2100 to follow the language of § 405.1100, which describes who may request MAC review, the de novo standard of MAC review, and timeframes for issuing a decision or remand because we believe that Part D appeals should not differ from Part A and Part B appeals with respect to these provisions, except as discussed above. We further propose language in § 423.2100(c) establishing the 10 day adjudicatory timeframe for expedited reviews.

3. Request for MAC Review When ALJ Issues Decision or Dismissal (§ 423.2102)

We are proposing to include in § 423.2102 language similar to that set forth in § 405.1102 on requests for MAC review when the ALJ issues a decision or dismissal. We believe it is appropriate to include this information in proposed § 423.2102 because it would help the enrollee and any representative of the enrollee to understand how to file a request for MAC review and how the date of receipt of the request would be determined, and when a request would be considered filed. We also are proposing at § 423.2102(a)(2), that an enrollee may request expedited review if the enrollee submits a written request for MAC review within 60 days after receipt of the ALJ's decision or dismissal and the appeal involves an issue specified in § 423.566(b) but does not include solely a request for payment of Part D drugs already furnished.

As discussed above, we believe that an expedited MAC review process similar to the expedited process provided at lower levels of appeal would benefit enrollees who need quick decisions about Part D drugs due to their health status. We are proposing at § 423.2102(a)(2), a more informal process for requesting an expedited review by proposing to permit an enrollee to make a request for review orally. We believe that the oral request would make the initiation of the MAC appeals process faster and easier for the enrollee. A prescribing physician may also provide oral or written support for an enrollee's request for expedited review by the MAC. We also are proposing in § 423.2102(a)(2)(ii) to require the MAC to document and maintain documentation of this oral request.

Similarly, in § 423.2102(b)(1), we are proposing that an enrollee requesting an expedited review be permitted to orally request an extension of time for filing the request, and that the request be documented in writing and maintained in the case file by the MAC.

4. MAC Actions When Request for Review Is Filed (§ 423.2108)

We are proposing to follow the requirements in § 405.1108 regarding MAC actions when a request for review is filed, including de novo review of an ALJ's decision. Specifically, we propose in § 423.2108(d) an expedited process for certain types of appeals. We propose in § 423.2108(d)(1), to require the MAC to provide an expedited decision where an enrollee requests the review, the appeal involves an issue specified in § 423.566(b), but does not include solely a request for payment of Part D drugs already furnished, and the enrollee's prescribing physician indicates, or the MAC determines that applying the standard timeframe for making a decision may seriously jeopardize the enrollee's life or health or ability to regain maximum function. We also are proposing that the MAC may consider this standard as met if a lower level of adjudicator has granted a request for an expedited appeal.

We are proposing in § 423.2108(d)(2)(i) that the MAC deny a request for expedited review, because the standard for expedited review is not met, within 5 days after receiving the request for expedited review. We also are proposing in § 423.2108(d)(2)(ii) that the MAC would send the enrollee and Part D plan sponsor written notice of the denial within 5 days after receiving the request that explains that the appeal will be processed using the 90-day timeframe. Instead of notifying the enrollee and Part D plan sponsor that the MAC has granted the request for expedited review, we propose to use these resources to process the expedited appeal.

If the MAC accepts the request for expedited review, we propose in § 423.2108(d)(2), that the MAC issue a decision, dismissal order, or remand, as expeditiously as the enrollee's health condition requires, but no later than the end of the 10-day period beginning on the date the request for review is received by the entity specified in the ALJ's written notice of decision. This process is similar to the process established at the coverage determination, redetermination, and reconsideration levels under the Part D rule at § 423.570, § 423.584, and § 423.600.

5. MAC Review on Its Own Motion (§ 423.2110)

On March 23, 2007, CMS published a CMS Ruling (CMS–4083–NR) in the **Federal Register**. The CMS ruling established an interim process for referring Part D cases to the MAC for review under its own motion authority. This ruling permits CMS and its IRE to refer cases to the MAC for own motion review and largely applies the provisions of § 405.1110, with the notable exception of the standard of review.

We propose in this rule to largely follow this Ruling and the requirements set forth in § 405.1110 regarding MAC own motion reviews, with certain

modifications. Proposed § 423.2110, reflects our proposal that the enrollee is the only party to an ALJ hearing and that CMS and/or the Part D IRE may participate as a non-party in the ALJ hearing. Proposed § 423.2110 differs from § 405.1110 in that § 423.2110 applies the same standard of review to such requests whether CMS or IRE simply requested to participate in the ALJ hearing or actually participated in the ALJ hearing. This proposed difference is due to the ALJ having the discretion under proposed § 423.2010 not to allow CMS or the Part D IRE to participate as a non-part in the ALJ hearing. Because ALJs have discretion to deny a CMS or IRE request to participate in an ALJ hearing, we believe it is appropriate under § 423.2110 to apply the same standard of review to requests for MAC own motion review whether CMS or IRE requested to participate or actually participated in the ALJ hearing.

For administrative efficiency, we are proposing to limit to CMS and the Part D IRE the ability to refer a case to the MAC for review under its own motion authority. We expect that most of the referrals would be made through the Part D IRE, because it is responsible for monitoring plan effectuation of favorable decisions and serves as a repository for all completed Part D ALJ case files.

The Part D IRE does not have a financial or business interest in the outcome of the case. Therefore, we believe that the Part D IRE is in the best position to objectively examine whether an ALJ decision warrants review by the MAC. While Part D plan sponsors would not be permitted to refer a Part D case to the MAC for review under its own motion authority, Part D plan sponsors would have the opportunity to communicate with, and provide input to, CMS or the Part D IRE on ALJ decisions that may warrant a referral to the MAC. Given the large number of Part D plans, we believe that limiting own motion referrals to CMS and the Part D IRE is a more streamlined and efficient approach. We welcome comments on this proposed approach.

We also note that CMS Ruling (CM–4083–NR) would be superseded by these regulations upon implementation of a final rule.

6. Content of Request for Review (§ 423.2112)

We are proposing to include in § 423.2112 language similar to that in § 405.1112 on content of a request for review. However, we propose at § 423.2112(a)(4), to require the telephone number of the enrollee to be included in any request for MAC review. This information would assist the MAC in contacting the enrollee, particularly for expedited appeals. Additionally, we are proposing in § 423.2112(a)(4) to require the plan name and the enrollee's Medicare health insurance claim number. We also are proposing at § 423.2112(a)(4), that an enrollee who seeks an expedited review indicate that his or her request is for an expedited review.

As discussed previously, we propose in § 423.2112(a)(2) a more informal process for requesting an expedited review by proposing to permit an enrollee to make a request for review orally. We believe that the oral request would make the initiation of the MAC appeals process faster and easier for the enrollee. We also are proposing to require the MAC to document and maintain documentation of this oral request.

7. Dismissal of Request for Review (§ 423.2114)

In § 423.2114, we are proposing the process for dismissing a request for review for Part D appeals. The proposed process tracks the Part A and Part B process, except for dismissals involving deceased enrollees. We are proposing at § 423.2114(c), that a request for review may be dismissed if the enrollee dies while the request for review is pending and the enrollee's representative, if any, either has no remaining financial interest in the case or does not continue the appeal. As discussed above, unlike Medicaid State agencies in Part A and Part B appeals, SPAPs do not have an independent right to appeal. While an SPAP may have a financial interest and may wish to pursue an appeal, the SPAP would have authority to do so only if the SPAP was appointed as the enrollee's representative. Therefore, we propose that an SPAP that has been appointed as the enrollee's representative could continue an appeal after an enrollee dies provided that the appointment continues to be valid.

8. What Evidence May Be Submitted to the MAC (§ 423.2122)

We reviewed the language in § 405.1122 to determine whether to incorporate similar language in proposed § 423.2122. In general, we are proposing to follow the procedures for Part A and Part B appeals regarding what evidence may be submitted to the MAC. For the reasons discussed above, we are proposing in § 423.2122(a)(3) that the MAC would not consider evidence on any change in condition after a coverage determination by the plan sponsor that the enrollee wishes to have considered and would remand such a case to the Part D plan sponsor. Like in § 405.1122, we are proposing in § 423.2122 to allow the MAC to issue a subpoena when it determines certain information is reasonably necessary for a full presentation of a case. We also are proposing in § 423.2122(b) not to include language similar to that in § 405.1122(d) on party requests for subpoenas, as only the enrollee is a party to a Part D appeal, and as a result, there will be no discovery in these appeals. For the reasons set forth above, we are proposing to allow the MAC to issue a subpoena only on its own initiative. In addition, if necessary, the MAC may request enforcement of a subpoena by the Secretary. The time period for the MAC to issue a final action or remand the case would be stayed for 15 days or until the Secretary makes a decision with respect to the enforcement request, whichever occurs first.

9. Oral Argument (§ 423.2124)

We are proposing in § 423.2124, to follow the language similar to that in § 405.1124 because we believe that oral arguments may be necessary in some Part D appeals. We also are proposing in § 423.2124(b) that, for expedited appeals, the enrollee be informed of the time and place of the oral argument at least 2 days before the scheduled date of the oral argument, which is shorter than our proposed 10-day timeframe for non-expedited appeals. We believe that providing notice of an oral argument within these timeframes provides the enrollee sufficient time to prepare for the oral argument.

10. Case Remanded by the MAC (§ 423.2126)

We are proposing in § 423.2126, to mirror the language in § 405.1126 regarding when the MAC may remand a case. This language is appropriate for Part D appeals because it may be necessary for the MAC to remand a case to a lower level. Additionally, we are proposing in § 423.2126(a)(4), that when an ALJ has issued a recommended decision, an enrollee may file with the MAC briefs or other written statements about the facts and law relevant to the case within 20 days of the date on the recommended decision or with the request for review for expedited appeals. As discussed above, we also are proposing in § 423.2126(b), to require the MAC to remand a case to the Part D plan sponsor if the MAC determines that the enrollee wishes to have evidence on his or her change in condition after the coverage determination by the plan sponsor considered in the appeal.

E. Judicial Review (§ 423.2136 Through § 423.2140)

[If you choose to comment on issues in this section, please include the caption ''JUDICIAL REVIEW'' at the beginning of your comments.]

The Part D rule includes one provision concerning judicial review. Current § 423.630(a) (proposed § 423.1976(a)) provides that an enrollee may request judicial review of an ALJ's decision if the MAC denied the enrollee's request for review and the amount in controversy threshold is met. Current § 423.630(b) (proposed § 423.1976(b)) also states that an enrollee may request judicial review of the MAC decision if it is the final agency decision and the amount in controversy threshold is met. To request judicial review, this section states that an enrollee must file a civil action in a District Court of the United States in accordance with section 205(g) of the Act. Finally, current § 423.630(c) (proposed § 423.1976(c)) tells the reader to ''[s]ee part 422, subpart M of this chapter, for a description of the procedures to follow in requesting judicial review.''

Section 422.612 explains that part 405 contains a description of the procedures to follow in requesting judicial review. Therefore, we propose to follow the language of the Part 405, subpart I, as appropriate. Thus, we have tracked the language in the Part 405, subpart I, for proposed § 423.2134, § 423.2138, and § 423.2140. We believe that it is appropriate for Part D appeals to follow the Part A and Part B appeals procedures set forth in these provisions. Because we propose to adopt specific procedures for requesting judicial review of final Part D decisions, we propose to delete the cross-reference to Part 422, subpart M, from current § 423.620(c) (proposed § 423.1976(c)) and replace it with a cross-reference to the proposed procedures for requesting judicial review in proposed § 423.2136.

V. Collection of Information Requirements

This document does contain information collection requirements; however, the Paperwork Reduction Act of 1995 exempts the information collection activities referenced in this Proposed Rule. In particular, 5 CFR 1320.4 excludes collection activities during the conduct of administrative actions such as redeterminations, reconsiderations, and/or appeals. Specifically, these actions are taken after the initial determination or a denial of payment.

VI. Response to Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

VII. Regulatory Impact Statement

[If you choose to comment on issues in this section, please include the caption ''Regulatory Impact Analysis'' at the beginning of your comments.]

A. Overall Impact

We have examined the impacts of this rule as required by Executive Order 12866 (September 1993, Regulatory Planning and Review), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Social Security Act, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), Executive Order 13132 on Federalism, and the Congressional Review Act (5 U.S.C. 804(2)).

Executive Order 12866 (as amended) directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). As explained in the analysis that follows, we have determined that this proposed rule is not a major rule since it will impose no consequential costs and will not have an economic effect of $100 million or more. Accordingly, it is not a major rule.

The RFA requires agencies to analyze options for regulatory relief of small businesses, if a rule has a significant impact on a substantial number of small entities. For purposes of the RFA, we estimate that a number of Part D plan sponsors (insurers) are small entities as that term is used in the RFA (include small businesses, nonprofit organizations, and small governmental jurisdictions). As indicated above, a number of Part D plan sponsors (insurers) are small entities due to their nonprofit status. Few if any of the Part D plans sponsors meet the SBA size standard for a small insurance firm by having revenues of $6 million or less in any 1 year. Individuals and States are not included in the definition of a small entity.

This proposed rule will affect primarily individuals enrolled in Part D plans who appeal Part D plan decisions. It makes no substantive changes in the Part D benefit and deals directly only with appeals procedures administered by Federal employees. To date, the volume of Part D appeals is small and the amounts of money involved, although substantial to many of these individuals, are a very small percentage of aggregate Part D plan costs. Accordingly, we do not believe that there will be significant economic impacts on Part D plans. Therefore, the Secretary has determined that this proposed rule would not have a significant economic impact on a substantial number of small entities.

In addition, section 1102(b) of the Act requires us to prepare an RIA if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 603 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a metropolitan statistical area and has fewer than 100 beds. This rule will not have any effect on hospitals. Therefore, the Secretary has determined that this proposed rule will not have a significant impact on the operations of a substantial number of small rural hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. That threshold level is currently approximately $130 million. This proposed rule contains no mandates on State, local, or tribal governments in the aggregate, or on the private sector.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has Federalism implications. This proposed rule has no such effects.

B. Anticipated Effects

This proposed rule has no direct effects on the original Medicare program, since it applies only to the Part D prescription drug program. It would have few direct effects on Part D plans, since it addresses primarily the details

of appeals procedures and process at the ALJ hearing and MAC review levels. Most of the proposed procedures do not vary substantially from existing appeals practices. For example, both under existing practices, upon which this proposed rule is largely modeled, and the proposed rule, neither the government nor the Part D sponsor is a ''party'' to the appeal and therefore neither incurs any legal costs, unless it chooses to participate in the ALJ hearing or MAC review. However, some provisions would be new. Most importantly, we propose to provide for an expedited appeals process when a delay in obtaining a drug may seriously jeopardize the enrollee's life, health, or ability to regain maximum function. This change would affect spending by Part D and the Medicare program by accelerating coverage of a drug in those cases where the enrollee succeeded in the expedited appeal.

The Part D appeals process is administered in large part by the plans themselves. Our rules require plans to have effective grievance and appeals processes that operate timely and effectively to meet enrollee needs. In addition, we impose substantive standards on issues such as plan formularies and the process for obtaining exceptions from formulary restrictions where medically necessary. We provide for within-plan appeals from initial plan decisions. If a problem cannot be resolved at the plan level, we provide for an independent external review through a CMS contractor. (Cases concerning the quality of care take a different route, through Quality Improvement Organizations.) Only those cases where the problem cannot be resolved at those levels go to the so-called third and fourth levels of appeal for a hearing before an ALJ and review by the Medicare Appeals Council, respectively.

The primary effects of this proposed rule will be to tailor the third and fourth level appeal procedures, designed primarily for the original Medicare program, to the unique aspects of the Part D program. This proposed rule reflects and builds upon recent changes in the third and fourth levels of appeals process for Part A and Part B claims appeals (see the Interim Final Rule at 70 FR 11420 (March 8, 2005)). We note that the effects of that rule were extensively analyzed in the Regulatory Impact Analysis published with the rule. The overall conclusion of that impact analysis was that costs to affected persons and entities would be minimal, although the anticipated costs to the Federal government from revised procedures would be substantial.

As discussed earlier in this preamble, our existing policy is that, unless otherwise provided, Part D procedures will follow the procedures established for appeals under Part A and Part B to the extent they are appropriate. The proposed provisions parallel the Part A and Part B provisions, to the extent appropriate. For example, in this proposed rule we have proposed to eliminate references to national and local coverage determinations because these policies do not apply to Part D. Likewise; we eliminate references to Social Security appeals because they are irrelevant to Part D. We note that such changes do not necessarily imply an actual change in the procedures for processing Part D appeals. The proposed rule would in part simply codify existing practices already in place. Other changes we propose are intended to make the appeals process more flexible and responsive to the needs and circumstances of program participants. For example, a common type of appeal is an appeal from the denial of coverage for a drug used for an ''off-label'' indication (one that has not been officially approved by the Food and Drug Administration). Medicare Part D pays for many, but not all, ''off-label'' uses. The process and procedure changes we propose do not directly change the likelihood an enrollee will prevail in appeal, although they may slightly raise the number of such appeals by clarifying the procedures that will apply to such appeals and affording an opportunity to request an expedited appeal. The new expedited appeals procedures will allow us to respond quickly to urgent medical needs of enrollees.

Total enrollment in Part D plans is about 25 million persons (including enrollment in Medicare Advantage Plans that cover prescription drugs). We estimate the total number of third level appeals (ALJ hearings) in fiscal year 2007 to be approximately 350, or about 15 appeals per million enrollees. Only a fraction of these would ever be appealed to the fourth level (MAC review). While the dollar value of these appeals has not been tabulated, the amount is likely to reach several thousand dollars on average (the amount in controversy threshold for an appeal in 2008 is $120 for ALJ hearings and $1180 for federal district court review, but the time and effort involved to pursue an appeal is likely to foster appeals most frequently when the amount is considerably higher). Consequently, the annual total of the amounts in controversy is likely to be in the range of several million dollars. In contrast, total Part D spending in calendar 2007 (which is roughly equivalent to the fiscal year total) is estimated to be approximately $50 billion dollars. Thus, viewed either in absolute or relative terms, any effects of the proposed rule either on the administrative costs or outcomes of these cases are unlikely to be more than a fraction of one percent of the major rule threshold. Likewise, effects on overall plan costs or benefit payments are likely to be minimal.

Accordingly, we do not believe that these procedures, which include both codifications of existing practices and new procedures for the third and fourth levels of appeal will have any consequential net effect on the Part D program, except to clarify the procedures that will apply to the relatively small number of cases that reach those levels of the appeals process. While the volume of appeal cases may increase slightly, adopting the procedures outlined in this proposed rule would benefit enrollees by clarifying the procedures that will apply to these appeals and affording an opportunity to request an expedited appeal in certain circumstances where a faster decision is necessary in order to protect the life and health of the enrollee. We welcome comments on these conclusions.

C. Alternatives Considered

There are no major alternatives to this proposed rule. We have proposed a number of specific provisions and provided a justification for each, throughout this preamble. We welcome comments on these proposals and on any effects that we may not have anticipated, as well as comments on additional or alternative reforms that could improve the appeals process further.

In accordance with the provisions of Executive Order 12866, this proposed rule was reviewed by the Office of Management and Budget.

List of Subjects in 42 CFR Part 423

Administrative practice and procedure, Emergency medical services, Health facilities, Health maintenance organizations (HMO), Health professionals, Medicare, Penalties, Privacy, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services proposes to amend 42 CFR chapter IV as set forth below:

PART 423—VOLUNTARY MEDICARE PRESCRIPTION DRUG BENEFIT

1. The authority citation for part 423 continues to read as follows:

Authority: Secs 1102, 1860D–1 through 1860D–42, and 1871 of the Social Security Act (42 U.S.C. 1302, 1395w–101 through 1395w–152, and 1395hh).

2. The heading for Subpart M is revised to read as follows:

Subpart M—Grievances, Coverage Determinations, Redeterminations, and Reconsiderations

3. A new § 423.558, is added to Subpart M to read as follows:

§ 423.558 Scope.

(a) This subpart sets forth the requirements relating to the following:

(1) Part D plan sponsors with respect to grievances, coverage determinations, and redeterminations.

(2) Part D IRE with respect to reconsiderations; and

(3) Part D enrollees' rights with respect to grievances, coverage determinations, redeterminations, and reconsiderations.

(b) The requirements regarding Reopenings, ALJ Hearings, MAC review, and Judicial Review are set forth in subpart U of this chapter.

§ 423.562 [Amended]

4. In § 423.562—

A. In paragraph (b)(4)(iv), the cross-reference to ''§ 423.610'' is removed and the cross-reference to ''§ 423.1970'' is added in its place.

B. In paragraph (b)(4)(v), the cross-reference to ''§ 423.620'' is removed and the cross-reference to ''§ 423.1974'' is added in its place.

C. In paragraph (b)(4)(vi), the cross-reference to ''§ 423.630'' is removed and the cross-reference to ''§ 423.1976'' is added in its place.

§ 423.576 [Amended]

5. In § 423.576—

A. The cross-reference to ''§ 423.580 through § 423.630'' is removed and the cross-references to ''§ 423.580 through § 423.604 and § 423.1970 through § 423.1976'' are added in its place.

B. The cross-reference to ''423.634'' is removed and the cross-reference to ''§ 423.1978'' is added in its place.

§ 423.580 [Amended]

6. In § 423.580, the cross-reference to ''§ 423.634'' is removed, and the cross-reference to ''§ 423.1978'' is added in its place.

§ 423.602 [Amended]

7. In § 423.602(b)(2), the cross-reference to ''§ 423.610'' is removed, and the cross-reference to ''§ 423.1970'' is added in its place.

§ 423.604 [Amended]

8. In § 423.604, the cross-reference to ''§ 423.612'' is removed, and the cross-reference to ''§ 423.1972'' is added in its place.

§ 423.610 [Removed and Reserved]

9. Section 423.610 is removed and reserved.

§ 423.612 [Removed and Reserved]

10. Section 423.612 is removed and reserved.

§ 423.620 [Removed and Reserved]

11. Section 423.620 is removed and reserved.

§ 423.630 [Removed and Reserved]

12. Section 423.630 is removed and reserved.

§ 423.634 [Removed and Reserved]

13. Section 423.634 is removed and reserved.

14. A new subpart U is added to read as follows:

Subpart U—Reopening, ALJ Hearings, MAC Review, and Judicial Review

Sec.

423.1968 Scope.
423.1970 Right to an ALJ hearing.
423.1972 Request for an ALJ hearing.
423.1974 Medicare Appeals Council (MAC) review.
423.1976 Judicial review.
423.1978 Reopening and revising determinations and decisions.
423.1980 Reopening of coverage determinations, redeterminations, reconsiderations, hearings and reviews.
493.1982 Notice of a revised determination or decision.
423.1984 Effect of a revised determination or decision.
423.1986 Good cause for reopening.
423.1990 Expedited access to judicial review.
423.2000 Hearing before an ALJ: General rule.
423.2002 Right to an ALJ hearing.
423.2004 Right to ALJ review of IRE notice of dismissal.
423.2008 Parties to an ALJ hearing.
423.2010 When CMS, the IRE, or Part D Plan Sponsors may participate in an ALJ hearing.
423.2014 Request for an ALJ hearing.
423.2016 Timeframes for deciding an Appeal before an ALJ.
423.2018 Submitting evidence before the ALJ hearing.
423.2020 Time and Place for a Hearing before an ALJ.
423.2022 Notice of a hearing before an ALJ.
423.2024 Objections to the issues.
423.2026 Disqualification of the ALJ.
423.2030 ALJ hearing procedures.
423.2032 Issues before an ALJ.
423.2034 When an ALJ may remand a case.
423.2036 Description of an ALJ hearing process.
423.2038 Deciding a case without a hearing before an ALJ.
423.2040 Pre-hearing and post-hearing conferences.
423.2042 The administrative record.
423.2044 Consolidated hearing before an ALJ.
423.2046 Notice of an ALJ decision.
423.2048 The effect of an ALJ's decision.
423.2050 Removal of a hearing request from an ALJ to the MAC.
423.2052 Dismissal of a request for a hearing before an ALJ.
423.2054 Effect of dismissal of a request for a hearing before an ALJ.
423.2062 Applicability of policies not binding on the ALJ and MAC.
423.2063 Applicability of CMS rulings.
423.2100 Medicare Appeals Council (MAC) Review: General.
423.2102 Request for MAC review when an ALJ issues decision or dismissal.
423.2106 Where a request for review may be filed.
423.2108 MAC Actions when request for review is filed.
423.2110 MAC reviews on its own motion.
423.2112 Content of request for review.
423.2114 Dismissal of request for review.
423.2116 Effect of dismissal of request for MAC review or request for hearing.
423.2118 Obtaining evidence from the MAC.
423.2120 Filing briefs with the MAC.
423.2122 What evidence may be submitted to the MAC.
423.2124 Oral arguments.
423.2126 Case remanded by the MAC.
423.2128 Action of the MAC.
423.2130 Effect of the MAC's decision.
423.2134 Extension of time to file action in Federal District Court.
423.2136 Judicial review.
423.2138 Case remanded by a Federal District Court.
423.2140 MAC review of ALJ decision in a case remanded by a Federal District Court.

Subpart U—Reopening, ALJ Hearings, MAC Review, and Judicial Review

§ 423.1968 Scope.

This subpart sets forth the requirements relating to the following:

(a) Part D sponsors, the Part D IRE, ALJs, and the MAC with respect to reopenings.

(b) ALJs with respect to hearings.

(c) MAC with respect to review of part D appeals.

(d) Part D enrollees' rights with respect to reopenings, ALJ hearings, MAC reviews, and judicial review by a Federal District Court.

§ 423.1970 Right to an ALJ hearing.

(a) If the amount remaining in controversy after the IRE reconsideration meets the threshold requirement established annually by the Secretary, an enrollee who is

dissatisfied with the IRE reconsideration determination has a right to a hearing before an ALJ.

(b) If the basis for the appeal is the refusal by the Part D plan sponsor to provide drug benefits, CMS uses the projected value of those benefits to compute the amount remaining in controversy. The projected value of a Part D drug or drugs shall include any costs the enrollee could incur based on the number of refills prescribed for the drug(s) in dispute during the plan year.

(c) *Aggregating appeals to meet the amount in controversy*—(1) *Enrollee.* Two or more appeals may be aggregated by an enrollee to meet the amount in controversy for an ALJ hearing if—

(i) The appeals have previously been reconsidered by an IRE;

(ii) The request for ALJ hearing lists all of the appeals to be aggregated and each aggregated appeal meets the filing requirement specified in § 423.1972(b); and

(iii) The ALJ determines that the appeals the enrollee seeks to aggregate involve the delivery of prescription drugs to a single enrollee.

(2) *Multiple enrollees.* Two or more appeals may be aggregated by multiple enrollees to meet the amount in controversy for an ALJ hearing if—

(i) The appeals have previously been reconsidered by an IRE;

(ii) The request for ALJ hearing lists all of the appeals to be aggregated and each aggregated appeal meets the filing requirement specified in § 423.1972(b); and

(iii) The ALJ determines that the appeals the enrollees seek to aggregate involve the same prescription drug.

§ 423.1972 Request for an ALJ hearing.

(a) *How and where to file a request.* The enrollee must file a written request for a hearing with the entity specified in the IRE's reconsideration notice.

(b) *When to file a request.* Except when an ALJ extends the timeframe as provided in § 423.2014(d), the enrollee must file a request for a hearing within 60 days of the date of the notice of an IRE reconsideration determination. The time and place for a hearing before an ALJ will be set in accordance with § 423.2020 of this chapter.

(c) *Insufficient amount in controversy.* (1) If a request for a hearing clearly shows that the amount in controversy is less than that required under § 423.1970, the ALJ dismisses the request.

(2) If, after a hearing is initiated, the ALJ finds that the amount in controversy is less than the amount required under § 423.1970, the ALJ discontinues the hearing and does not rule on the substantive issues raised in the appeal.

§ 423.1974 Medicare Appeals Council (MAC) review.

An enrollee who is dissatisfied with an ALJ hearing decision may request that the MAC review the ALJ's decision or dismissal as provided in § 423.2102.

§ 423.1976 Judicial review.

(a) *Review of ALJ's decision.* The enrollee may request judicial review of an ALJ's decision if—

(1) The MAC denied the enrollee's request for review; and

(2) The amount in controversy meets the threshold requirement established annually by the Secretary.

(b) *Review of MAC decision.* The enrollee may request judicial review of the MAC decision if it is the final decision of CMS and the amount in controversy meets the threshold established in paragraph (a)(2) of this section.

(c) *How to request judicial review.* In order to request judicial review, an enrollee must file a civil action in a district court of the United States in accordance with section 205(g) of the Act. (See § 423.2136 for a description of the procedures to follow in requesting judicial review.)

§ 423.1978 Reopening and revising determinations and decisions.

(a) A coverage determination or redetermination made by a Part D plan sponsor, a reconsideration made by the independent review entity specified in § 423.600, or the decision of an ALJ or the MAC that is otherwise final and binding may be reopened and revised by the entity that made the determination or decision as provided in § 423.1980 through § 423.1986.

(b) The filing of a request for reopening does not relieve the Part D plan sponsor of its obligation to make payment or provide benefits as specified in § 423.636 or § 423.638 of this chapter.

(c) Once an entity issues a revised determination or decision, the revisions made by the decision may be appealed.

(d) A decision not to reopen by the Part D plan sponsor or any other entity is not subject to review.

§ 423.1980 Reopenings of coverage determinations, redeterminations, reconsiderations, hearings and reviews.

(a) *General rules.* (1) A reopening is a remedial action taken to change a final determination or decision, even though the final determination or decision may have been correct at the time it was made based on the evidence of record. Consistent with § 423.1978(a), that action may be taken by—

(i) A Part D plan sponsor to revise the coverage determination or redetermination;

(ii) An IRE to revise the reconsideration;

(iii) An ALJ to revise the hearing decision; or

(iv) The MAC to revise the hearing or review decision.

(2) When an enrollee has filed a valid request for an appeal of a coverage determination, redetermination, reconsideration, hearing, or MAC review, no adjudicator has jurisdiction to reopen an issue that is under appeal until all appeal rights for that issue are exhausted. Once the appeal rights for the issue have been exhausted, the Part D plan sponsor, IRE, ALJ, or MAC may reopen as set forth in this section.

(3) Consistent with § 423.1978(b), the filing of a request for reopening does not relieve the Part D plan sponsor of its obligation to make payment or provide benefits as specified in § 423.636 or § 423.638.

(4) Consistent with § 423.1978(d), the Part D plan sponsor's, IRE's, ALJ's, or MAC's decision on whether to reopen is final and not subject to appeal.

(5) A determination under the Medicare secondary payer provisions of section 1862(b) of the Act that Medicare has an MSP recovery claim for drug claims that were already reimbursed by the Part D plan sponsor is not a reopening.

(b) *Timeframes and requirements for reopening coverage determinations and redeterminations initiated by a Part D plan sponsor.* A Part D plan sponsor may reopen and revise its coverage determination or redetermination on its own motion—

(1) Within 1 year from the date of the coverage determination or redetermination for any reason.

(2) Within 4 years from the date of the coverage determination or redetermination for good cause as defined in § 423.1986.

(3) At any time if there exists reliable evidence as defined in § 405.902 that the coverage determination was procured by fraud or similar fault as defined in § 405.902.

(c) *Timeframe and requirements for reopening coverage determinations and redeterminations requested by an enrollee.* (1) An enrollee may request that a Part D plan sponsor reopen its coverage determination or redetermination within 1 year from the date of the coverage determination or redetermination for any reason.

(2) An enrollee may request that a Part D plan sponsor reopen its coverage determination or redetermination within 4 years from the date of the

coverage determination or redetermination for good cause in accordance with § 423.1986.

(d) *Timeframes and requirements for reopening reconsiderations, hearing decisions and reviews initiated by an IRE, ALJ, or the MAC.* (1) An IRE may reopen its reconsideration on its own motion within 180 days from the date of the reconsideration for good cause in accordance with § 423.1986. If the IRE's reconsideration was procured by fraud or similar fault, then the IRE may reopen at any time.

(2) An ALJ or the MAC may reopen a hearing decision on its own motion within 180 days from the date of the decision for good cause in accordance with § 423.1986. If the hearing decision was procured by fraud or similar fault, then the ALJ or the MAC may reopen at any time.

(3) The MAC may reopen its review decision on its own motion within 180 days from the date of the review decision for good cause in accordance with § 423.1986. If the MAC's decision was procured by fraud or similar fault, then the MAC may reopen at any time.

(e) *Timeframes and requirements for reopening reconsiderations, hearing decisions, and reviews requested by an enrollee.* (1) An enrollee who received a reconsideration may request that an IRE reopen its reconsideration within 180 days from the date of the reconsideration for good cause in accordance with § 423.1986.

(2) An enrollee who received an ALJ hearing decision may request that an ALJ or the MAC reopen the hearing decision within 180 days from the date of the hearing decision for good cause in accordance with § 423.1986.

(3) An enrollee who received a MAC decision may request that the MAC reopen its decision within 180 days from the date of the review decision for good cause in accordance with § 423.1986.

§ 423.1982 Notice of a revised determination or decision.

(a) *When adjudicators initiate reopenings.* When any determination or decision is reopened and revised as provided in § 423.1980—

(1) The Part D plan sponsor, IRE, ALJ, or the MAC must mail its revised determination or decision to the enrollee at his or her last known address.

(2) The IRE, ALJ, or the MAC must mail its revised determination or decision to the Part D plan sponsor.

(3) An adverse revised determination or decision must state the rationale and basis for the reopening and revision and any right to appeal.

(b) *Reopenings initiated at the request of an enrollee.* (1) The Part D plan sponsor, IRE, ALJ, or the MAC must mail its revised determination or decision to the enrollee at his or her last known address.

(2) The IRE, ALJ, or the MAC must mail its revised determination or decision to the Part D plan sponsor.

(3) An adverse revised determination or decision must state the rationale and basis for the reopening and revision and any right to appeal.

§ 423.1984 Effect of a revised determination or decision.

(a) *Coverage determinations.* The revision of a coverage determination is binding unless an enrollee submits a request for a redetermination that is accepted and processed in accordance with § 423.580 through § 423.590.

(b) *Redeterminations.* The revision of a redetermination is binding unless an enrollee submits a request for an IRE reconsideration that is accepted and processed in accordance with § 423.600 through § 423.604.

(c) *Reconsiderations.* The revision of a reconsideration is binding unless an enrollee submits a request for an ALJ hearing that is accepted and processed in accordance with § 423.1970 through § 423.1972 and § 423.2000 through § 423.2063.

(d) *ALJ hearing decisions.* The revision of a hearing decision is binding unless an enrollee submits a request for a MAC review that is accepted and processed as specified in § 423.1974 and § 423.2100 through § 423.2130.

(e) *MAC review.* The revision of a MAC determination or decision is binding unless an enrollee files a civil action in which a Federal District Court accepts jurisdiction and issues a decision.

(f) *Appeal of only the portion of the determination or decision revised by the reopening.* Only the portion of the coverage determination, redetermination, reconsideration, or hearing decision revised by the reopening may be subsequently appealed.

(g) *Effect of a revised determination or decision.* Consistent with § 423.1978(c), a revised determination or decision is binding unless it is appealed or otherwise reopened.

§ 423.1986 Good cause for reopening.

(a) *Establishing good cause.* Good cause may be established when—

(1) There is new and material evidence that—

(i) Was not available or known at the time of the determination or decision; and

(ii) May result in a different conclusion; or

(2) The evidence that was considered in making the determination or decision clearly shows on its face that an obvious error was made at the time of the determination or decision.

(b) *Change in substantive law or interpretative policy*—(1) *General rule.* A change of legal interpretation or policy by CMS in a regulation, CMS ruling, or CMS general instruction, whether made in response to judicial precedent or otherwise, is not a basis for reopening a determination or hearing decision regarding appeals under this section.

(2) An adjudicator may reopen a determination or decision to apply the current law or CMS or the Part D plan sponsor policy rather than the law or CMS or the Part D plan sponsor policy at the time the coverage determination is made in situations where the enrollee has not yet received the drug and the current law or CMS or the Part D plan sponsor policy may affect whether the drug should be received.

(c) *Third party payer error.* A request to reopen a claim based upon a third party payer's error in making a primary payment determination when Medicare processed the claim in accordance with the information in its system of records or on the claim form does not constitute good cause for reopening.

§ 423.1990 Expedited access to judicial review.

(a) *Process for expedited access to judicial review.*

(1) For purposes of this section, a ''review entity'' means an entity of up to three reviewers who are ALJs or members of the Departmental Appeals Board, as determined by the Secretary.

(2) In order to obtain expedited access to judicial review (EAJR), a review entity must certify that the MAC does not have the authority to decide the question of law or regulation relevant to the matters in dispute and that there is no material issue of fact in dispute.

(3) An enrollee may make a request for EAJR only once with respect to a question of law or regulation for a specific matter in dispute in an appeal.

(b) *Conditions for making the expedited appeals request.* (1) An enrollee may request EAJR in place of an ALJ hearing or MAC review if the following conditions are met:

(i) An IRE has made a reconsideration determination and the enrollee has filed a request for an ALJ hearing in accordance with § 423.2002 and a final decision of the ALJ has not been issued; or

(ii) An ALJ has made a decision and the enrollee has filed a request for MAC review in accordance with § 423.2102 and a final decision of the MAC has not been issued.

(2) The requestor is an enrollee.

(3) The amount remaining in controversy meets the threshold requirements established annually by the Secretary.

(4) If there is more than one enrollee to the hearing or MAC review, each enrollee concurs, in writing, with the request for the EAJR.

(5) There are no material issues of fact in dispute.

(c) *Content of the request for EAJR.* The request for EAJR must—

(1) Allege that there are no material issues of fact in dispute and identify the facts that the enrollee considers material and that are not disputed; and

(2) Assert that the only factor precluding a decision favorable to the enrollee is—

(i) A statutory provision that is unconstitutional, or a provision of a regulation that is invalid and specify the statutory provision that the enrollee considers unconstitutional or the provision of a regulation that the enrollee considers invalid, or

(ii) A CMS Ruling that the enrollee considers invalid.

(3) Include a copy of the IRE reconsideration and of any ALJ hearing decision that the enrollee has received;

(4) If the IRE reconsideration or ALJ hearing decision was based on facts that the enrollee is disputing, state why the enrollee considers those facts to be immaterial; and

(5) If the IRE reconsideration or ALJ hearing decision was based on a provision of a law, regulation, or CMS Ruling in addition to the one the enrollee considers unconstitutional or invalid, a statement as to why further administrative review of how that provision applies to the facts is not necessary.

(d) *Place and time for an EAJR request.* (1) Method and place for filing request. The enrollee may include an EAJR request in his or her request for an ALJ hearing or MAC review, or, if an appeal is already pending with an ALJ or the MAC, file a written EAJR request with the ALJ hearing office or MAC where the appeal is being considered. The ALJ hearing office or MAC forwards the request to the review entity within 5 days of receipt.

(2) Time of filing request. The enrollee may file a request for EAJR—

(i) If the enrollee has requested a hearing, at any time before receipt of the notice of the ALJ's decision; or

(ii) If the enrollee has requested MAC review, at any time before receipt of notice of the MAC's decision.

(e) *Determination on EAJR request.* (1) The review entity described in paragraph (a) of this section will determine whether the request for EAJR meets all of the requirements of paragraphs (b), (c), and (d) of this section.

(2) Within 60 days after the date the review entity receives a request and accompanying documents and materials meeting the conditions in paragraphs (b), (c), and (d) of this section, the review entity will issue either a certification in accordance with paragraph (f) of this section or a denial of the request.

(3) A determination by the review entity either certifying that the requirements for EAJR are met pursuant to paragraph (f) of this section or denying the request is final and not subject to review by the Secretary.

(4) If the review entity fails to make a determination within the timeframe specified in paragraph (e)(2) of this section, then the enrollee may bring a civil action in Federal District Court within 60 days of the end of the timeframe.

(f) *Certification by the review entity.* If an enrollee meets the requirements for the EAJR, the review entity certifies in writing that—

(1) The material facts involved in the appeal are not in dispute;

(2) Except as indicated in paragraph (f)(3) of this section, the Secretary's interpretation of the law is not in dispute;

(3) The sole issue(s) in dispute is the constitutionality of a statutory provision, or the validity of a provision of a regulation or CMS Ruling;

(4) But for the provision challenged, the enrollee would receive a favorable decision on the ultimate issue; and

(5) The certification by the review entity is the Secretary's final action for purposes of seeking expedited judicial review.

(g) *Effect of certification by the review entity.* If an EAJR request results in a certification described in paragraph (f) of this section—

(1) The enrollee that requested the EAJR is considered to have waived any right to completion of the remaining steps of the administrative appeals process regarding the matter certified.

(2) The enrollee has 60 days, beginning on the date of the review entity's certification within which to bring a civil action in Federal District Court.

(3) The enrollee must satisfy the requirements for venue under section 205(g) of the Act, as well as the requirements for filing a civil action in a Federal District Court under § 423.2136.

(h) *Rejection of EAJR.* (1) If a request for EAJR does not meet all the conditions set out in paragraphs (b), (c), and (d) of this section, or if the review entity does not certify a request for EAJR, the review entity advises the enrollee in writing that the request has been denied, and returns the request to the ALJ hearing office or the MAC, which will treat it as a request for hearing or for MAC review, as appropriate.

(2) Whenever a review entity forwards a rejected EAJR request to an ALJ hearing office or the MAC, the appeal is considered timely filed and the 90-day decision making timeframe begins on the day the request is received by the hearing office or the MAC.

§ 423.2000 Hearing before an ALJ: General rule.

(a) If an enrollee is dissatisfied with an IRE's reconsideration, the enrollee may request a hearing.

(b) A hearing may be conducted in person, by video-teleconference, or by telephone. At the hearing, the enrollee may submit evidence subject to the restrictions in § 423.2018, examine the evidence used in making the determination under review, and present and/or question witnesses.

(c) In some circumstances, the Part D plan sponsor, or a representative of CMS, including the IRE, may participate in the hearing as specified in § 423.2010.

(d) The ALJ issues a decision based on the hearing record.

(e) If an enrollee waives his or her right to appear at the hearing in person or by telephone or video-teleconference, the ALJ may make a decision based on the evidence that is in the file and any new evidence that is submitted for consideration.

(f) The ALJ may require the enrollee to participate in a hearing if it is necessary to decide the case. If the ALJ determines that it is necessary to obtain testimony from a person other than the enrollee, he or she may hold a hearing to obtain that testimony, even if the enrollee has waived the right to appear. In that event, however, the ALJ will give the enrollee the opportunity to appear when the testimony is given, but may hold the hearing even if the enrollee decides not to appear.

(g) An ALJ may also issue a decision on the record on his or her own initiative if the evidence in the hearing record supports a fully favorable finding.

§ 423.2002 Right to an ALJ hearing.

(a) Consistent with § 423.1970(a), an enrollee may request a hearing before an ALJ if—

(1) The enrollee files a written request for an ALJ hearing within 60 days after receipt of the written notice of the IRE's reconsideration; and

(2) The enrollee meets the amount in controversy requirements of § 423.1970.

(b) An enrollee may request that the hearing before an ALJ be expedited if:

(1) The appeal involves an issue specified in § 423.566(b) but does not include solely a request for payment of Part D drugs already furnished;

(2) The enrollee submits a written or oral request for an expedited ALJ hearing within 60 days of the date of the written notice of an IRE reconsideration determination. The request can only be submitted after the enrollee receives the written IRE reconsideration notice. The request should also explain why applying the standard timeframe may seriously jeopardize the life or health of the enrollee; and

(3) The enrollee meets the amount in controversy requirements of § 423.1970. The ALJ must document all oral requests for expedited hearings in writing and maintain the documentation in the case files.

(c) For purposes of this section, the date of receipt of the reconsideration is presumed to be 5 days after the date of the written reconsideration, unless there is evidence to the contrary.

(d) For purposes of meeting the 60-day filing deadline, the request is considered as filed on the date it is received by the entity specified in the IRE's reconsideration.

§ 423.2004 Right to ALJ review of IRE notice of dismissal.

(a) An enrollee has a right to have an IRE's dismissal of a request for reconsideration reviewed by an ALJ if—

(1) The enrollee files a request for an ALJ review within 60 days after receipt of the written notice of the IRE's dismissal.

(2) The enrollee meets the amount in controversy requirements of § 423.1970.

(3) For purposes of this section, the date of receipt of the IRE's dismissal is presumed to be 5 days after the date of the written dismissal notice, unless there is evidence to the contrary.

(4) For purposes of meeting the 60-day filing deadline, the request is considered as filed on the date it is received by the entity specified in the IRE's dismissal.

(b) If the ALJ determines that the IRE's dismissal was in error, he or she vacates the dismissal and remands the case to the IRE for a reconsideration.

(c) An ALJ's decision regarding an IRE's dismissal of a reconsideration request is final and not subject to further review.

§ 423.2008 Parties to an ALJ hearing.

(a) *Who may request a hearing.* Only an enrollee (or an enrollee's representative) may request a hearing before an ALJ.

(b) *Who are parties to the ALJ hearing.* The enrollee (or the enrollee's representative) who filed the request for hearing is the only party to the ALJ hearing.

§ 423.2010 When CMS, the IRE, or Part D plan sponsors may participate in an ALJ hearing.

(a) An ALJ may request, but may not require, CMS, the IRE, and/or the Part D plan sponsor to participate in any proceedings before the ALJ, including the oral hearing, if any.

(b) CMS, the IRE, and/or the Part D plan sponsor may request to participate in the hearing process.

(1) For non-expedited hearings, any request by CMS, the IRE, and/or the Part D plan sponsor to participate must be made within 5 days of receipt of the notice of hearing.

(2) Within 5 days of receipt of a request to participate in a non-expedited hearing, the ALJ must notify the entity, the Part D plan sponsor, if applicable and the enrollee of his or her decision on the request to participate.

(3) For expedited hearings, any request by CMS, the IRE, and/or the Part D plan sponsor to participate must be made within 1 day of receipt of the notice of hearing. Requests may be made orally or submitted by facsimile to the hearing office.

(4) Within 1 day of receipt of a request to participate in an expedited hearing, the ALJ must notify the entity, the Part D plan sponsor, if applicable, and the enrollee of his or her decision on the request to participate.

(c) The ALJ has discretion not to allow CMS, the IRE, and/or the Part D plan sponsor to participate.

(d) Participation may include filing position papers or providing written testimony to clarify factual or policy issues in a case, but it does not include calling witnesses or cross-examining the witnesses of an enrollee to the hearing.

(e) When CMS, the IRE, and/or the Part D plan sponsor participates in an ALJ hearing, CMS, the IRE, and/or the Part D plan sponsor may not be called as a witness during the hearing.

(f) CMS, the IRE, and/or the Part D plan sponsor must submit any position papers within the timeframe designated by the ALJ.

(g) The ALJ cannot draw any adverse inferences if CMS, the IRE, and/or the Part D plan sponsor decide not to participate in any proceedings before an ALJ, including the hearing.

§ 423.2014 Request for an ALJ hearing.

(a) *Content of the request.* The request for an ALJ hearing must be made in writing, except as set forth in paragraph (b) of this section. The request, including any oral request, must include all of the following—

(1) The name, address, telephone number, and Medicare health insurance claim number of the enrollee.

(2) The name, address, and telephone number of the appointed representative, as defined at § 423.560, if any.

(3) The appeals case number assigned to the appeal by the IRE, if any.

(4) The prescription drug in dispute.

(5) The plan name.

(6) The reasons the enrollee disagrees with the IRE's reconsideration.

(7) A statement of any additional evidence to be submitted and the date it will be submitted.

(8) A statement that the enrollee is requesting an expedited hearing, if applicable.

(b) *Request for expedited hearing.* If an enrollee is requesting that the hearing be expedited, the enrollee may make the request for an ALJ hearing orally, but only after receipt of the written IRE reconsideration notice. The ALJ hearing office must document all oral requests in writing and maintain the documentation in the case files. A prescribing physician may provide oral or written support for an enrollee's request for expedited review.

(c) *When and where to file.* Consistent with § 423.1972(a) and (b), the request for an ALJ hearing after an IRE reconsideration must be submitted—

(1) Within 60 days from the date the enrollee receives written notice of the IRE's reconsideration;

(2) With the entity specified in the IRE's reconsideration.

(i) If the request for hearing is timely filed with an entity other than the entity specified in the IRE's reconsideration, the deadline specified in § 423.2016 for deciding the appeal begins on the date the entity specified in the IRE's reconsideration receives the request for hearing.

(ii) If the request for hearing is filed with an entity, other than the entity specified in the IRE's reconsideration, the ALJ hearing office must notify the appellant of the date of receipt of the request and the commencement of the adjudication timeframe.

(d) *Extension of time to request a hearing.* (1) Consistent with

§ 423.1972(b), if the request for hearing is not filed within 60 days of receipt of the written IRE's reconsideration, an enrollee may request an extension for good cause.

(2) Any request for an extension of time must be in writing or, for expedited reviews, in writing or oral. The ALJ hearing office must document all oral requests in writing and maintain the documentation in the case file.

(3) The request must give the reasons why the request for a hearing was not filed within the stated time period, and must be filed with the entity specified in the notice of reconsideration.

(4) If the ALJ finds there is good cause for missing the deadline, the time period for filing the hearing request will be extended. To determine whether good cause for late filing exists, the ALJ uses the standards set forth in § 405.942(b)(2) and (b)(3) of this chapter.

(5) If a request for hearing is not timely filed, the adjudication period in § 423.2016 begins the date the ALJ grants the request to extend the filing deadline.

§ 423.2016 Timeframes for deciding an Appeal before an ALJ.

(a) *Hearings.* (1) When a request for an ALJ hearing is filed after an IRE has issued a written reconsideration, the ALJ must issue a decision, dismissal order, or remand, as appropriate, no later than the end of the 90-day period beginning on the date the request for hearing is received by the entity specified in the IRE's notice of reconsideration, unless the 90-day period has been extended as provided in this subpart.

(2) The adjudication period specified in paragraph (a) of this section begins on the date that a timely filed request for hearing is received by the entity specified in the IRE's reconsideration, or, if it is not timely filed, the date that the ALJ grants any extension to the filing deadline.

(b) *Expedited hearings.* (1) Standard for expedited hearing. The ALJ must provide an expedited hearing decision if the appeal involves an issue specified in § 423.566(b), but is not solely a request for payment of Part D drugs already furnished, and the enrollee's prescribing physician indicates, or the ALJ determines that applying the standard timeframe for making a decision may seriously jeopardize the enrollee's life, health or ability to regain maximum function. The ALJ may consider this standard as met if a lower level adjudicator has granted a request for an expedited hearing.

(2) *Grant of a request.* If the ALJ grants a request for expedited hearing, the ALJ must:

(i) Make the decision to grant an expedited hearing within 5 days of receipt of the request for expedited hearing;

(ii) Give the enrollee prompt oral notice of this decision; and

(iii) Subsequently send to the enrollee at his or her last known address and to the Part D plan sponsor written notice of the decision. This notice may be provided within the written notice of hearing.

(3) *Denial of a request.* If the ALJ denies a request for expedited hearing, the ALJ must:

(i) Make this decision within 5 days of receipt of the request for expedited hearing;

(ii) Give the enrollee prompt oral notice of the denial that informs the enrollee of the denial and explains that the ALJ will process the enrollee's request using the 90-day timeframe for non-expedited ALJ hearings; and

(iii) Subsequently send to the enrollee at his or her last known address and to the Part D plan sponsor an equivalent written notice of the decision within 3 days after the oral notice.

(4) A decision on a request for expedited hearing may not be appealed.

(5) *Timeframe for adjudication.* (i) If the ALJ accepts a request for expedited hearing, the ALJ must issue a written decision, dismissal order or remand, as expeditiously as the enrollee's health condition requires, but no later than the end of the 10-day period beginning on the date the request for hearing is received by the entity specified in the IRE's written notice of reconsideration, unless the 10-day period has been extended as provided in this subpart.

(ii) The adjudication period specified in paragraph (b)(5)(i) of this section begins on the date that a timely provided request for hearing is received by the entity specified in the IRE's reconsideration, or, if it is not timely provided, the date that the ALJ grants any extension to the filing deadline.

§ 423.2018 Submitting evidence before the ALJ hearing.

(a) *All hearings.* An enrollee may submit any written evidence that he or she wishes to have considered at the hearing.

(1) An ALJ will not consider any evidence submitted regarding a change in condition of an enrollee after the appealed coverage determination was made.

(2) An ALJ will remand a case to the Part D plan sponsor where an enrollee wishes evidence on his or her change in condition after the coverage determination to be considered.

(b) *Non-expedited hearings.* (1) Except as provided in this paragraph, an enrollee must submit all written evidence he or she wishes to have considered at the hearing with the request for hearing or within 10 days of receiving the notice of hearing.

(2) If an enrollee submits written evidence later than 10 days after receiving the notice of hearing, the period between the time the evidence was required to have been submitted and the time it is received is not counted toward the adjudication deadline specified in § 423.2016.

(c) *Expedited hearings.* (1) Except as provided in this section, an enrollee must submit all written evidence he or she wishes to have considered at the hearing with the request for hearing or within 2 days of receiving the notice of hearing.

(2) If an enrollee submits written evidence later than 2 days after receiving the notice of hearing, the period between the time the evidence was required to have been submitted and the time it is received is not counted toward the adjudication deadline specified in § 423.2016.

(d) The requirements of paragraphs (b) and (c) of this section do not apply to oral testimony given at a hearing.

§ 423.2020 Time and place for a hearing before an ALJ.

(a) *General.* Consistent with § 423.1972(b), the ALJ sets the time and place for the hearing, and may change the time and place, if necessary.

(b) *Determining how appearances are made.* (1) The ALJ will direct that the appearance of an individual be conducted by video-teleconferencing if the ALJ finds that video-teleconferencing technology is available to conduct the appearance.

(2) The ALJ may also offer to conduct a hearing by telephone if the request for hearing or administrative record suggests that a telephone hearing may be more convenient for the enrollee.

(3) The ALJ, with the concurrence of the Managing Field Office ALJ, may determine that an in-person hearing should be conducted if—

(i) The video-teleconferencing technology is not available; or

(ii) Special or extraordinary circumstances exist.

(c) *Notice of hearing.* (1) The ALJ sends a notice of hearing to the enrollee, the Part D plan sponsor that issued the coverage determination, and the IRE that issued the reconsideration, advising them of the proposed time and place of the hearing.

(2) The notice of hearing will require the enrollee (and any potential participant from CMS, the IRE, and/or the Part D plan who has requested to participate in the hearing consistent with § 423.2010) to reply to the notice by:

(i) Acknowledging whether they plan to attend the hearing at the time and place proposed in the notice of hearing; or

(ii) Objecting to the proposed time and/or place of the hearing.

(d) *An enrollee's right to waive a hearing.* An enrollee may also waive the right to a hearing and request that the ALJ issue a decision based on the written evidence in the record.

(1) As specified in § 423.2000, the ALJ may require the enrollee to attend a hearing if it is necessary to decide the case.

(2) If the ALJ determines that it is necessary to obtain testimony from a person other than the enrollee, he or she may still hold a hearing to obtain that testimony, even if the enrollee has waived the right to appear. In those cases, the ALJ would give the enrollee the opportunity to appear when the testimony is given but may hold the hearing even if the enrollee decides not to appear.

(e) *An enrollee's objection to time and place of hearing.* (1) If an enrollee objects to the time and place of the hearing, the enrollee must notify the ALJ at the earliest possible opportunity before the time set for the hearing.

(2) The enrollee must state the reason for the objection and state the time and place he or she wants the hearing to be held.

(3) The objection must be in writing except for an expedited hearing when the objection may be provided orally. The ALJ must document all oral objections to the time and place of an expedited hearing in writing and maintain the documentation in the case files.

(4) The ALJ may change the time or place of the hearing if the enrollee has good cause. (Section 423.2052(a)(2) provides the procedures the ALJ follows when an enrollee does not respond to a notice of hearing and fails to appear at the time and place of the hearing.)

(f) *Good cause for changing the time or place.* The ALJ can find good cause for changing the time or place of the scheduled hearing and reschedule the hearing if the information available to the ALJ supports the enrollee's contention that—

(1) The enrollee or his or her representative is unable to attend or to travel to the scheduled hearing because of a serious physical or mental condition, incapacitating injury, or death in the family; or

(2) Severe weather conditions make it impossible to travel to the hearing; or

(3) Good cause exists as set forth in paragraph (g) of this section.

(g) *Good cause in other circumstances.* (1) In determining whether good cause exists in circumstances other than those set forth in paragraph (f) of this section, the ALJ considers the enrollee's reason for requesting the change, the facts supporting the request, and the impact of the proposed change on the efficient administration of the hearing process.

(2) Factors evaluated to determine the impact of the change include, but are not limited to, the effect on processing other scheduled hearings, potential delays in rescheduling the hearing, and whether any prior changes were granted the enrollee.

(3) Examples of other circumstances an enrollee might give for requesting a change in the time or place of the hearing include, but are not limited to, the following:

(i) The enrollee has attempted to obtain a representative but needs additional time.

(ii) The enrollee's representative was appointed within 10 days of the scheduled hearing for non-expedited hearings (or 2 days for expedited hearings) and needs additional time to prepare for the hearing.

(iii) The enrollee's representative has a prior commitment to be in court or at another administrative hearing on the date scheduled for the hearing.

(iv) A witness who will testify to facts material to an enrollee's case is unavailable to attend the scheduled hearing and the evidence cannot be otherwise obtained.

(v) Transportation is not readily available for an enrollee to travel to the hearing.

(vi) The enrollee is unrepresented, and is unable to respond to the notice of hearing because of any physical, mental, educational, or linguistic limitations (including any lack of facility with the English language).

(h) *Effect of rescheduling hearing.* If a hearing is postponed at the request of the enrollee for any of the above reasons, the time between the originally scheduled hearing date and the new hearing date is not counted toward the adjudication deadline as specified in § 423.2016.

(i) *An enrollee's request for an in-person hearing.*

(1) If an enrollee objects to a video-teleconferencing hearing or to the ALJ's offer to conduct a hearing by telephone, the enrollee must notify the ALJ at the earliest possible opportunity before the time set for the hearing and request an in-person hearing.

(2) The enrollee must state the reason for the objection and state the time or place he or she wants the hearing to be held.

(3) The request must be in writing except for an expedited hearing for which the request may be provided orally. The ALJ must document all oral objections to an expedited video-teleconferencing or telephone hearing in writing and maintain the documentation in the case files.

(4) When an enrollee's request for an in-person hearing is granted, the enrollee is deemed to have waived the adjudicatory timeframe as specified in § 423.2016, except if the ALJ has granted the enrollee's request for an expedited appeal.

(5) The ALJ may grant the request, with the concurrence of the Managing Field Office ALJ, upon a finding of good cause and will reschedule the hearing for a time and place when the enrollee may appear in person before the ALJ.

§ 423.2022 Notice of a hearing before an ALJ.

(a) *Issuing the notice.* (1) After the ALJ sets the time and place of the hearing, the notice of the hearing will be mailed or otherwise transmitted to the enrollee and other potential participants, as provided in § 423.2020(c) at their last known addresses, or given by personal service, unless the enrollee has indicated in writing that he or she does not wish to receive this notice.

(2) The notice is mailed or served at least 20 days before the hearing, except for expedited hearings where written notice is mailed or served at least 3 days before the hearing. For expedited hearings, the ALJ may orally provide notice of the hearing to the enrollee and other potential participants but oral notice must be followed by an equivalent written notice within 1 day of the oral notice.

(b) *Notice information.* (1) The notice of hearing contains a statement of the specific issues to be decided and will inform the enrollee that he or she may designate a person to represent him or her during the proceedings.

(2) The notice must include an explanation of the procedures for requesting a change in the time or place of the hearing, a reminder that, if the enrollee fails to appear at the scheduled hearing without good cause, the ALJ may dismiss the hearing request, and other information about the scheduling and conduct of the hearing.

(3) The enrollee will also be told if his or her appearance or that of any other

witness is scheduled by video-teleconferencing, telephone, or in person. If the ALJ has scheduled the enrollee to appear at the hearing by video-teleconferencing, the notice of hearing will advise that the scheduled place for the hearing is a video-teleconferencing site and explain what it means to appear at the hearing by video-teleconferencing.

(4) The notice advises the enrollee that if he or she objects to appearing by video-teleconferencing or telephone, and wishes instead to have his or her hearing at a time and place where he or she may appear in person before the ALJ, he or she must follow the procedures set forth at § 423.2020(i) for notifying the ALJ of his or her objections and for requesting an in-person hearing.

(c) *Acknowledging the notice of hearing.* (1) If the enrollee or his or her representative does not acknowledge receipt of the notice of hearing, the ALJ hearing office attempts to contact the enrollee for an explanation.

(2) If the enrollee states that he or she did not receive the notice of hearing, an amended notice is sent to him or her by certified mail or, if available, fax or e-mail. See § 423.2052 for the procedures the ALJ follows in deciding if the time or place of a scheduled hearing will be changed if an enrollee does not respond to the notice of hearing.

§ 423.2024 Objections to the issues.

(a) If an enrollee objects to the issues described in the notice of hearing, he or she must notify the ALJ in writing at the earliest possible opportunity before the time set for the hearing, and no later than 5 days before the hearing, except for expedited hearings in which the enrollee must submit written or oral notice of objection no later than 2 days before the hearing. The ALJ hearing office must document all oral objections in writing and maintain the documentation in the case files.

(b) The enrollee must provide the reasons for his or her objections.

(c) The ALJ makes a decision on the objections either in writing or at the hearing.

§ 423.2026 Disqualification of the ALJ.

(a) An ALJ may not conduct a hearing if he or she is prejudiced or partial to the enrollee or has any interest in the matter pending for decision.

(b) If an enrollee objects to the ALJ who will conduct the hearing, the enrollee must notify the ALJ within 10 days of the date of the notice of hearing, except for expedited hearings in which the enrollee must submit written or oral notice no later than 2 days after the date of the notice of hearing. The ALJ must document all oral objections in writing and maintain the documentation in the case files. The ALJ considers the enrollee's objections and decides whether to proceed with the hearing or withdraw.

(c) If the ALJ withdraws, another ALJ will be appointed to conduct the hearing. If the ALJ does not withdraw, the enrollee may, after the ALJ has issued an action in the case, present his or her objections to the MAC in accordance with § 423.2100 through § 423.2130. The MAC would then consider whether the hearing decision should be revised or a new hearing held before another ALJ.

§ 423.2030 ALJ hearing procedures.

(a) *General rule.* A hearing is open to the enrollee and to other persons the ALJ considers necessary and proper.

(b) *At the hearing.* The ALJ fully examines the issues, questions the enrollee and other witnesses, and may accept documents that are material to the issues consistent with § 423.2018.

(c) *Missing evidence.* The ALJ may also stop the hearing temporarily and continue it at a later date if he or she believes that there is material evidence missing at the hearing.

(d) *Reopen the hearing.* The ALJ may reopen the hearing at any time before he or she mails a notice of the decision in order to receive new and material evidence pursuant to § 423.1986. The ALJ may decide when the evidence is presented and when the issues are discussed.

§ 423.2032 Issues before an ALJ.

(a) *General rule.* The issues before the ALJ include all the issues brought out in the coverage determination, redetermination, or reconsideration that were not decided entirely in an enrollee's favor. However, if evidence presented before the hearing causes the ALJ to question a favorable portion of the determination, he or she notifies the enrollee before the hearing and may consider it an issue at the hearing.

(b) *New issues*—(1) *General.* The ALJ may consider a new issue at the hearing if he or she notifies the enrollee about the new issue any time before the start of the hearing.

(2) *Content of the new issues.* The new issue may include issues resulting from the participation of CMS, the IRE, and/or the Part D plan sponsor at the ALJ level of adjudication and from any evidence and position papers submitted by CMS, the IRE, and/or the Part D plan sponsor for the first time to the ALJ.

(3) *Consideration of new issues.* The ALJ or the enrollee may raise a new issue; however, the ALJ may only consider a new issue if its resolution—

(i) Could have a material impact on the issue or issues that are the subject of the request for hearing; and

(ii) Is permissible under the rules governing reopening of determinations and decisions as specified in § 423.1980.

(c) *Adding issues to a pending appeal.* An ALJ may not add any issue, including one that is related to an issue that is appropriately before an ALJ, to a pending appeal unless it has been adjudicated at the lower appeals levels and the enrollee is notified of the new issue(s) before the start of the hearing.

§ 423.2034 When an ALJ may remand a case.

(a) *General.* If an ALJ believes that the written record is missing information that is essential to resolving the issues on appeal and that information can be provided only by CMS, the IRE, and/or the Part D plan sponsor, then the ALJ may either:

(1) Remand the case to the IRE that issued the reconsideration; or

(2) Retain jurisdiction of the case and request that the CMS, the IRE, and/or the Part D plan sponsor forward the missing information to the appropriate hearing office.

(b) *ALJ remands a case to an IRE.* Consistent with § 423.2004(b), the ALJ will remand a case to the appropriate IRE if the ALJ determines that an IRE's dismissal of a request for reconsideration was in error.

(c) *ALJ remands a case to a Part D Plan Sponsor.* The ALJ will remand a case to the Part D plan sponsor if the ALJ determines that the enrollee wishes evidence on his or her change in condition after the coverage determination to be considered in the appeal.

§ 423.2036 Description of an ALJ hearing process.

(a) *The right to appear and present evidence.* (1) An enrollee has the right to appear at the hearing before the ALJ to present evidence and to state his or her position. An enrollee may appear by video-teleconferencing, telephone, or in person as determined under § 423.2020.

(2) An enrollee may also make his or her appearance by means of a representative, who may make his or her appearance by video-teleconferencing, telephone, or in person, as determined under § 423.2020.

(3) Witness testimony may be given and CMS, IRE, and Part D plan sponsor participation may also be accomplished by video-teleconferencing, telephone, or in person, as determined under § 423.2020.

(b) *Waiver of the right to appear.* (1) An enrollee may send the ALJ a written statement indicating that he or she does not wish to appear at the hearing.

(i) For expedited hearings, an enrollee may indicate in writing or orally that he or she does not wish to appear at the hearing.

(ii) The ALJ hearing office must document all oral waivers in writing and maintain the documentation in the case files.

(2) The enrollee may subsequently withdraw his or her waiver in writing at any time before the notice of the hearing decision is issued; however, by withdrawing the waiver the enrollee agrees to an extension of the adjudication period as specified in § 423.2016, that may be necessary to schedule and hold the hearing.

(3) Even if the enrollee waives his or her right to appear at a hearing, the ALJ may require him or her to attend an oral hearing if the ALJ believes that a personal appearance and testimony by the enrollee is necessary to decide the case.

(c) *Presenting written statements and oral arguments.* An enrollee or an enrollee's appointed representative, as defined at § 423.560, may appear before the ALJ to state the enrollee's case, to present a written summary of the case, or to enter written statements about the facts and law material to the case in the record.

(d) *Waiver of adjudication period.* At any time during the hearing process, the enrollee may waive the adjudication deadline specified in § 423.2016 for issuing a hearing decision. The waiver may be for a specific period of time agreed upon by the ALJ and the enrollee.

(e) *What evidence is admissible at a hearing.* The ALJ may receive evidence at the hearing even though the evidence is not admissible in court under the rules of evidence used by the court. However, the ALJ may not consider evidence on any change in condition of an enrollee after a coverage determination. If the enrollee wishes for the evidence to be considered, the ALJ must remand the case to the Part D plan sponsor as set forth in § 423.2034(c).

(f)(1) *Subpoenas.* When it is reasonably necessary for the full presentation of a case, an ALJ may, on his or her own initiative, issue subpoenas for the appearance and testimony of witnesses and for the enrollee and/or the Part D plan sponsor to make books, records, correspondence, papers, or other documents that are material to an issue at the hearing available for inspection and copying.

(2) *Reviewability of an ALJ Subpoena.* A subpoena issued by an ALJ is not subject to immediate review by the MAC. The subpoena may be reviewed solely during the MAC's review specified in § 423.2102 and § 423.2110.

(3) *Exception.* To the extent a subpoena compels disclosure of a matter which an objection based on privilege, or other protection from disclosure such as case preparation, confidentiality, or undue burden, was made before an ALJ, the MAC may review immediately the ruling of the ALJ on the objections to the subpoena or that portion of the subpoena as applicable.

(i) Upon notice to the ALJ that the enrollee or a non-party, as applicable, intends to seek MAC review of the ALJ's ruling on the subpoena, the ALJ must stay all proceedings affected by the subpoena.

(ii) The proceedings are stayed for 15 days or until the MAC issues a written decision that affirms, reverses, or modifies the ALJ's subpoena, whichever comes first.

(iii) If the MAC does not take action within the 15 days, then the stay is lifted and the enrollee or non-party must comply with the ALJ's subpoena.

(4) *Enforcement.* (i) If the ALJ determines that an enrollee or person other than the enrollee subject to a subpoena issued under this section has refused to comply with the subpoena, the ALJ may request that the Secretary seek enforcement of the subpoena in accordance with section 205(e) of the Act, 42 U.S.C. 405(e).

(ii) After submitting the enforcement request, the time period for the ALJ to issue a decision, dismissal or remand a case in response to a request for hearing is stayed for 15 days or until the Secretary makes a decision with respect to the enforcement request, whichever occurs first.

(iii) Any enforcement request by an ALJ must consist of a written notice to the Secretary describing in detail the ALJ's findings of noncompliance and his or her specific request for enforcement, and providing a copy of the subpoena and evidence of its receipt by certified mail by the enrollee or person other than the enrollee subject to the subpoena.

(iv) The ALJ must promptly mail a copy of the notice and related documents to the individual or entity subject to the subpoena, to the enrollee, and to any other affected person.

(g) *Witnesses at a hearing.* Witnesses may appear at a hearing. They testify under oath or affirmation, unless the ALJ finds an important reason to excuse them from taking an oath or affirmation. The ALJ may ask the witnesses any questions relevant to the issues and allow the enrollee or his or her appointed representative, as defined at § 423.560.

§ 423.2038 Deciding a case without a hearing before an ALJ.

(a) *Decision wholly favorable.* If the evidence in the hearing record supports a finding in favor of the enrollee(s) on every issue, the ALJ may issue a hearing decision without giving the enrollee(s) prior notice and without holding a hearing. The notice of the decision informs the enrollee(s) that he or she has the right to a hearing and a right to examine the evidence on which the decision is based.

(b) *Enrollee does not wish to appear.* (1) The ALJ may decide a case on the record and not conduct a hearing if—

(i) The enrollee indicates in writing or, for expedited hearings orally or in writing, that he or she does not wish to appear before the ALJ at a hearing, including a hearing conducted by telephone or video-teleconferencing, if available. The ALJ hearing office must document all oral requests not to appear at a hearing in writing and maintain the documentation in the case files; or

(ii) The enrollee lives outside the United States and does not inform the ALJ that he or she wants to appear.

(2) When a hearing is not held, the decision of the ALJ must refer to the evidence in the record on which the decision was based.

§ 423.2040 Prehearing and posthearing conferences.

(a) The ALJ may decide on his or her own, or at the request of the enrollee to the hearing, to hold a prehearing or posthearing conference to facilitate the hearing or the hearing decision.

(b) For non-expedited hearings, the ALJ informs the enrollee of the time, place, and purpose of the conference at least 7 days before the conference date, unless the enrollee indicates in writing that he or she does not wish to receive a written notice of the conference.

(c) For expedited hearings, the ALJ informs the enrollee of the time, place, and purpose of the conference at least 2 days before the conference date, unless the enrollee indicates orally or in writing that he or she does not wish to receive a written notice of the conference.

(d) The ALJ hearing office must document all oral requests not to receive written notice of the conference in writing and maintain the documentation in the case files.

(e) At the conference, the ALJ may consider matters in addition to those stated in the notice of hearing, if the

enrollee consents in writing. A record of the conference is made.

(f) The ALJ issues an order stating all agreements and actions resulting from the conference. If the enrollee does not object, the agreements and actions become part of the hearing record and are binding.

§ 423.2042 The administrative record.

(a) *Creating the record.* (1) The ALJ makes a complete record of the evidence, including the hearing proceedings, if any.

(2) The record will include marked as exhibits, the documents used in making the decision under review, including, but not limited to, medical records, written statements, certificates, reports, affidavits, and any other evidence the ALJ admits.

(3) An enrollee may review the record at the hearing, or, if a hearing is not held, at any time before the ALJ's notice of decision is issued.

(4) If a request for review is filed, the complete record, including any recording of the hearing, is forwarded to the MAC.

(5) A typed transcription of the hearing is prepared if an enrollee seeks judicial review of the case in a Federal district court within the stated time period and all other jurisdictional criteria are met, unless, upon the Secretary's motion prior to the filing of an answer, the court remands the case.

(b) *Requesting and receiving copies of the record.* (1) An enrollee may request and receive a copy of all or part of the record, including the exhibits list, documentary evidence, and a copy of the tape of the oral proceedings. The enrollee may be asked to pay the costs of providing these items.

(2) If an enrollee requests all or part of the record from the ALJ and an opportunity to comment on the record, the time beginning with the ALJ's receipt of the request through the expiration of the time granted for the enrollee's response does not count toward the adjudication deadline.

§ 423.2044 Consolidated hearing before an ALJ.

(a) A consolidated hearing may be held if one or more of the issues to be considered at the hearing are the same issues that are involved in another request for hearing or hearings pending before the same ALJ.

(b) It is within the discretion of the ALJ to grant or deny an enrollee's request for consolidation. In considering an enrollee's request, the ALJ may consider factors such as whether the issue(s) may be more efficiently decided if the requests for hearing are combined. In considering the enrollee's request for consolidation, the ALJ must take into account the adjudication deadlines for each case and may require an enrollee to waive the adjudication deadline associated with one or more cases if consolidation otherwise prevents the ALJ from deciding all of the appeals at issue within their respective deadlines.

(c) The ALJ may also propose on his or her own motion to consolidate two or more cases in one hearing for administrative efficiency, but may not require an enrollee to waive the adjudication deadline for any of the consolidated cases.

(d) Before consolidating a hearing, the ALJ must notify CMS of his or her intention to do so, and CMS may then elect to participate in the consolidated hearing by sending written notice to the ALJ.

(1) For non-expedited hearings, any request by CMS to participate must be made within 5 days of receipt of the ALJ's notice of the consolidation.

(2) For expedited hearings, any request by CMS to participate must be made within 1 day of receipt of the ALJ's notice of the consolidation. Requests may be made orally or submitted by facsimile to the hearing office.

(e) If the ALJ decides to hold a consolidated hearing, he or she may make either a consolidated decision and record or a separate decision and record on each issue. The ALJ ensures that any evidence that is common to all appeals and material to the common issue to be decided is included in the consolidated record or each individual record, as applicable.

§ 423.2046 Notice of an ALJ decision.

(a) *General rule.* Unless the ALJ dismisses the hearing, the ALJ will issue a written decision that gives the findings of fact, conclusions of law, and the reasons for the decision.

(1) For expedited hearings, the ALJ issues a written decision within the 10-day adjudication timeframe under § 423.2016(b)(5).

(2) The decision must be based on evidence offered at the hearing or otherwise admitted into the record.

(3) A copy of the decision should be mailed to the enrollee at his or her last known address.

(4) A copy of the written decision should also be provided to the IRE that issued the reconsideration determination, and to the Part D plan sponsor that issued the coverage determination.

(b) *Content of the notice.* The decision must be provided in a manner calculated to be understood by an enrollee and must include—

(1) The specific reasons for the determination, including, to the extent appropriate, a summary of any clinical or scientific evidence used in making the determination;

(2) The procedures for obtaining additional information concerning the decision; and

(3) Notification of the right to appeal the decision to the MAC, including instructions on how to initiate an appeal under this section.

(c) *Limitation on decision.* When the amount of payment for the Part D drug is an issue before the ALJ, the ALJ may make a finding as to the amount of payment due. If the ALJ makes a finding concerning payment when the amount of payment was not an issue before the ALJ, the Part D plan sponsor may independently determine the payment amount. In either of the aforementioned situations, an ALJ's decision is not final for purposes of determining the amount of payment due. The amount of payment determined by the Part D plan sponsor in effectuating the ALJ's decision is a new coverage determination under § 423.566.

(d) *Timing of decision.* For non-expedited hearings, the ALJ issues a decision no later than the end of the 90-day period beginning on the date the request for hearing is received by the entity specified in the IRE's reconsideration, unless the 90-day period is extended as provided in § 423.2016. For expedited hearings, the ALJ issues a decision as expeditiously as the enrollee's health condition requires, but no later than the end of the 10-day period beginning on the date the request for hearing is received by the entity specified in the IRE's reconsideration, unless the 10-day period is extended as provided in § 423.2016.

(e) *Recommended decision.* An ALJ issues a recommended decision if he or she is directed to do so in a MAC remand order. An ALJ may not issue a recommended decision on his or her own motion. The ALJ mails a copy of the recommended decision to the enrollee at his or her last known address.

§ 423.2048 The effect of an ALJ's decision.

The decision of the ALJ is binding on all parties to the hearing unless—

(a) An enrollee requests a review of the decision by the MAC within the stated time period or the MAC reviews the decision issued by an ALJ under the procedures set forth in § 423.2110, and the MAC issues a final action;

(b) The decision is reopened and revised by an ALJ or the MAC under the procedures explained in § 423.1980;

(c) The expedited access to judicial review process at § 423.1990 is used;

(d) The ALJ's decision is a recommended decision directed to the MAC and the MAC issues a decision; or

(e) In a case remanded by a Federal District Court, the MAC assumes jurisdiction under the procedures in § 423.2138 and the MAC issues a decision.

§ 423.2050 Removal of a hearing request from an ALJ to the MAC.

If a request for hearing is pending before an ALJ, the MAC may assume responsibility for holding a hearing by requesting that the ALJ send the hearing request. If the MAC holds a hearing, it conducts the hearing according to the rules for hearings before an ALJ. Notice is mailed to the enrollee at his or her last known address informing him or her that the MAC has assumed responsibility for the case.

§ 423.2052 Dismissal of a request for a hearing before an ALJ.

Dismissal of a request for a hearing is in accordance with the following:

(a) An ALJ dismisses a request for a hearing under any of the following conditions:

(1) At any time before notice of the hearing decision is mailed, if the enrollee asks to withdraw the request. This request may be submitted in writing to the ALJ or be made orally at the hearing. The request for withdrawal must include a clear statement that the enrollee is withdrawing the request for hearing and does not intend to further proceed with the appeal. If an attorney or other legal professional on behalf of an enrollee files the request for withdrawal, the ALJ may presume that the representative has advised the enrollee of the consequences of the withdrawal and dismissal.

(2) Neither the enrollee that requested the hearing nor the enrollee's representative appears at the time and place set for the hearing, if—

(i) The enrollee was notified before the time set for the hearing that the request for hearing might be dismissed without further notice for failure to appear; or

(ii) The enrollee did not appear at the time and place of hearing and does not contact the ALJ hearing office within 10 days for non-expedited hearings and 2 days for expedited hearings and provide good cause for not appearing; or

(iii) The ALJ sends a notice to the enrollee asking why the enrollee did not appear; and the enrollee does not respond within 10 days for non-expedited hearings; the ALJ does not receive the enrollee's response within 2 days for expedited hearings or the enrollee does not provide good cause for the failure to appear. For expedited hearings, an enrollee may submit his or her response orally to the ALJ.

(iv) In determining whether good cause exists under paragraph (a)(2) of this section, the ALJ considers any physical, mental, educational, or linguistic limitations (including any lack of facility with the English language) the enrollee may have.

(3) The person requesting a hearing has no right to it under § 423.2002.

(4) The enrollee did not request a hearing within the stated time period and the ALJ has not found good cause for extending the deadline, as provided in § 423.2014(d).

(5) The enrollee died while the request for hearing is pending and the request for hearing was filed by the enrollee or the enrollee's representative, and the enrollee's surviving spouse or estate has no remaining financial interest in the case and the enrollee's representative, if any, does not want to continue the appeal.

(6) The ALJ dismisses a hearing request entirely or refuses to consider any one or more of the issues because an IRE, an ALJ or the MAC has made a previous determination or decision under this subpart about the enrollee's rights on the same facts and on the same issue(s), and this previous determination or decision has become final by either administrative or judicial action.

(7) The enrollee abandons the request for hearing. An ALJ may conclude that an enrollee has abandoned a request for hearing when the ALJ hearing office attempts to schedule a hearing and is unable to contact the enrollee after making reasonable efforts to do so.

(8) Consistent with § 423.1972(c)(1), the ALJ dismisses a hearing request if a request clearly shows that the amount in controversy is less than that required under § 423.1970.

(b) *Notice of dismissal.* The ALJ mails a written notice of the dismissal of the hearing request to the enrollee at his or her last known address. The written notice provides that there is a right to request that the MAC vacate the dismissal action.

(c) Consistent with § 423.1972(c)(2), the ALJ discontinues a hearing and does not rule on the substantive issues raised in the appeal if, after a hearing is initiated, the ALJ finds that the amount in controversy is less than the amount required under § 423.1970.

§ 423.2054 Effect of dismissal of a request for a hearing before an ALJ.

The dismissal of a request for a hearing is binding, unless it is vacated by the MAC under § 423.2108(b).

§ 423.2062 Applicability of policies not binding on the ALJ and MAC.

(a) ALJs and the MAC are not bound by CMS program guidance, such as program memoranda and manual instructions, but will give substantial deference to these policies if they are applicable to a particular case.

(b) If an ALJ or MAC declines to follow a policy in a particular case, the ALJ or MAC decision must explain the reasons why the policy was not followed. An ALJ or MAC decision to disregard a policy applies only to the specific coverage determination being considered and does not have precedential effect.

§ 423.2063 Applicability of CMS rulings.

CMS Rulings are published under the authority of the CMS Administrator. Consistent with § 401.108 of this chapter, rulings are binding on all CMS components, and on all HHS components that adjudicate matters under the jurisdiction of CMS.

§ 423.2100 Medicare appeals council review: general.

(a) Consistent with § 423.1974, the enrollee may request that the MAC review an ALJ's decision or dismissal.

(b) When the MAC reviews an ALJ's written decision, it undertakes a de novo review.

(c) The MAC issues a final action or remands a case no later than the end of the 90-day period beginning on the date the request for review is received (by the entity specified in the ALJ's written notice of decision), unless the 90-day period is extended as provided in this subpart or the enrollee requests expedited MAC review.

(d) If an enrollee requests expedited MAC review, the MAC issues a final action or remand as expeditiously as the enrollee's health condition requires, but no later than the end of the 10-day period beginning on the date the request for review is received (by the entity specified in the ALJ's written notice of decision), unless the 10-day period is extended as provided in this subpart.

§ 423.2102 Request for MAC review when ALJ issues decision or dismissal.

(a)(1) An enrollee to the ALJ hearing may request a MAC review if the enrollee files a written request for a MAC review within 60 days after receipt of the ALJ's written decision or dismissal.

(2) An enrollee may request that MAC review be expedited if the appeal involves an issue specified in § 423.566(b) but does not include solely a request for payment of Part D drugs already furnished.

(i) If an enrollee is requesting that the MAC review be expedited, the enrollee submits an oral or written request within 60 days after the receipt of the ALJ's written decision or dismissal. A prescribing physician may provide oral or written support for an enrollee's request for expedited review.

(ii) The MAC must document all oral requests for expedited review in writing and maintain the documentation in the case files.

(3) For purposes of this section, the date of receipt of the ALJ's written decision or dismissal is presumed to be 5 days after the date of the notice of the decision or dismissal, unless there is evidence to the contrary.

(4) The request is considered as filed on the date it is received by the entity specified in the notice of the ALJ's action.

(b) An enrollee requesting a review may ask that the time for filing a request for MAC review be extended if—

(1) The request for an extension of time is in writing or, for expedited reviews, in writing or oral. The MAC must document all oral requests in writing and maintain the documentation in the case file.

(2) The request explains why the request for review was not filed within the stated time period. If the MAC finds that there is good cause for missing the deadline, the time period will be extended. To determine whether good cause exists, the MAC uses the standards outlined at § 405.942(b)(2) and § 405.942(b)(3).

(c) An enrollee does not have the right to seek MAC review of an ALJ's remand or an ALJ's affirmation of an IRE's dismissal of a request for reconsideration.

§ 423.2106 Where a request for review may be filed.

When a request for a MAC review is filed after an ALJ has issued a written decision or dismissal, the request for review must be submitted to the entity specified in the notice of the ALJ's action. If the request for review is timely filed with an entity other than the entity specified in the notice of the ALJ's action, the MAC's adjudication period to conduct a review begins on the date the request for review is received by the entity specified in the notice of the ALJ's action. Upon receipt of a request for review from an entity other than the entity specified in the notice of the ALJ's action, the MAC sends written notice to the enrollee of the date of receipt of the request and commencement of the adjudication timeframe.

§ 423.2108 MAC Actions when request for review is filed.

(a) *General.* Except as specified in paragraph (c) of this section, when an enrollee requests that the MAC review an ALJ's decision, the MAC will review the ALJ's decision de novo. The enrollee requesting review does not have a right to a hearing before the MAC. The MAC will consider all of the evidence admitted into the administrative record. Upon completion of its review, the MAC may adopt, modify, or reverse the ALJ's decision or remand the case to the ALJ for further proceedings. Unless the MAC's review is expedited as provided in paragraph (d) of this section, the MAC must issue its action no later than 90 days after receiving the request for review, unless the 90-day period has been extended as provided in this subpart.

(b) *Review of ALJ's dismissal.* When an enrollee requests that the MAC review an ALJ's dismissal, the MAC may deny review or vacate the dismissal and remand the case to the ALJ for further proceedings.

(c) *MAC dismissal of request for review.* The MAC will dismiss a request for review when the individual or entity requesting review does not have a right to a review by the MAC, or will dismiss the request for a hearing for any reason that the ALJ could have dismissed the request for hearing.

(d) *Expedited reviews*—(1) *Standard for expedited reviews.* The MAC must provide an expedited review if the appeal involves an issue specified in § 423.566(b), but does not include solely a request for payment of Part D drugs already furnished, enrollee's prescribing physician indicates, or the MAC determines that applying the standard timeframe for making a decision may seriously jeopardize the enrollee's life or health or ability to regain maximum function. The MAC may consider this standard as met if a lower level adjudicator has granted a request for an expedited appeal.

(2) *Grant of a Request.* If the MAC grants a request for expedited review, the MAC must:

(i) Make this decision within 5 days of receipt of the request for expedited review;

(ii) Give the enrollee prompt oral notice of this decision; and

(iii) Issue a decision, dismissal order or remand, as expeditiously as the enrollee's health condition requires, but no later than the end of the 10-day period beginning on the date the request for review is received by the entity specified in the ALJ's written notice of decision.

(3) Denial of a request. If the MAC denies a request for expedited review, the MAC must:

(i) Make this decision within 5 days of receipt of the request for expedited review;

(ii) Give the enrollee and Part D plan sponsor within 5 days of receiving the request written notice of the denial. The written notice must inform the enrollee of the denial and explain that the MAC will process the enrollee's request using the 90-day timeframe for non-expedited reviews.

(4) A decision on a request for expedited review may not be appealed.

§ 423.2110 MAC reviews on its own motion.

(a) *General rule.* The MAC may decide on its own motion to review a decision or dismissal issued by an ALJ. CMS or the IRE may refer a case to the MAC for it to consider reviewing under this authority any time within 60 days after the ALJ's written decision or dismissal is issued.

(b) *Referral of cases.* (1) CMS or the IRE may refer a case to the MAC if, in the view of CMS or the IRE, the decision or dismissal contains an error of law material to the outcome of the claim or presents a broad policy or procedural issue that may affect the public interest. CMS or the IRE may also request that the MAC take own motion review of a case if—

(i) CMS or the IRE participated or requested to participate in the appeal at the ALJ level; and

(ii) In CMS' or the IRE's view, the ALJ's decision or dismissal is not supported by the preponderance of evidence in the record or the ALJ abused his or her discretion.

(2) CMS' or the IRE's referral to the MAC is made in writing and must be filed with the MAC no later than 60 days after the ALJ's written decision or dismissal is issued.

(i) The written referral will state the reasons why CMS or the IRE believes that the MAC should review the case on its own motion.

(ii) CMS or the IRE will send a copy of its referral to the enrollee and to the ALJ.

(iii) The enrollee may file exceptions to the referral by submitting written comments to the MAC within 20 days of the referral notice.

(iv) An enrollee submitting comments to the MAC must send the comments to CMS or the IRE.

(c) *Standard of review*—(1) *Referral by CMS or the IRE when CMS or the IRE participated or requested to participate in the ALJ level.* If CMS or the IRE participated or requested to participate in an appeal at the ALJ level, the MAC exercises its own motion authority if there is an error of law material to the outcome of the case, an abuse of discretion by the ALJ, the decision is not consistent with the preponderance of the evidence of record, or there is a broad policy or procedural issue that may affect the general public interest. In deciding whether to accept review under this standard, the MAC will limit its consideration of the ALJ's action to those exceptions raised by CMS or the IRE.

(2) *Referral by CMS or the IRE when CMS or the IRE did not participate or request to participate in the ALJ proceedings.* The MAC will accept review if the decision or dismissal contains an error of law material to the outcome of the case or presents a broad policy or procedural issue that may affect the general public interest. In deciding whether to accept review, the MAC will limit its consideration of the ALJ's action to those exceptions raised by CMS or the IRE.

(d) *MAC's action.* (1) If the MAC decides to review a decision or dismissal on its own motion, it will mail the results of its action to the enrollee and to CMS or the IRE, as appropriate.

(2) The MAC may adopt, modify, or reverse the decision or dismissal, may remand the case to an ALJ for further proceedings or may dismiss a hearing request.

(3) The MAC must issue its action no later than 90 days after receipt of the CMS or the IRE referral, unless the 90-day period has been extended as provided in this subpart.

(4) The MAC may not issue its action before the 20-day comment period has expired, unless it determines that the agency's referral does not provide a basis for reviewing the case.

(5) If the MAC declines to review a decision or dismissal on its own motion, the ALJ's decision or dismissal remains the final agency action in the case.

§ 423.2112 Content of request for review.

(a)(1) The request for MAC review must be filed with the entity specified in the notice of the ALJ's action.

(2) The request for review must be in writing and may be made on a standard form, except for requests for expedited reviews which may be made orally.

(3) The MAC must document all oral requests in writing and maintain the documentation in the case file.

(4) A written request that is not made on a standard form or, for expedited requests, an oral request, is accepted if it includes the enrollee's name and telephone number, the plan name; Medicare health insurance claim number; the ALJ appeal number; the specific Part D drug(s) for which the review is requested; a statement that the enrollee is requesting an expedited review, if applicable; and the name and signature of the enrollee or the representative of the enrollee.

(b) The request for review must identify the parts of the ALJ action with which the enrollee requesting review disagrees and explain why he or she disagrees with the ALJ's decision, dismissal, or other determination being appealed.

(c) The MAC will limit its review of an ALJ's actions to those exceptions raised by the enrollee in the request for review, unless the enrollee is unrepresented. For purposes of this section only, a representative is either anyone with a valid appointment as the enrollee's representative or is a member of the enrollee's family, a legal guardian or an individual who routinely acts on behalf of the enrollee, such as a family member or friend who has a power of attorney.

§ 423.2114 Dismissal of request for review.

The MAC dismisses a request for review if the enrollee requesting review did not file the request within the stated period of time and the time for filing has not been extended. The MAC also dismisses the request for review if—

(a) The enrollee asks to withdraw the request for review;

(b) The individual or entity does not have a right to request MAC review; or

(c) The enrollee died while the request for review is pending and the enrollee's representative, if any, either has no remaining financial interest in the case or does not want to continue the appeal.

§ 423.2116 Effect of dismissal of request for MAC review or request for hearing.

The dismissal of a request for MAC review or denial of a request for review of a dismissal issued by an ALJ is binding and not subject to further review unless reopened and vacated by the MAC. The MAC's dismissal of a request for hearing is also binding and not subject to judicial review.

§ 423.2118 Obtaining evidence from the MAC.

An enrollee may request and receive a copy of all or part of the record of the ALJ hearing, including the exhibits list, documentary evidence, and a copy of the tape of the oral proceedings. However, the enrollee may be asked to pay the costs of providing these items. If an enrollee requests evidence from the MAC and an opportunity to comment on that evidence, the time beginning with the MAC's receipt of the request for evidence through the expiration of the time granted for the enrollee's response will not be counted toward the adjudication deadline.

§ 423.2120 Filing briefs with the MAC.

Upon request, the MAC will give the enrollee requesting review a reasonable opportunity to file a brief or other written statement about the facts and law relevant to the case. Unless the enrollee requesting review files the brief or other statement with the request for review, the time beginning with the date of receipt of the request to submit the brief and ending with the date the brief is received by the MAC will not be counted toward the adjudication timeframe set forth in § 423.2100. The MAC may also request, but not require, CMS, the IRE, and/or the Part D plan sponsor to file a brief or position paper if the MAC determines that it is necessary to resolve the issues in the case. The MAC cannot draw any adverse inference if CMS, the IRE, and/or the Part D plan sponsor either participates, or decides not to participate in MAC review.

§ 423.2122 What evidence may be submitted to the MAC.

(a) *Appeal before the MAC on request for review of ALJ's decision.* (1) If the MAC is reviewing an ALJ's decision, the MAC will consider the evidence contained in the record of the proceedings before the ALJ, and any new evidence that relates to the period before the coverage determination. If the hearing decision decides a new issue that the enrollee was not afforded an opportunity to address at the ALJ level, the MAC considers any evidence related to that issue that is submitted with the request for review.

(2) If the MAC determines that additional evidence is needed to resolve the issues in the case and the hearing record indicates that the previous decision-makers have not attempted to obtain the evidence, the MAC may remand the case to an ALJ to obtain the evidence and issue a new decision.

(3) The MAC will not consider any new evidence submitted regarding a change in condition of an enrollee after a coverage determination is made. The MAC will remand a case to the Part D plan sponsor if the MAC determines that the enrollee wishes to have evidence on his or her change in

condition after the coverage determination considered.

(b) *Subpoenas.* When it is reasonably necessary for the full presentation of a case, the MAC may, on its own initiative, issue subpoenas requiring an enrollee or Part D plan sponsor to make books, records, correspondence, papers, or other documents that are material to an issue at the hearing available for inspection and copying.

(1) To the extent a subpoena compels disclosure of a matter for which an objection based on privilege, or other protection from disclosure such as case preparation, confidentiality or undue burden, was made before the MAC, the Secretary may review immediately that subpoena or a portion of the subpoena.

(2) Upon notice to the MAC that an enrollee or Part D plan sponsor intends to seek the Secretary review of the subpoena, the MAC must stay all proceedings affected by the subpoena, tolling the time period for the MAC to issue a final action or remand a case in response to a request for review for 15 days or until the Secretary makes a decision with respect to the review request, whichever occurs first.

(3) If the Secretary does not grant review within the time allotted for the stay, the stay is lifted and the subpoena stands.

(c) *Enforcement.* (1) If the MAC determines that an enrollee or other person or entity subject to a subpoena issued under this section has refused to comply with the subpoena, the MAC may request the Secretary to seek enforcement of the subpoena in accordance with section 205(e) of the Act, *42 U.S.C. 405*(e).

(2) After submitting the enforcement request, the time period for the MAC to issue a final action or remand a case in response to a request for review is stayed for 15 days or until the Secretary makes a decision with respect to the enforcement request, whichever occurs first.

(3) Any enforcement request by the MAC must consist of a written notice to the Secretary describing in detail the MAC's findings of noncompliance and its specific request for enforcement, and providing a copy of the subpoena and evidence of its receipt by certified mail by the enrollee or other person or entity subject to the subpoena.

(4) The MAC must promptly mail a copy of the notice and related documents to the enrollee or other person or entity subject to the subpoena, and to any other affected person.

§ 423.2124 Oral argument.

An enrollee may request to appear before the MAC to present oral argument.

(a) The MAC grants a request for oral argument if it decides that the case raises an important question of law, policy, or fact that cannot be readily decided based on written submissions alone.

(b) The MAC may decide on its own that oral argument is necessary to decide the issues in the case. If the MAC decides to hear oral argument, it informs the enrollee of the time and place of the oral argument at least 10 days before the scheduled date or, in the case of an expedited review, at least 2 days before the scheduled date.

(c) In case of a previously unrepresented enrollee, a newly hired representative may request an extension of time for preparation of the oral argument and the MAC must consider whether the extension is reasonable.

(d) The MAC may also request, but not require, CMS, the IRE, and/or the Part D plan sponsor to appear before it if the MAC determines that it may be helpful in resolving the issues in the case.

(e) The MAC cannot draw any adverse inference if CMS, the IRE, and/or the Part D plan sponsor decide not to participate in the oral argument.

§ 423.2126 Case remanded by the MAC.

(a) *When the MAC may remand a case to the ALJ.* (1) The MAC may remand a case in which additional evidence is needed or additional action by the ALJ is required. The MAC will designate in its remand order whether the ALJ will issue a final decision or a recommended decision on remand.

(2) *Action by ALJ on remand.* The ALJ will take any action that is ordered by the MAC and may take any additional action that is not inconsistent with the MAC's remand order.

(3) *Notice when case is returned with a recommended decision.* When the ALJ sends a case to the MAC with a recommended decision, a notice is mailed to the enrollee at his or her last known address. The notice tells the enrollee that the case was sent to the MAC, explains the rules for filing briefs or other written statements with the MAC, and includes a copy of the recommended decision.

(4) *Filing briefs with the MAC when ALJ issues recommended decision.* (i) An enrollee may file with the MAC briefs or other written statements about the facts and law relevant to the case within 20 days of the date on the recommended decision or with the request for review for expedited appeals. An enrollee may ask the MAC for additional time to file a brief or written statement. The MAC will extend this period, as appropriate, if the enrollee shows that he or she has good cause for requesting the extension.

(ii) All other rules for filing briefs with and obtaining evidence from the MAC follow the procedures explained in this subpart.

(5) *Procedures before the MAC.* (i) The MAC, after receiving a recommended decision, will conduct proceedings and issue its decision or dismissal according to the procedures explained in this subpart.

(ii) If the MAC determines that more evidence is required, it may again remand the case to an ALJ for further inquiry into the issues, rehearing, receipt of evidence, and another decision or recommended decision. However, if the MAC decides that it can get the additional evidence more quickly, it will take appropriate action.

(b) *When the MAC must remand a case to the Part D plan sponsor.* The MAC will remand a case to the Part D plan sponsor if the MAC determines that the enrollee wishes evidence on his or her change in condition after the coverage determination to be considered in the appeal.

§ 423.2128 Action of the MAC.

(a) After it has reviewed all the evidence in the administrative record and any additional evidence received, subject to the limitations on MAC consideration of additional evidence in § 423.2122, the MAC will make a decision or remand the case to an ALJ.

(b) The MAC may adopt, modify, or reverse the ALJ hearing decision or recommended decision.

(c) The MAC mails a copy of its decision to the enrollee at his or her last known address, to CMS, to the IRE, and to the Part D plan sponsor.

§ 423.2130 Effect of the MAC's decision.

The MAC's decision is binding unless a Federal District Court issues a decision modifying the MAC's decision or the decision is revised as the result of a reopening in accordance with § 423.1980. An enrollee may file an action in a Federal District Court within 60 days after the date the enrollee receives written notice of the MAC's decision.

§ 423.2134 Extension of time to file action in Federal District Court.

(a) An enrollee may request that the time for filing an action in a Federal District Court be extended.

(b) The request must—

(1) Be in writing.

(2) Give the reasons why the action was not filed within the stated time period.

(3) Be filed with the MAC.

(c) If the enrollee shows that he or she had good cause for missing the deadline, the time period will be extended. To determine whether good cause exists, the MAC uses the standards specified in § 405.942(b)(2) or (b)(3) of this chapter.

§ 423.2136 Judicial review.

(a) *General rule.* To the extent authorized by sections 1876(c)(5)(B) and 1860D–4(h) of the Act and consistent with § 423.1976, an enrollee may obtain a court review of a MAC decision if the amount in controversy meets the threshold requirement estimated annually by the Secretary.

(b) *Court in which to file civil action.* (1) Consistent with § 423.1976(c), any civil action described in paragraph (a) of this section must be filed in the District Court of the United States for the judicial district in which the enrollee resides.

(2) If the enrollee does not reside within any judicial district, the civil action must be filed in the District Court of the United States for the District of Columbia.

(c) *Time for filing civil action.* (1) Any civil action described in paragraph (a) of this section must be filed within the time periods specified in § 423.2130 or § 423.2134, as applicable.

(2) For purposes of this section, the date of receipt of the notice of the MAC's decision shall be presumed to be 5 days after the date of the notice, unless there is a reasonable showing to the contrary.

(3) Where a case is certified for judicial review in accordance with the expedited access to judicial review process in § 423.1990, the civil action must be filed within 60 days after receipt of the review entity's certification, except where the time is extended by the ALJ or MAC, as applicable, upon a showing of good cause.

(d) *Proper defendant.* (1) In any civil action described in paragraph (a) of this section, the Secretary of HHS, in his or her official capacity, is the proper defendant. Any civil action properly filed shall survive notwithstanding any change of the person holding the Office of the Secretary of HHS or any vacancy in such office.

(2) If the complaint is erroneously filed against the United States or against any agency, officer, or employee of the United States other than the Secretary, the plaintiff enrollee will be notified that he or she has named an incorrect defendant and is granted 60 days from the date of receipt of the notice in which to commence the action against the correct defendant, the Secretary.

(e) *Standard of review.* (1) Under section 205(g) of the Act, the findings of the Secretary of HHS as to any fact, if supported by substantial evidence, are conclusive.

(2) When the Secretary's decision is adverse to an enrollee due to an enrollee's failure to submit proof in conformity with a regulation prescribed under section 205(a) of the Act pertaining to the type of proof an enrollee must offer to establish entitlement to payment, the court will review only whether the proof conforms with the regulation and the validity of the regulation.

§ 423.2138 Case remanded by a Federal District Court.

When a Federal District Court remands a case to the Secretary for further consideration, unless the court order specifies otherwise, the MAC, acting on behalf of the Secretary, may make a decision, or it may remand the case to an ALJ with instructions to take action and either issue a decision, take other action, or return the case to the MAC with a recommended decision. If the MAC remands a case, the procedures specified in § 423.2140 will be followed.

§ 423.2140 MAC Review of ALJ decision in a case remanded by a Federal District Court.

(a) *General rules.* (1) In accordance with § 423.2138, when a case is remanded by a Federal District Court for further consideration and the MAC remands the case to an ALJ, a decision subsequently issued by the ALJ becomes the final decision of the Secretary unless the MAC assumes jurisdiction.

(2) The MAC may assume jurisdiction based on written exceptions to the decision of the ALJ that an enrollee files with the MAC or based on its authority under paragraph (c) of this section.

(3) The MAC either makes a new, independent decision based on the entire record that will be the final decision of the Secretary after remand, or remands the case to an ALJ for further proceedings.

(b) *An enrollee files exceptions disagreeing with the decision of the ALJ.* (1) If an enrollee disagrees with an ALJ decision described in paragraph (a) of this section, in whole or in part, he or she may file exceptions to the decision with the MAC.

(2) Exceptions may be filed by submitting a written statement to the MAC setting forth the reasons for disagreeing with the decision of the ALJ.

(i) The enrollee must file exceptions within 30 days of the date the enrollee receives the decision of the ALJ or submit a written request for an extension within the 30-day period.

(ii) The MAC will grant a timely request for a 30-day extension. A request for an extension of more than 30 days must include a statement of reasons as to why the enrollee needs the additional time and may be granted if the MAC finds good cause under the standard established in § 405.942(b)(2) or (b)(3).

(3) If written exceptions are timely filed, the MAC considers the enrollee's reasons for disagreeing with the decision of the ALJ. If the MAC concludes that there is no reason to change the decision of the ALJ, it will issue a notice addressing the exceptions and explaining why no change in the decision of the ALJ is warranted. In this instance, the decision of the ALJ is the final decision of the Secretary after remand.

(4) When an enrollee files written exceptions to the decision of the ALJ, the MAC may assume jurisdiction at any time. If the MAC assumes jurisdiction, it makes a new, independent decision based on its consideration of the entire record adopting, modifying, or reversing the decision of the ALJ or remanding the case to an ALJ for further proceedings, including a new decision. The new decision of the MAC is the final decision of the Secretary after remand.

(c) *MAC assumes jurisdiction without exceptions being filed.* (1) Any time within 60 days after the date of the written decision of the ALJ, the MAC may decide to assume jurisdiction of the case even though no written exceptions have been filed.

(2) Notice of this action is mailed to the enrollee at his or her last known address.

(3) The enrollee will be provided with the opportunity to file a brief or other written statement with the MAC about the facts and law relevant to the case.

(4) After the brief or other written statement is received or the time allowed (usually 30 days) for submitting them has expired, the MAC will either issue a final decision of the Secretary affirming, modifying, or reversing the decision of the ALJ, or remand the case to an ALJ for further proceedings, including a new decision.

(d) *Exceptions are not filed and the MAC does not otherwise assume jurisdiction.* If no exceptions are filed and the MAC does not assume jurisdiction over the case within 60 days after the date of the ALJ's written decision, the decision of the ALJ

becomes the final decision of the Secretary after remand.

Authority: (Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program) (Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: October 4, 2007.

Kerry Weems,

Acting Administrator, Centers for Medicare & Medicaid Services.

Constance B. Tobias,

Chair, The Departmental Appeals Board.

Perry Rhew,

Chief Administrative Law Judge, Office of Medicare Hearings and Appeals.

Approved: December 7, 2007.

Michael O. Leavitt,

Secretary.

Editorial Note: This document was received at the Office of the Federal Register on March 11, 2008.

[FR Doc. E8–5189 Filed 3–14–08; 8:45 am]

BILLING CODE 4120–01–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*.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at *http://www.gpoaccess.gov/plaws/index.html*. Some laws may not yet be available.

S. 2272/P.L. 110–195

To designate the facility of the United States Postal Service known as the Southpark Station in Alexandria, Louisiana, as the John "Marty" Thiels Southpark Station, in honor and memory of Thiels, a Louisiana postal worker who was killed in the line of duty on October 4, 2007. (Mar. 12, 2008; 122 Stat. 652)

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CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

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Title	Stock Number	Price	Revision Date
1	(869–062–00001–4)	5.00	[4] Jan. 1, 2007
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3 (2006 Compilation and Parts 100 and 102)	(869–062–00003–1)	35.00	[1] Jan. 1, 2007
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20–39	(869–062–00195–9)	46.00	Oct. 1, 2007
40–69	(869–062–00196–7)	40.00	Oct. 1, 2007
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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period January 1, 2005, through January 1, 2006. The CFR volume issued as of January 1, 2005 should be retained.

[5] No amendments to this volume were promulgated during the period January 1, 2006, through January 1, 2007. The CFR volume issued as of January 6, 2006 should be retained.

[6] No amendments to this volume were promulgated during the period April 1, 2000, through April 1, 2006. The CFR volume issued as of April 1, 2000 should be retained.

[7] No amendments to this volume were promulgated during the period April 1, 2006 through April 1, 2007. The CFR volume issued as of April 1, 2006 should be retained.

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